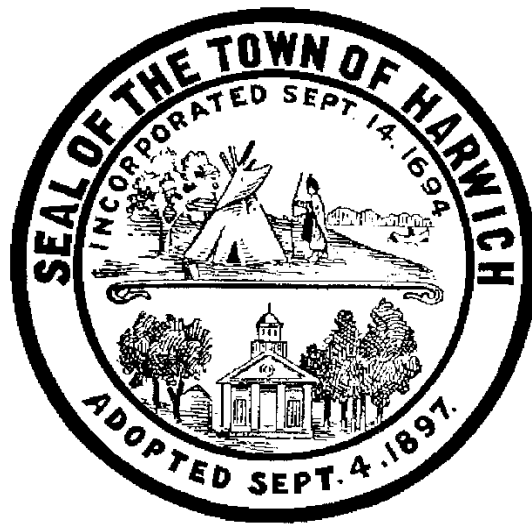


**ANNUAL TOWN MEETING
WARRANT
With
RECOMMENDATIONS**



MAY 2, 2022

**Harwich Community Center
100 Oak Street
Meeting begins at 7:00PM**

**TABLE OF CONTENTS
ANNUAL TOWN MEETING
MAY 2, 2022**

	<u>Page Number</u>
Voting Procedures.....	4
Motion Chart.....	5
Tax Rate Chart.....	6
Municipal Finance Terms.....	7
Proposition 2 ½	8
Municipal Finance Terms Related to Capital Improvements	8
Article Number	
1. Town Officers & Committees	10
2. Reports of Town Officers & Committees	10
3. Elected Officials Salaries	11
4. Town Operating Budget	11
5. Amend Agreement between the Towns of Chatham and Harwich with respect to the Formation of a Regional School District	12
6. Monomoy Regional School District Budget	13
7. Cape Cod Regional Technical School District Budget	14
8. Water Department Budget	14
9. Wastewater Department Budget	15
10. Fund the Cape Cod Community Media Center	15
11. Fund Negotiated Contract – Harwich Employees Association (HEA)	16
12. Fund Negotiated Contract – Highway and Maintenance Employees Association (HMEA)	17
13. Adopt the Capital Budget	17
14. Lease Purchase Agreements	18
15. Public, Education & Government (PEG) Access and Cable Related Fund for Public Access	18
16. Community Center Green Community Utilities	19
17. Stormwater EPA MS4 compliance	19
18. Replacement of bullet resistant vests	20
19. Dispatch Center Battery Back Up Uninterrupted Power Supply Battery Replacement	21
20. New Voting Tabulator Equipment	21
21. Water Department – Watermain Design	22
22. Purchase and Equip Vehicles for the Police Department	22
23. Water Department Vehicles	23
24. Fund the Snow and Ice Deficit	24
25. Road Maintenance Program	24
26. Purchase and Equip Vehicles for Department of Public Works	25
27. Purchase and Equip Vehicles for Fire Department	26
28. Purchase and Equip a Mini Pumper for the Fire Department	27
29. Appropriate Sums of Money from the Fiscal Year 2023 Estimated Annual Revenues of the Community Preservation Act Fund	27
30. Community Preservation Act – Land Bank Debt Service	28
31. Community Preservation Act – East Harwich Union Cemetery Gravestone Preservation Project	29
32. Community Preservation Act – Part-time Housing Coordinator	29
33. Community Preservation Act – Affordable Housing Trust	30
34. Community Preservation Act – Phase 2 of the Natural Heritage	30

	Trail Boardwalk Project	
35.	Community Preservation Act – Penrose LLC/Cape Cod 5 Housing Project	31
36.	Community Preservation Act – Pickleball/Basketball Project at Brooks Park	31
37.	Community Preservation Act – Purchase Conservation Restrictions at the Spruce Woods Project	32
38.	Golf Design and Feasibility Study	33
39.	Fund Land Research for Assessing Purposes	34
40.	Change Board of Selectmen to Select Board	34
41.	Amend the Code of Harwich General Bylaw Chapter 189 Noise	35
42.	Amend the Harwich Water Dependent Structures Bylaw Chapter 304	36
43.	Amend Harwich Wetlands Protection Bylaw, Chapter 310 of the Code of the Town of Harwich	39
44.	Amend the Code of Harwich General Bylaw – Chapter 8 Department Revolving Funds §8-1. Funds Established	42
45.	Annual Departmental Revolving Funds Authorization	44
46.	Adopt M.G.L., Chapter 200A, §9A – Disposition of Unclaimed Property	44
47.	Adopt M.G.L, Chapter 59, §5, Clause 56 –Assessment of Local Taxes – Property; Exemptions	45
48.	Adopt M.G.L., Chapter 59, §5, Clause 5N – Senior Citizen and Veteran Property Tax Work Off Abatement Programs	46
49.	Fund Prior Year’s Unpaid Bills	46
50.	Promote the Town of Harwich	47
51.	Supplemental Annual Allocation of Mass Cultural Council for Local Cultural Council Grants	48
52.	Citizen Initiative Petition – Defray the Expenses of the Chase Library and Harwich Port Library	48
53.	Citizen Initiative Petition – Amend M.G.L. Governing the Dispersal of School Choice Funds	49
54.	Citizen Initiative Petition – Prohibit Hunting in Bells Neck Conservation Area	50
55.	Citizen Initiative Petition – Protect Historic West Harwich Schoolhouse with Historic Restriction	51
56.	Citizen Initiative Petition – Sell Historic West Harwich Schoolhouse using Full Provisions of Massachusetts Procurement Law 30B	52
57.	Citizen Initiative Petition – Study Best Use Options for Former Harwich Middle School including Recommendations for Financial Self-Sufficiency	53
58.	Herring Fisheries	54

Appendices

- A. Annual Town Election Warrant
- B. Fiscal Year 2023 Board of Selectmen Recommended Budget
- C. Capital Outlay Plan
- D. Monomoy Regional School District Agreement Amendments

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											

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO
CHANGE THE FY 2022 TAX RATE.

<u>TAX RATE CHANGE IN \$/1000</u>	<u>DOLLARS REQUIRED</u>
\$ 0.01	\$67,365
\$ 0.05	\$336,826
\$ 0.10	\$673,651
\$ 0.15	\$1,010,477
\$ 0.20	\$1,347,302
\$ 0.25	\$1,684,128
\$ 0.30	\$2,020,953
\$ 0.35	\$2,357,779
\$ 0.40	\$2,694,604
\$ 0.45	\$3,031,430
\$ 0.50	\$3,368,256
\$ 0.55	\$3,705,081
\$ 0.60	\$4,041,907
\$ 0.65	\$4,378,732
\$ 0.70	\$4,715,558
\$ 0.75	\$5,052,383
\$ 0.80	\$5,389,209
\$ 0.85	\$5,726,034
\$ 0.90	\$6,062,860
\$ 0.95	\$6,399,685
\$ 1.00	\$6,736,511

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 2, 2022**

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 2, 2022 at 7:00 P.M., then and there to act on the following articles:

ARTICLES

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero):

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2021.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero):

Board of Selectmen:

To accept and adopt:

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

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, 2022 and ending June 30, 2023 as follows; and to act fully thereon. Estimated cost: \$108,484

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water & Wastewater Commissioners (5)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$83,484

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2023; and to act fully thereon. By request of the Board of Selectmen. (BUDGET – APPENDIX B). Estimated Cost: \$42,188,893

Operating Budget	
Betterments	64,025
Cable Fund	190,869
CPA	221,525
Golf Infrastructure	101,700
Overlay Surplus	200,000
State Aid	725,976
Water Enterprise	759,278
Wastewater Enterprise	31,687
Subtotal	2,295,060
Local Receipts	14,215,546
Taxes	25,678,287
Operating Budget	42,188,893

FINANCE COMMITTEE RECOMMENDS THIS CUSTOMARY ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Daniel Tworek, Mark Ameres

Nays: 1 (One): Angelo LaMantia

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

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

ARTICLE 5: To see if the Town will vote, consistent with Section XVII of the “Agreement between the Towns of Chatham and Harwich with respect to the Formation of a Regional School District” , amend said agreement regarding the method of assessing costs for the towns’ elementary schools, to address the allocation of school choice funds, and to amend the budget process and the process for incurring of debt to bring the agreement into alignment with statutory requirements as proposed by the Monomoy Regional School District Committee on March 24, 2022 as set forth in a document included as an attachment (Appendix D) to this warrant for the 2022 Annual Town Meeting; or to act fully thereon.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 6: 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 2023, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$28,041,205

Operating	25,972,783
Capital	111,354
Transportation	523.478
Debt	1,433,590
MRSD Assessment	28,041,205

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 7: 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 2023, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,079,314

Operating	\$1,418,098
Debt	\$661,216
CCRTHS Assessment	\$2,079,314

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

WATER 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 Water Department Operating Budget for Fiscal Year 2023, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$ 4,255,954

Salaries	\$1,280,901
Expenses	\$1,629,127
Debt	\$536,648
Indirect Costs	\$759,278
OPEB	\$50,000
Total	\$4,255,954

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

WASTEWATER DEPARTMENT BUDGET

ARTICLE 9: 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 2023, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$2,357,019

Salaries	\$80,848
Expenses	\$424,660
Debt	\$1,819,824
Indirect Costs	\$31,687
Total	\$2,357,019

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND CAPE COD COMMUNITY MEDIA CENTER

ARTICLE 10: 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: \$147,302

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 FY21 actual revenue into the fund.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND NEGOTIATED CONTRACT – HARWICH EMPLOYEES ASSOCIATION (HEA)

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the Fiscal Year 2022 operating budgets of several departments to implement the new contractual agreement between Harwich Employee Association and the Town of Harwich; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$139,776

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

**FUND NEGOTIATED CONTRACT – HIGHWAYS and MAINTENANCE
EMPLOYEE ASSOCIATION (HMEA)**

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the Fiscal Year 2022 Highway Department budget to implement the new contractual agreement between Highways and Maintenance Employee Association and the Town of Harwich; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$48,880

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

ADOPT THE CAPITAL BUDGET

ARTICLE 13: To see if the Town will vote to adopt the Capital Budget for the ensuing fiscal year as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen. (APPENDIX C) Estimated cost: \$3,446,298

FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI). FINANCE COMMITTEE VOTES NRPFIF WHEN, AT THE TIME THE WARRANT IS PRINTED, IT HAS INSUFFICIENT OR INCOMPLETE INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. FINANCE COMMITTEE WILL MAKE ITS FINAL RECOMMENDATION AT TOWN MEETING AFTER HAVING RECEIVED FURTHER INFORMATION. VOTE: YES-7, NO-0

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

LEASE PURCHASE AGREEMENTS

ARTICLE 14: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2023, said leases may be a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen.

Explanation: The Municipal Modernization Act of 2016 allows the Town to enter into a tax exempt lease purchase agreement for a period in excess of three year as a means of financing equipment purchases. The statute requires a recommendation by the Town Administrator and a two-thirds vote of Town Meeting.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PUBLIC, EDUCATION & GOVERNMENT (PEG) ACCESS AND CABLE RELATED FUND for ACCESS

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to purchase and install studio cameras, lighting, video production hardware/software, furniture and network peripherals in multiple hearing room locations for improved public meeting coverage. Estimated Cost: \$66,470

Explanation: To be funded from the Cable Related Fund.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY CENTER GREEN COMMUNITY UTILITIES

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 replace the main air conditioning system and boilers at the Community Center; and to act fully thereon. By request of the Department of Public Works. Estimated cost: \$298,540.00

Explanation: The main air conditioning system and boilers at the Community Center are past their useful life. The new equipment will be energy efficient, saving an estimated \$7,000 per year in utility costs. The total estimated cost of replacing this equipment is \$459,492. The Town has been approved for a Green Communities grant in the amount of \$160,952 to cover the remaining cost. If this is not funded, the Town will lose the grant. Estimated cost: \$437,400

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

STORMWATER EPA MS4 COMPLIANCE

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow as sufficient sum of money to support the town's local stormwater permitting and program management; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$100,000.00.

Explanation: The articles funds the costs necessary for the ongoing stormwater permitting and management program as required by the MassDEP MS4 program.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

REPLACEMENT OF BULLET RESISTANT VESTS

ARTICLE 18: To see if the town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase bullet resistant vests for the police department; and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$49,200.

Explanation: A ballistic vest or bullet-proof vest is an item of protective clothing worn by officers that absorbs the impact from gun-fired projectiles. The warranty for ballistic vests is five years and the current vests will be at the end of their usable life in FY '23.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

DISPATCH CENTER BATTERY BACK UP UNINTERRUPTED POWER SUPPLY
BATTERY REPLACEMENT

ARTICLE 19: To see if the town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase an uninterrupted battery backup supply system for the public safety complex; and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$14,137.50.

Explanation: The uninterrupted battery backup ensures that the communications center and the related information technology services for public safety and the town continue to run in an event of generator failure. This system runs police dispatch, phones lines, 911 phone lines and both police and fire information technology as well as the town's e mail server. This system requires that batteries are changed out every 5 years to ensure power coverage of all the systems listed. The current batteries have a life span of 5 years and are due to be replaced in FY '23.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

NEW VOTING TABULATOR EQUIPMENT

ARTICLE 20: To see if the town will raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to purchase new voting tabulator equipment; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$75,000

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

WATER DEPARTMENT – WATERMAIN DESIGN

ARTICLE 21: To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money for engineering services to prepare shovel ready plans and specifications for various water system improvements; and to act fully thereon. By request of Board of Water Commissioners and Superintendent. Estimated cost: \$300,000

Explanation: In response to the Infrastructure Investment and Jobs (IIJA) Act funding the water department seeks to appropriate funds to prepare shovel ready design plans for various distribution system improvement projects. IIJA funds will be available to municipalities through the SRF loan program in the form of loan forgiveness and grants reducing the cost of construction. As such, to take advantage of IIJA funds the department must first develop plans and specifications.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PURCHASE AND EQUIP VEHICLES for the POLICE DEPARTMENT

ARTICLE 22: To see if the town will vote to raise and appropriate and/or transfer available funds from free cash to purchase the following vehicles, and to act fully thereon:

<u>Police Department</u>	<u>Estimated Purchase Price</u>
One (1) Ford Expedition	\$ 47,000
One (1) Ford Police Utility	\$ 55,000
One (1) Ford Police Utility	\$ 55,000

And to further authorize trade-in or sale of the following old vehicle toward the purchase price, where the Board of Selectmen find that this vehicle cannot be utilized elsewhere in Town:

- One (1) 2013 Ford Police Utility
- One (1) 2017 Ford Police Utility
- One (1) 2016 Ford Police Utility

By request of Board of Selectmen: Estimated cost \$ 157,000

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

WATER DEPARTMENT VEHICLES

ARTICLE 23: To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sufficient sum of money to purchase (2) Ford F-150 pickup trucks. The (2) pickup trucks will replace a 2010 Ford Ranger and 2013 Ford Taurus; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$90,000

Explanation: The proposed vehicle acquisition is to be funded from Water Retained Earnings. The existing vehicles are proposed to be traded in at the time of purchase and used to reduce the purchase price in that amount. The (2) vehicles to be replaced are undersized and beyond their useful life.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND the SNOW and ICE DEFICIT

ARTICLE 24: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the Fiscal Year 2022 Snow and Ice Deficit Account; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$271,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Daniel Tworek, Mark Ameres

Nays: 1 (One): Angelo LaMantia

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

ROAD MAINTENANCE PROGRAM

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, in accordance with Ch.44 of the M.G.L., or any other authorizing authority, the sum of \$700,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY23. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon.

Explanation: The capital request for road maintenance is for \$700k for FY23, which we anticipate being augmented by approximately \$700k in Chapter 90 funds. The capital project request form lists 5 years of our road maintenance plan with cash flows of approximately \$1.4M each year and has our 5 year Road Maintenance Plan attached.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PURCHASE AND EQUIP VEHICLES FOR DEPARTMENT OF PUBLIC WORKS

ARTICLE 26: To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following vehicles:

(1) Ford F350 Utility Body	(Vehicle Maintenance)	\$80,000
(1) 6 Wheel Dump Truck Body	(Highway)	\$48,450
(1) Mack Tractor	(Disposal)	\$170,000

and to further authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in Town:

- 2008 Ford F150
- 2002 Mack CH613 Tractor

By request of Board of Selectmen: Estimated cost \$298,450

Explanation: The 2008 Ford F150 is used for Vehicle Maintenance service calls. It has 202,330 miles on it and is at the end of its useful life. The frame and body on this 14 year old vehicle are rotted through. It is questionable whether it will pass a State safety inspection. The 2005 Peterbilt Dump Truck is a frontline plowing and sanding truck. The body on this 17 year old truck is rotted through. It is questionable whether it will pass a State safety inspection. The 2002 Mack Tractor has 335,167 miles on it and is used daily in Disposal Area operations. Due to its age, it is experiencing frame separation issues, which may compromise its ability to remain roadworthy. It is not worth pursuing a frame replacement.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PURCHASE AND EQUIP VEHICLES FOR FIRE DEPARTMENT

ARTICLE 27: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to purchase and equip the following vehicles; and act fully thereon. By the request of the Fire Chief.

- | | | |
|-----|-------------------------------------|-----------|
| (1) | Fire Department SUV or Pickup Truck | \$ 65,000 |
| (2) | Fire Department Pickup Truck | \$ 65,000 |

Explanation: The department seeks to replace two of the three staff vehicles with high mileage. An SUV or a Pickup Truck (depending on availability) will replace the Deputy Chief's vehicle. This will allow for the proper storage of equipment the Deputy needs to carry to respond to and Command incidents. The current Deputy Chief's vehicle has over 74,000 miles; this will replace the Fire Inspector's vehicle with over 120,000 miles. The Fire Inspector's vehicle will replace Car 63, a 2010 Ford Expedition, a former police cruiser with 160,000 miles. This former police cruiser has significant corrosion that would require an estimated \$5,832.63 to repair. Car 63 will be removed from service. A new Pickup Truck will replace Car 60, a 2011 Ford Expedition with 145,000 miles. This vehicle also has significant corrosion and is not cost-effective to repair. The department attempted to replace the Deputy Chief's car last year, but it was removed from the Capital plan. All vehicles are used for emergency responses. While the Department of Public Works does a commendable job of keeping them on the road, they need to be replaced. The costs of these vehicle replacements are \$65,000 for the SUV and \$65,000 for the pickup.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PURCHASE AND EQUIP a MINI PUMPER for the FIRE DEPARTMENT

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to purchase and equip the following vehicles; and act fully thereon, by the request of the Fire Chief. Estimated cost: \$22,500

Explanation: The Department has written a Federal Grant in the amount of \$450,000. If the grant is awarded to the Town, the Town’s share of the grant is 5% (\$22,500). A mini-pumper is an engine that sits on the same size chassis as our ambulances. We would replace both of our Forestry trucks with this purchase. Forestry 67 is a 2005 F250 extra cab chassis with a “skid unit”, a self-contained removable 200-gallon tank, pump, and a hose reel mounted on the back. Forestry 71 is a retired military LMTV chassis with a larger skid unit, 500 gallons, and forestry equipment. The mini-pumper would allow the department to access smaller dirt roads and tight-fit areas with an engine that has similar capabilities of our full-size engines. This addresses the one major concern we have with the quint that was approved last year, which is access to smaller streets in town.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION COMMITTEE ARTICLES

APPROPRIATE SUMS OF MONEY FROM THE FISCAL YEAR 2023 ESTIMATED ANNUAL REVENUES OF THE COMMUNITY PRESERVATION ACT FUND

ARTICLE 29: To see if the Town will vote to appropriate the following sums of money from the FY 2022 estimated annual revenues of the Harwich Community Preservation Act Fund as required by the 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 the open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY2023 Undesignated Fund Balance (including Recreation) and to act fully thereon. By request of the Community Preservation Committee.

<u>Appropriation</u>	<u>FY 2023</u>
Community Housing Reserve	\$210,000
Open Space Reserve	\$210,000
Historic Preservation Reserve	\$210,000
Undesignated Fund Balance Administrative Expenses	\$60,000

FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI). FINANCE COMMITTEE VOTES NRPFIF WHEN, AT THE TIME THE WARRANT IS PRINTED, IT HAS INSUFFICIENT OR INCOMPLETE INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. FINANCE COMMITTEE WILL MAKE ITS FINAL RECOMMENDATION AT TOWN MEETING AFTER HAVING RECEIVED FURTHER INFORMATION. VOTE: YES-6, NO-0, ABSTAIN-1

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LAND BANK DEBT SERVICE

ARTICLE 30: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$221,525.00 from the FY 2021 Certified 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: \$221,525.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – EAST HARWICH UNION CEMETERY
GRAVESTONE PRESERVATION PROJECT**

ARTICLE 31: To see if the Town will vote to appropriate from Community Preservation Act Funds -\$118,800.00 from the FY2021 Certified Historic Preservation Reserve to fund the Town of Harwich’s East Harwich Union Cemetery Gravestone Preservation Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Preservation reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$118,800.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): John Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Abstain: 1 (One) Donald Howell

COMMUNITY PRESERVATION ACT – PART-TIME HOUSING COORDINATOR

ARTICLE 32: To see if the Town will vote to appropriate from Community Preservation Act Funds \$50,000.00 from the FY2021 Certified Community Housing Reserve to fund the Town of Harwich’s Part-time Housing Coordinator position; 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: \$50,000.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): John Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (zero): none

COMMUNITY PRESERVATION ACT – AFFORDABLE HOUSING TRUST

ARTICLE 33: To see if the Town will vote to appropriate \$31,270.93 from FY2021 Certified Community Housing Reserves, \$210,000, from FY2023 Anticipated Revenues, and \$258,729.07 from FY2021 Certified Undesignated Fund Balance, for a total appropriation of \$500,000, to fund the Harwich Affordable Housing Trust; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$500,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – PHASE 2 of the NATURAL HERITAGE TRAIL BOARDWALK PROJECT

ARTICLE 34: To see if the Town will vote to appropriate \$75,000 from FY2021 Certified Undesignated Fund Balance to fund Phase 2 of the Natural Heritage Trail Boardwalk 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: \$75,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – PENROSE LLC/CAPE COD 5 HOUSING PROJECT

ARTICLE 35: To see if the Town will vote to appropriate \$100,000 from FY2021 Certified Undesignated Fund Balance to fund the Penrose LLC/Cape Cod 5 Community Housing Project located in Orleans, Massachusetts; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; subject to a grant agreement including an affordable housing restriction; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$100,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Michael MacAskill

COMMUNITY PRESERVATION ACT – PICKLEBALL/BASKETBALL PROJECT at BROOKS PARK

ARTICLE 36: To see if the Town will vote to appropriate \$50,997.00 from the FY 2021 Certified Undesignated Fund Balance and \$194,503.00 from FY2023 Anticipated Revenue, for a total appropriation of \$245,000.000 to fund the Town of Harwich Pickleball/Basketball Project at Brooks Park; 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: \$245,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-1, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 5 (Five): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Daniel Tworek

Nays: 1 (One): Angelo LaMantia

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (zero): none

Abstain: 1 (One) Donald Howell

COMMUNITY PRESERVATION ACT – PURCHASE CONSERVATION RESTRICTION at the SPRUCE WOODS PROJECT

ARTICLE 37: To see if the Town will vote to authorize the Conservation Commission, with the approval of the Board of Selectmen, to acquire by gift or purchase for water quality protection, conservation and passive recreation purposes pursuant to G.L. c. 40, §8C and G.L. c. 44B, a conservation restriction pursuant to G.L. c 184, §§31-33 on approximately 75 acres of undeveloped land off of Spruce Road, located within the Six Ponds District of Critical Planning Concern (DCPC), further described in the Town of Harwich/Real Estate and Open Space Committee’s application to the Community Preservation Committee entitled Spruce Woods Project dated September 22, 2021, a copy of which is on file with the Town Clerk; and to appropriate \$604,486 from the FY2021 Certified Open Space Reserves, \$210,000 from the FY2023 Anticipated Revenues, and \$135,514.00 from FY2021 Certified Undesignated Fund Balance, for a total appropriation of \$950,000 to fund said acquisition; provided that any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserves; and further, to authorize the Board of Selectmen and the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to effect said acquisition; and to act fully thereon. By request of the Community Preservation Committee and the Open Space Committee. Estimated Cost: \$950,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): none

Abstain: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

GOLF DESIGN AND FEASIBILITY STUDY

ARTICLE 38: To see if the Town will vote to raise and appropriate and/or transfer a sufficient sum of money from the Golf Improvement Fund to create a design and feasibility study for a 3 Hole Practice Course and Putting Complex at Cranberry Valley Golf Course; and to act fully thereon. By request of the Director of Golf and the Golf Committee. Estimated cost \$35,000

Explanation: With the introduction and growth of golfer development programs for youth such as: The First Tee Program and PGA Junior League, as well as serving as home course for Monomoy High Schools Boys & Girls Varsity and Junior Varsity programs, the golf course is limited in its ability to continue to grow golf and recreation in the community by the availability of the 18-hole golf course. A suitable piece of land has been identified between holes 14&18 (easy access from clubhouse) that could serve as a home for these and other player development programs, where they will be able to grow in participants and experience. By moving these programs off the 18-hole course it will create more revenue opportunities and member rounds on the existing course. A design focusing on low maintenance costs, variety of play options for different population segments including disabled golfer access, and beginner friendly design to engage a learning golf population will be sought. Grants exist for the building of youth specific player development areas. Requested by the Golf Director and the Golf Committee.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND LAND RESEARCH FOR ASSESSING PURPOSES

ARTICLE 39: To see if the Town will vote to transfer from free cash the sum of \$500,000, to be expended by the Town Administrator with the approval of the Board of Selectmen, to pay for researching land identified or reflected as Owners Unknown, Miscellaneous or undesignated parcels in the Town Assessors Database or Mapping System, for purposes of clarifying title, ownership or location of such land for town assessing and related purposes, including to determine or establish the Town’s interests in said parcels. Such sum shall include all fees, costs and expenses associated with activities necessary, proper, incidental and related thereto including but not limited to conducting and preparing engineering studies, surveys and other plans, title research, and appraisals; and to act fully thereon. Estimated cost: \$500,000. By request of the Board of Selectmen.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

CHANGE SELECTMEN TO SELECT BOARD

ARTICLE 40: To see if the Town will vote to adopt the following proposed order of amendment to the Town of Harwich Charter by striking out the words “Board of Selectmen” wherever they appear, and inserting in place thereof, in each instance, the words “Select Board”; and to insert a new subsection in the Charter section 3-1-3 to read as follows: 3-1-3 The Select Board shall have the full role of and all powers and authorities of a Board of Selectmen under any general or special laws, and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a Board of Selectmen under any general or special laws; and further to amend Section 2-8-2 of the Charter by replacing the words “Chairman of the Committee” with “Chair of the Committee”; and further to amend section 7-1-3 of the Charter by replacing “Chairman of an Agency” with “Chair of an Agency”; and further to delete the definition of “He/His” in section 10.3.1, and further to authorize the Town Clerk to prepare a revised version of

the Charter consistent with this vote for submission to the State Archivist; and to act fully thereon. By request of the Board of Selectmen.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND CHAPTER 189 NOISE

ARTICLE 41: To see if the town would vote to amend Chapter 189 Noise of the Town General By-laws by amending Chapter 189-1, G (3) as follows (new language is shown in **bold underline** and deleted text is shown in strike out):

The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses **or regulations relative to those licenses**, and in the case of a conflict between individual license allowances or restrictions and this bylaw, the terms of the license shall apply. ~~and a violation of any such allowances or restrictions shall also constitute a violation of this bylaw.~~

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND the HARWICH WATER DEPENDENT STRUCTURES BYLAW

ARTICLE 42: To see if the town will vote to amend the Harwich Water Dependent Structures Bylaw, Chapter 304 of the Code of the Town of Harwich as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike out~~):

The presence of water dependent structures all impact our marine wetland resource areas. ~~to some degree.~~ In 2009, the Town voted to prohibit new water dependent structures in the Round Cove section of Pleasant Bay, and to increase the required distance between structures to 250 feet. Other waterways in Town did not receive a heightened level of regulation. Over the past several years, the commission has seen numerous applications for new water dependent structures in Wychmere Harbor, Allen’s Harbor, and the Herring River. Our bylaw requires only 65 feet in between water dependent structures in these waterbodies, and we require only 2.5 feet of depth around the float. The cumulative impacts from a high density of structures is a significant concern. Individual and cumulative impacts from water dependent structures in the Town of Harwich include the following:

1. Construction activity impacts to salt marsh, land containing shellfish, and coastal bank;
2. Piling displacement of wetland resource area habitat;
3. Scouring impacts to salt marsh, land containing shellfish, and coastal bank;
4. Off-season storage of floats on salt marsh, land containing shellfish, and coastal bank;
5. Scouring from boats and pollution inputs on aquatic life;
6. Float scouring of land containing shellfish;
7. Alteration of coastal bank and the 0-50’ buffer zone with increased use and activity

To help prevent and remediate such impacts, the Conservation Commission proposes the changes to the Bylaw that you see in the warrant. Most notable changes are a proposed moratorium on new docks in the Herring River, and modifications to the building requirements for new water dependent structures or structures to be rebuilt in our other tidal waters. These changes will serve to better protect our sensitive wetland resource areas; ecosystems that are important for environmental, economic, and recreational purposes.

After several public meetings in 2020, the Harwich Conservation Commission voted to approve the proposed changes to this Bylaw at public hearings on January 26 and February 3, 2021, and February 2, 2022.

Within §304-1. Purpose - add the word “new” before water-dependent structure” and add the phrase “elevated walkway” after “dock” in the first sentence. Add the sentence “These provisions do not apply to repairs of existing, licensed, permitted structures” after the first sentence.

Within §304-2 Definitions – add one new definition as follows:

CUMULATIVE IMPACT - The effect of a subject activity which, when considered in isolation, may or may not have a significant impact on environmental interests but when

considered in relation to other past, present or anticipated future activities in a given area can be expected to be significant in the aggregate. And further, amend the definitions of Mean High Water, Piling, and Water Dependent Structure as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike-out~~):

MEAN HIGH WATER - The elevation in feet above **North American Vertical Datum of 1988 (NAVD 88)** ~~National Geodetic Vertical Datum (NGVD)~~ established by the present arithmetic mean of the water heights observed at high tide over a specific nineteen-year Metonic cycle (the National Tidal Datum Epoch) as shown on the New England Coastline Tidal Flood Survey - Tidal Flood Profile No. 9 Barnstable to Chatham, MA by the New England Division, Corps of Engineers. Where salt marsh occurs, the mean high tide will be that point where *Spartina alterniflora* gives way to *Spartina patens*. Walkways over salt marshes that extend beyond this intersection will be regulated under the provisions of this bylaw.

PILING - A column constructed from any material used to support the deck or other structural member of a wharf, pier, **elevated walkway**, or dock or to serve as a mooring spar or dolphin for vessels or floats.

WATER-DEPENDENT STRUCTURE - Any structure or combination of structures built adjacent to or at an angle from the shore and extending seaward beyond the mean high-water mark so that **people may access the water** ~~vessels may lie alongside to receive and discharge passengers or cargo or for use as a promenade~~ and shall include structures commonly referred to as floats, docks, piers, **elevated walkways**, or wharves.

Within §304-4 Restricted Areas –amend as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike-out~~):

No permit shall be issued for construction of a new, private, water-dependent structure in the **following** areas: of

- A. Round Cove ~~of~~ **in** Pleasant Bay. This area includes all contiguous parcels beginning with the northerly boundary of the property (Map and Parcel Number 115-S1-3) and extending southerly along the shore to the southerly boundary of the property (Map and Parcel Number 109-B1-5), and all shore front parcels between these two properties, including Round Cove. This prohibition does not apply to existing, licensed structures or to the maintenance of existing, licensed structures.

Within § 304-5 Application for a permit in section B1, change fourteen copies to twelve, and add the phrase “and narratives” after “plans” in the first sentence.

Within § 304-8 Standards to be met, amend sections D, F, H, and J, and add a section K as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike-out~~).

- D. No structure (except floats) shall exceed four feet of walkway in width.
- F. In order to protect the foreshore, all structures (except floats) shall be supported by pilings. Decks shall have a minimum $1\frac{1}{2}$ $\frac{3}{4}$ inch spacing between deck planks, **or may use grating instead with permission from the Commission**, and shall be at a ~~elevation~~ **height** equal to **1.5 times** the width of the deck above ~~mean high water or, in areas of marsh, above the marsh vegetation~~ **the salt marsh to the decking, whichever is higher. In areas where the structure is over a wetland resource area other than salt marsh, the height may be equal to 1.25 times the width of the deck.** Notwithstanding the foregoing, in all areas where the foreshore

is passable on foot, a flight of stairs on either side of the deck shall be provided to allow persons to lawfully use the foreshore, **or be of a height that persons may pass underneath with.** A directional sign in compliance with the Zoning Bylaw, Chapter 325, Article VII, shall be placed indicating permission to cross the structure.

H. No structure shall be located within 50 feet of an existing eelgrass bed or within a shellfish area defined by the Town bylaws or Town Shellfish Warden, **unless expressly allowed by a variance from the Conservation Commission upon clear and convincing evidence provided by the applicant that the proposed project will not have an adverse impact to the wetland resource area(s) or its interest(s).** An indication of the presence or absence of shellfish at a proposed site must may be determined by a shellfish survey submitted by the applicant. **This shellfish survey shall conform to the sampling methods set forth in the Harwich Wetland Protection Regulations.** The survey shall include existing populations of all sizes of commercially important species of shellfish (clams, **oysters**, quahogs, scallops, and mussels) and shall also include other species of mollusks which may indicate the capacity of the area to support commercially important species. The survey shall also include a description of shell fragments, if feasible, and references, if available, to historical information regarding the presence or absence of shellfish species. Within the Pleasant Bay ACEC, relocation of shellfish encountered during construction of a project is not acceptable mitigation (except when the project is part of a Town- or state-sponsored shellfish relay program, and then only if it can be clearly shown that the productivity of that shellfish bed would not be diminished by its relocation).

~~J. In order to provide the underlying seabed full exposure to sunlight during six months of the year, all proposed structures shall be seasonal, with seven months' maximum use. Off season storage plans shall be submitted for review and approval by the Conservation Commission.~~

J. In order to provide the underlying seabed exposure to sunlight during the year, water-dependent structures shall be seasonal. Floats are to be removed from the water by December 1 annually. Off-season storage of the floats shall be off site or outside of the 50' wetland buffer and not on any native plant species. Storage of the float on the marsh is strictly prohibited, and shall result in enforcement action from the commission.

K. There shall be a depth of at least three feet at mean low water on all sides of the float. No vessel shall be aground at mean low water.

Within §304-9 Denial of a Permit – amend as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike-out~~):

The Commission may deny a permit in any case where a proposed **water dependent** structure or combination of structures, **does not meet the criteria set forth in this Bylaw.** ~~otherwise complying herewith, would not extend to a point where at mean low water a water depth of at least 2 1/2 feet is maintained no vessel shall be aground at mean low water.~~

Explanation: The purpose of the proposed changes to The Harwich Water Dependent Structures Bylaw is to clarify and improve the requirements for permitting water dependent structures such as docks and piers in tidal waters for both applicants and conservation

commissioners, and to better protect our tidal wetland resource areas. This Bylaw was adopted at Town Meeting in 2009 and has not been amended since.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 1 (One): Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

HARWICH WETLANDS PROTECTION BYLAW

ARTICLE 43: To see if the Town will vote to amend the Harwich Wetlands Protection Bylaw, Chapter 310 of the Code of the Town of Harwich, as follows:

Within §310-2. Definitions, Paragraph A, delete the last sentence under the definition of Agriculture and the definition of Aquaculture,

And further, add seven new definitions, in alphabetical order as follows:

BUFFER ZONE - The jurisdictional area extending from the landward limit of a wetland resource area 100 feet landward. Land Subject to Coastal Storm Flowage and Riverfront Area do not have any buffer zones under this bylaw.

CUMULATIVE IMPACT - The effect of a subject activity which, when considered in isolation, may or may not have a significant impact on environmental interests but when considered in relation to other past, present or anticipated future activities in a given area can be expected to be significant in the aggregate.

MITIGATION - The means to offset any potential negative impacts a project may have on a wetland resource area(s) or buffer zone(s) thereto, and a means to improve the wetland resource area(s) and their interests on the site. There are various forms of mitigation the commission may consider, including but not limited to on-site mitigation, off-site mitigation, and in-lieu fees on mitigation-constrained sites to improve specific other wetland resource areas in town.

MITIGATION-CONSTRAINED SITES - A project site that does not lend itself to the need for any on-site mitigation, but due to the proposed activity on the site, requires mitigation as per the Harwich Wetlands Protection Regulations.

SIXTY FOOT NO NEW STRUCTURE ZONE - The 60 foot no new structure zone is the upland area that extends from the landward edge of the wetland sixty feet inland as determined by a professional land survey and wetland delineation. When siting a new building or an addition within the 50-100-foot buffer zone, the structure shall be set back at least 60 feet from the resource area to allow for human and wildlife passage between the building and the 50-foot buffer, to reduce alteration to the 50-foot buffer, and to avoid the intrusion of lawn in the 50-foot buffer. Within the 50-60' buffer area, no new structure is permitted that would impede access so as to cause intrusion into the 50' No Disturb Zone.

SHELLFISH - Mollusks including but not limited to the following: clams, conchs, mussels, oysters, periwinkles, quahogs, razor clams, scallops, and sea clams; and crustaceans such as lobster or crab.

VARIANCE - An official dispensation from a rule or regulation. As it pertains to the Harwich Wetlands Bylaw and Regulations, a variance will only be allowed upon clear and convincing evidence by the applicant that a proposed activity will not have an adverse impact on any wetland resource area, buffer zone, or their interests.

And further, amend the definition of No-Disturb Zone as follows (new language is shown in **bold underline** and deleted text is shown in ~~strike-out~~):

NO-DISTURB ZONE - The land running 50 feet landward from **the landward limit of** an abutting **wetland** resource area as determined by a professional land survey **and wetland delineation.** No ~~substantial~~ activity, that will result in the building within or upon, filling, removing or altering of land, shall be permitted, with the following exceptions:

- (1) Maintenance **or reconstruction** of an existing permitted structure **within the same footprint.**
- (2) An activity that has been expressly allowed by a variance from the Conservation Commission.

Within §310-3. Jurisdiction, paragraph A, change 3,000 to 1,000.

And further within paragraph C, add the phrase “land subject to coastal storm flowage,” after the words “riverfront area,” and add the phrase “landward limit of” in front of the words “vernal pool habitat.”

And further, delete paragraph D in its entirety and replace it with the following:

D. Conservation variance provision. In rare and unusual circumstances the Commission, at its discretion, may grant a conservation variance from the requirements of this bylaw. Such a conservation variance shall be granted only in the following cases:

- (1) Where maximum feasible compliance is achieved; and
- (2) Where there are clear and compelling reasons of public safety and welfare;
or
- (3) Where the proposed project will enhance the environmental values protected by the bylaw; or
- (4) Upon a clear and convincing showing of evidence by the applicant that the proposed work will not adversely affect the environmental values protected by the bylaw.

Within §310-4 Conditional Exceptions, paragraph B, add the words “active, lawful” in front of “cranberry bogs;”

And further, in paragraph C change allow 30 days instead of 21 days after the commencement of an emergency project for a permit application to be filed with the Conservation Commission;

And further, in paragraph D, add the phrase “this Bylaw and associated Wetland Protection Regulations” after “may grant a conservation variance from the requirements of” and omit the phrase “the fifty-foot no-disturb zone.”

Within §310-8 Permits and conditions, paragraph C, insert the word “provide” after the word “shall in the second sentence.

And further, add the following new paragraphs:

J. The Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to the resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis and environmental or land use law.

K. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to the Town to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

L. The exercise of discretion by the Commission in making its determination to require the payment of a fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

M. The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

And to act fully thereon. By request of Conservation Commission.

Explanation: The Harwich Conservation Commission requests that the Town accept the proposed changes to the Harwich Wetlands Protection Bylaw. The proposed major change to the Bylaw would be the proposed decrease in size of a regulated wetland from 3,000 sq. ft. to 1,000 sq. ft. This decrease in regulated wetland size is consistent with the wetland bylaws of other area towns. The purpose of this is to better protect our small wetland resources which are important to water quality, flood control, wildlife habitat, and other

interests of the Massachusetts Wetlands Protection Act and Harwich Wetlands Protection Bylaw. Many of the small isolated wetlands in Harwich are vernal pools, whether they are certified or not. These isolated wetlands are critical for wildlife habitat, water quality, flood control, and other vital interests set forth in the Massachusetts Wetlands Protection Act and this Bylaw. Other proposed changes serve to make the Bylaw more user-friendly by eliminating repetition, including additional and revised definitions, and clarifying standards to be met.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Julie Kavanagh

Abstain: 1 (One): Donald Howell

AMEND THE CODE OF HARWICH GENERAL BY-LAWS – CHAPTER 8 DEPARTMENT REVOLVING FUNDS §8-1. FUNDS ESTABLISHED

ARTICLE 44: To see if the Town will vote to amend the Departmental Revolving Funds Bylaw, Section 8-1 of the Town Code, (the language to be added is shown in bold, underlined text, the language to be deleted shows a strikethrough); and to act fully thereon. By request of the Board of Selectmen.

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund
Golf Pro Shop and Restaurant Lease Revenue	Director, Golf Committee and ATA <u>Town Administrator or Designee</u>	Golf lessons, Pro Shop sales and restaurant lease revenue	Pro Shop expenses, clubhouse and kitchen maintenance, modernization, <u>driving range equipment replacement and</u> upgrades and lessons instructor
Golf Infrastructure Fund	Director, Golf Committee <u>Town Administrator or Designee</u>	Surcharge on all green fees and cart fees as well as a portion of golf membership fees	CVGC infrastructure, including Club House facilities, maintenance facilities
Council on Aging	Director and Council on Aging <u>Town Administrator or Designee</u>	Fees from health, recreation, nutrition and education programs	Health, recreation, nutrition and education programs
Cemetery	Administrator and Cemetery Commission <u>Town Administrator or Designee</u>	90% of lot sales, 100% of all cemetery services and fees	Maintenance, care and support of Town cemetery properties
Community Center	Director and Facilities Committee	75% of the fees from use of the weight room	Weight room equipment (and repair)

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund
	<u>Town Administrator or Designee</u>		
Recreation	Director and Recreation and Youth Commission <u>Town Administrator or Designee</u>	Fees from recreation and youth programs	Recreation and youth programs
Albro House	Town Planner and Historic District/Historical Commission <u>Town Administrator or Designee</u>	Fees from receipts of lease or fees for short-term rooms use and rental	Restorations, maintenance, care and support of Town-owned property
ADA	Town Administrator	Receipts of parking penalty fees	Interpreter services or accommodations required under ADA
Wetlands	Conservation Commission <u>Town Administrator or Designee</u>	Notice of intent filing fees; as well as in-lieu fees generated as a result of an approval of a notice of intent	Consultants and wetland and buffer zone management and restoration projects
Middle School Cultural Center 204 Sisson Road Municipal Building	Community Center Director and Facilities Manager <u>Town Administrator or Designee</u>	Funds generated from receipt of lease or fees collected for short-term, year-round, temporary or otherwise, room(s) use and rental	Funding restorations, maintenance, care and support
Sidewalks	Town Planner and Planning Board <u>Town Administrator or Designee</u>	Sidewalk improvements including consulting services and construction	Monies generated from receipts paid to the Town in lieu of sidewalks required to be installed in new <u>new</u> subdivisions
Tax Title Collection	Treasurer/Collector <u>Town Administrator or Designee</u>	Fees collected for certain costs, charges, and fees incurred by the Treasurer/Collector and collected upon redemption of tax titles or sales of real property acquired through foreclosures of tax titles	To offset expenses incurred in connection with tax takings or tax title foreclosures

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek

Nays: 0 (Zero): None

Abstain: 1 (One) Mark Ameres

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 45: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.1 of the Town Code; and to act fully thereon. By request of the Finance Director.

<i>Revolving Fund</i>	<i>FY 2023 Spending Limit</i>	<i>Disposition of FY22 Fund balance</i>
<i>Golf Pro Shop and Restaurant Lease Revenue</i>	<i>\$250,000</i>	<i>Available for expenditure</i>
<i>Golf Infrastructure fund</i>	<i>\$140,000</i>	<i>Available for expenditure</i>
<i>Council on Aging</i>	<i>\$125,000</i>	<i>Available for expenditure</i>
<i>Cemetery</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Community Center</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Recreation</i>	<i>\$175,000</i>	<i>Available for expenditure</i>
<i>Albro House</i>	<i>\$10,000</i>	<i>Available for expenditure</i>
<i>ADA</i>	<i>\$2,500</i>	<i>Available for expenditure</i>
<i>Wetlands</i>	<i>\$6,000</i>	<i>Available for expenditure</i>
<i>Middle School Cultural Center</i>	<i>\$225,000</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>

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Abstain: 1 (One): Dale Kennedy

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

ADOPT M.G.L., CHAPTER 200A, §9A – DISPOSITION OF UNCLAIMED
PROPERTY

ARTICLE 46: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 200A, Section 9A, to establish a procedure that would allow the

Town Treasurer to dispose of abandoned funds held in the custody of the Town; and to act fully thereon. By request of the Town Treasurer/Collector.

Explanation: If the Town accepts Section 9A at Town Meeting, any funds held by the Town are presumed abandoned after only 1 year from the date prescribed for payment if the check so states on its face that it is "void if not cashed within 1 year from the date of issue.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 56 – ASSESSMENT OF LOCAL TAXES – PROPERTY; EXEMPTIONS

ARTICLE 47: 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 2023; and act fully thereon. By request of the Harwich Veteran's Agent and Board of Assessors. Estimated cost: \$10,000

Explanation: This local option for the National Guard and Reservists must be renewed every two (2) years. This article is funded by the Overlay.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

ADOPT M.G.L. CHAPTER 59, §5, Clause 5N – SENIOR CITIZEN AND VETERAN PROPERTY TAX WORK OFF ABATEMENT PROGRAMS

ARTICLE 48: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, §5 Clause 5N, effective Fiscal Year 2023, allowing the Town to enter into a Senior Citizen and Veteran Property Tax Work-off Abatement Program; and to act fully thereon. By request of the Harwich Board of Assessors. Estimated cost: \$30,000

Explanation: The Board of Assessors would like advocate for Veterans of the Town. This article is for veterans who have a service connected disability or surviving spouse of veteran. To allow an approved representative to perform the services for an eligible taxpayer physically unable to provide services to the Town. Their income and assets may not exceed:

<u>Income</u>	<u>Assets</u>
Single \$34,332	\$58,649
Married \$51,498	\$80,642

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND PRIOR YEAR’S UNPAID BILLS

ARTICLE 49: 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 Finance Director. Estimated cost: \$756.34

Prior Year Bills	
Cape Cod Media Group	594.05
ThermoWorks, Inc.	73.99
W.B. Mason	88.3
Total Prior Year Bills	756.34

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

PROMOTE THE TOWN OF HARWICH

ARTICLE 50: 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 Board of Selectmen. Estimated cost: \$30,000

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (zero): none

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

ARTICLE 51: 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 Board of Selectmen and the Harwich Cultural Council. Estimated Cost: \$3,600

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (zero): none

CITIZEN INITIATIVE PETITIONS

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 52: 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 Chase/Harwich Port Libraries. Estimated Cost: \$20,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-0, ABSTAIN-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres

Nays: 0 (zero): none

Abstain: 1 (One): Daniel Tworek

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND M.G.L. GOVERNING THE DISPERSAL OF SCHOOL CHOICE FUNDS

ARTICLE 53: To see if the Town will vote to instruct the Board of Selectmen, 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 accredited homeschool participants and accredited private schools. By request of Daniel Baker.

Explanation: This article is intended to encourage changes to the Massachusetts General Laws to extend school choice and the dispersal of associated funds, to include accredited homeschool participants and accredited private schools. Currently under the 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 (in some rare cases, a charter school). While the current school choice program acknowledges that some children may prefer different school environments, more suited for their unique educational needs, it excludes accredited homeschool programs and accredited private schools from the school choice program.

Today, if the parent/student determines that an accredited homeschool program or an accredited private school is the correct educational system for the student, they have to pay 100% out of pocket. Only those of sufficient wealth can afford school choices outside the public school system.

Those families that do pay out of pocket are also paying taxes supporting the public school system, without the ability to recoup funds already allotted for their child.

There are 70 or so families that are currently homeschooling in the Monomoy School district, and this change would ensure fair and equitable treatment of home school parents, and also those that choose private schools.

Individual freedom, diversity and freedom of choice have always been inherent to our unique way of life in America. They are part of the tenets that have propelled our country forward.

Please join us and vote for freedom of choice, educational diversity, fair/equitable treatment for all and greater student success.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0

ROLL CALL VOTES:

Finance Committee:

To Indefinitely Postpone:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To accept and adopt:

Yeas: 3 (Three): Michael MacAskill, Larry Ballantine, Donald Howell

Nays: 2 (Two): Julie Kavanagh, Mary Anderson

PROHIBIT HUNTING IN BELLS NECK CONSERVATION AREA

ARTICLE 54: To see if the Town will vote to prohibit hunting in the Bell's Neck Conservation Area. The properties included in the prohibition would be as follows. All parcels are under the care and custody of the Harwich Conservation Commission. They comprise of approximately 272 acres. By request of Carol Kucha Stone.

Assessor's Map	Assessor's Parcel
27	E1
27	M1
27	M1-A
27	M2
28	C4
28	C5
28	C6
36	M2
36	M3
36	T4
37	C10

Explanation: The properties that comprise the Bell's Neck Conservation Area were acquired by the Town for Conservation purposes such as the protection of the Herring River and herring run, protection of wildlife, and for the providing of open space for passive public recreation starting in 1966. The most recent acquisition was in 2016. With the 2016 acquisition, the entirety of the land around the West Reservoir is now protected; never to be developed. A loop trail for walking was completed within the next year. Hundreds of species of plants and animals call the Bells Neck home due to the variety of habitat types: wooded upland, the Herring River, salt marsh, pond, and freshwater swamp. Over the past few years, this area has also become increasingly popular for walkers. For these reasons, and because of its proximity to homes and roads, we the citizens of the Town of Harwich are requesting that the Town prohibit hunting on this land.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0

ROLL CALL VOTES:

Finance Committee:

To Indefinitely Postpone:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To Indefinitely Postpone:

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

Nays: 0 (Zero): none

PROTECT HISTORIC WEST HARWICH SCHOOLHOUSE WITH HISTORIC RESTRICTION

ARTICLE 55: To see if the Town will vote to Protect the Historic West Harwich Schoolhouse with a historic restriction that rides with the deed to protect this asset from demolition and assure that rehabilitation follows the guidelines of the Department of the Interior for Historic preservation. A positive vote would require the Board of Selectmen through the Town Administrator to place a historic restriction on the building prior to any action to sell, donate, rehabilitate or lease the building. This vote seeks only to preserve the footprint and character of the building's exterior and does not effect work to the inside. This assures that any RFP for sale, or lease or gifting adheres to the Historic Restriction whether a Nonprofit or For-Profit entity obtains rights to building. By request of Sally Urbano. Estimated cost: \$105.00

Explanation: In the sale of a historic building certain intangible aspects cannot be configured into assessed value but they should never be dismissed. "A Historic Preservation Restriction is a legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance that a historic or culturally significant property's intrinsic values will be preserved through subsequent ownership by restricting the demolition or alteration of its significant historic features. A Preservation Restriction is filed at the Registry of Deeds and runs with the land. It usually focuses on exterior architectural features." This protects the town's character and cultural assets if property changes hands or becomes subject to additional development pressures, whether it is rehabilitated for residential, Civic or commercial use. The schoolhouse holds stories of National significance, its physical presence is not replaceable.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0

ROLL CALL VOTES:

Finance Committee:

To Indefinitely Postpone:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To Indefinitely Postpone:

Yeas: 3 (Three): Michael MacAskill, Julie Kavanagh, Mary Anderson

Nays: 2 (Two): Larry Ballantine, Donald Howell

**SELL HISTORIC WEST HARWICH SCHOOLHOUSE USING FULL PROVISIONS
OF MASSACHUSETTS PROCUREMENT LAW 30B**

ARTICLE 56: To see if the Town will vote to sell the Historic West Harwich Schoolhouse using the full provisions of Massachusetts procurement law 30b that includes the ability to donate surplus property to a Nonprofit willing to rehabilitate the historic exterior of the building for purposes of civic use. By request of Sally Urbano.

Explanation: The Historic West Harwich Schoolhouse from 1871 is a civic building that has been left vacant and without maintenance from the town for 30 years. During those 30 years various Town Meeting articles for preserving the schoolhouse consistently elicited a yes vote from the tax payers. In 2021 town meeting voted to sell the building. The town administration used the RFP procurement process using standard 30b procurement rules for the sale. However one critical aspect of 30b was not invoked. The town has the right to dispose of real surplus property by gifting to a Nonprofit. This aspect was never explored and a yes vote on this article invokes full and open process allowing for all for all possibilities during the RFP process including gifting of the Historic Schoolhouse to a Nonprofit. In the case of a neglected historic building this common practice as the rehabilitation after 30 years will require more financial investment than a town is willing to commit. Further in gifting to a Nonprofit raises funds for the Rehabilitation and is caretaker to the building with a Historic restriction placed on the property. Using this clause to schoolhouse and the continuation of the village atmosphere that incorporates the adjacent Historic cemetery and Baptist Church. Sale to a Nonprofit also relieves the town of all current expenses including the need to repair the roof. This is the best course of action to help maintain our character and put an abandoned building back into civic use that will contribute to tourism dollars and economic development of the area. Local Comprehensive Plan Town of Harwich, MA April 26, 2011 14 3) CULTURAL, RECREATIONA AND NATURAL ASSETS “We cannot fail to recognize, protect and enhance the vitality of our cultural, recreational and natural assets that are so essential to our residents, non-resident taxpayers, and seasonal guests alike.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINELY POSTPONED. VOTE: YES-7, NO-0

ROLL CALL VOTES:

Finance Committee:

To Indefinitely Postpone:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek

Nays: 0 (Zero): None

Board of Selectmen:

To Indefinitely Postpone:

Yeas: 3 (Three): Michael MacAskill, Julie Kavanagh, Mary Anderson

Nays: 2 (Two): Larry Ballantine, Donald Howell

**STUDY BEST USE OPTIONS FOR FORMER HARWICH MIDDLE SCHOOL
INCLUDING RECOMMENDATIONS FOR FINANCIAL SELF-SUFFICIENCY**

ARTICLE 57: To see if the Town will vote to raise and appropriate, transfer from available funds a sufficient sum of money to fund an independent, professional study of the highest and best use of the Former Harwich Middle School property. Town committees in the past have been unable to identify a use that is financially feasible or that fully utilizes the facility or the grounds in a comprehensive and acceptable way. Currently, the building and surround parking are being used as a Cultural Center to “serve as a rental space for groups and individuals to engage in recreational, social, educational, cultural, community service, civic and governmental activities” (Culture Center webpage). However, after six years of financial support from Harwich taxpayers, annual revenues from the Cultural Center business fail to cover expenses. The deficit total for FY17 to FY22 (partial year) is more than \$588,000. The purpose of this article is to enlist independent, professional help to objectively determine the best uses, along with evaluations (pros, cons and risk) of each option, for long-term use of this Town asset. This study will also develop a comprehensive business plan specific to the Cultural Center use that provides detailed financial, organizational, staffing, and marketing plans that make this option financially self-sustaining. By request of Richard Gundersen. Estimated cost: \$75,000

Explanation: This study would provide independent, professional, business development guidance for two general, but related, tasks.

Task 1: What are “highest and best” use options for this property. Regardless of actual, current use, this phase of the study is to apply standard analysis methods to identify and rank optional uses for the former Middle School property. The approach would include analyzing uses that are legally permissible, physically possible, maximally productive and financially feasible. The contractor would conduct a market analysis to identify State, county, medical, educational, private employers, etc., who might be interested in purchasing or leasing this property for the uses identified.

Task 1A: Continued Use as a Cultural Center. Harwich has made significant effort to utilize this property as a Cultural Center and, as a result, warrants that “cultural center” be included as one of the best use options for consideration. Similar art or culture services are provided throughout the Cape. These services should be studied to identify what makes them financially viable and if these factors can be applied to the Harwich Middle School property? If not, why not? If yes, what set of actions are needed to get from where we are today to an operation that is financially self-sufficient and that provides a broad range of

arts and crafts, education, exhibitions, and art studios for Harwich and surrounding communities? As a minimum, this task will require development of a comprehensive business plan that addresses scope/uniqueness of cultural offerings, pricing, market saturation, financial projections, capital improvement projections out 5-8 years, ADA compliance issues, marketing/advertising, management, and would address all appropriate forms of ownership and management. Town taxpayers need to be assured that sufficient due diligences is used to demonstrate that future operating, maintenance, and capital cost have been considered in the business planning. Also included is identification of Federal and State grant opportunities and future restrictions that may be associated.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-1

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 6 (Six): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Mark Ameres, Daniel Tworek

Nays: 1 (One): Angelo LaMantia

Board of Selectmen:

To Indefinitely Postpone

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

Nays: 1 (One): Larry Ballantine

HERRING FISHERIES

ARTICLE 58: To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. Customary Article.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: 7 (Seven): Jon Chorey, Karen Doucette, Dale Kennedy, Mark Kelleher, Angelo LaMantia, Daniel Tworek, Mark Ameres

Nays: 0 (Zero): None

Board of Selectmen:


To accept and adopt:

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


Nays: 0 (Zero): None

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 4th day of April, 2022.



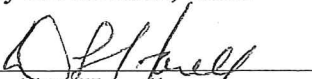
Michael D. MacAskill, Chair



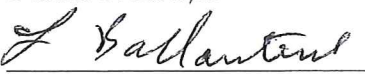
Julie E. Kavanagh, Vice Chair



Mary E. Anderson, Clerk




Donald F. Howell



Larry G. Ballantine

Board of Selectmen
Town of Harwich

A true copy Attest:



Constable

**WARRANT
COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
TOWN ELECTION WARRANT
MAY 17, 2022**

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 17, 2022

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; a Town Clerk for a three year term; One (1) member of the Monomoy Regional School Committee for a three year term; Two (2) Trustees of the Brooks Free Library for a three year term; One (1) Water/Wastewater Commissioner for a three year term; One (1) member of the Housing Authority for a two 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 in order to fund the Road Maintenance Program, and all costs incidental and related thereto?

YES _____ NO _____

2. Shall the Town of Harwich approve the charter amendments proposed by Town Meeting summarized below?

The proposed charter amendments were approved under Article 37 of the May 8, 2021 Annual Town Meeting warrant. Chapter 9, Section 6 of the Harwich Charter will be amended to reflect a five (5) year capital plan instead of a seven (7) year as originally proposed at the 2019 Annual Town Meeting. Additionally, the definition of a capital item is amended to reflect having a cost of "\$50,000 or more".

YES _____ NO _____

3. NON-BINDING REFERENDUM SUBMITTED BY CITIZEN PETITION

Non Binding Public Advisory Question for the 2022 Spring Town Ballot

Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and Holtec Decommissioning International, LLC, to immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.

WHEREAS, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and
WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and
WHEREAS, The National Academies of Science has determined there is no safe dose of ionizing radiation,
WHEREAS, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food chain from sediment to sea grasses to the fish we eat; and
WHEREAS, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and
WHEREAS, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and
WHEREAS, The Commonwealth has the authority to stop the dumping;

Therefore, shall the people of the Town of Harwich direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

YES _____ NO _____

Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.


Given under our hands this March 21 2022
date



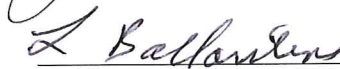
Michael D. MacAskill




Julie E. Kavanagh



Mary E. Anderson



Larry G. Ballantine



Donald F. Howell

BOARD OF SELECTMEN

A true copy Attest:

Constable

FY 2023 Board of Selectmen Recommended Budget

<u>TOWN OPERATION BUDGET 2023</u>		<u>Actual FY2019</u>	<u>Actual FY2020</u>	<u>Actual FY2021</u>	<u>Budget FY2022</u>	<u>BOS Recommend FY2023</u>	<u>\$\$ Change</u>	<u>PCT CHANGE</u>
1	MODERATOR S&W	-	-	-	1,000	1,000	-	0.0%
2	SELECTMEN S&W	12,000	12,000	11,600	12,500	762,500	750,000	6000.0%
3	SELECTMEN - EXP	7,237	5,737	29,211	8,750	8,750	-	0.0%
4	Sub-Total	19,237	17,737	40,811	21,250	771,250	750,000	3529.4%
5	FINANCE COMMITTEE S&W	229	76	-	3,000	3,000	-	0.0%
6	FINANCE COMMITTEE - EXP	1,516	1,824	268	2,000	2,000	-	0.0%
7	Sub-Total	1,744	1,900	268	5,000	5,000	-	0.0%
8	FINANCE COMMITTEE RESERVE FUND	-	-	-	50,000	50,000	-	0.0%
9	TOWN ACCOUNTANT - SAL	246,777	258,180	280,757	278,184	284,406	6,222	2.2%
10	TOWN ACCOUNTANT - EXP	2,570	6,990	3,409	8,139	8,139	-	0.0%
11	AUDIT - EXP	40,505	40,000	40,000	40,000	45,000	5,000	12.5%
12	Sub-Total	289,853	305,170	324,166	326,323	337,545	11,222	3.4%
13	ASSESSORS - S&W	182,201	178,746	169,527	206,287	206,844	557	0.3%
14	ASSESSORS - EXP	132,171	85,332	90,976	108,220	140,450	32,230	29.8%
15	Sub-Total	314,371	264,078	260,503	314,507	347,294	32,787	10.4%
16	TOWN COLLECTIONS - S&W	12,837	9,425	8,161	16,000	15,000	(1,000)	-6.3%
17	TOWN COLLECTIONS - EXP	3,760	3,700	4,578	5,500	6,140	640	11.6%
18	Sub-Total	16,597	13,125	12,739	21,500	21,140	(360)	-1.7%
19	POSTAGE	39,128	47,487	59,265	41,500	50,000	8,500	20.5%
20	Sub-Total	39,128	47,487	59,265	41,500	50,000	8,500	20.5%
21	TREASURER - S&W	254,705	276,730	284,513	291,686	296,268	4,582	1.6%
22	TREASURER - EXP	103,516	101,573	81,981	91,550	92,353	803	0.9%
23	Sub-Total	358,221	378,303	366,494	383,236	388,621	5,385	1.4%
24	VACATION & SICK LEAVE BUY BACK	46,074	84,023	54,805	150,622	184,355	33,733	22.4%
25	MEDICARE	236,704	253,229	250,769	255,008	260,000	4,992	2.0%
26	ADMINISTRATION - S&W	425,860	494,694	348,401	402,824	543,821	140,997	35.0%
27	ADMINISTRATION - EXP	74,692	85,053	65,974	119,879	133,000	13,121	10.9%
28	ADMINISTRATION - CAP OUTLAY	4,801	3,013	4,550	5,500	-	(5,500)	-100.0%
29	WEATHER EVENT	-	844,876	-	-	-	-	0.0%
30	Sub-Total	505,352	1,427,636	418,925	528,203	676,821	148,618	28.1%
32	LEGAL SERVICES - EXP	170,825	140,192	157,016	185,000	185,000	-	0.0%
33	CLAIMS & SUITS	-	-	-	500	500	-	0.0%
34	Sub-Total	170,825	140,192	157,016	185,500	185,500	-	0.0%
35	INFORMATION TECHNOLOGY - S&W	101,439	108,577	110,748	111,098	91,940	(19,158)	-17.2%
36	INFORMATION TECHNOLOGY - EXP	244,542	202,496	240,677	274,141	439,500	165,359	60.3%
37	Sub-Total	345,981	311,073	351,426	385,239	531,440	146,201	38.0%
38	IT CHANNEL 18 - S&W	117,843	128,625	134,278	149,536	153,629	4,093	2.7%
39	IT CHANNEL 18 - EXP	28,089	15,772	29,952	60,604	37,240	(23,364)	-38.6%
40	Sub-Total	145,933	144,397	164,230	210,140	190,869	(19,271)	-9.2%
41	CONSTABLE S & W	188	375	563	708	700	(8)	-1.1%
42	TOWN CLERK - S&W	229,276	240,754	267,340	240,726	238,499	(2,227)	-0.9%
43	TOWN CLERK - EXP	36,965	51,130	52,256	32,228	61,304	29,076	90.2%
44	Sub-Total	266,242	291,884	319,596	272,954	299,803	26,849	9.8%
45	CONSERVATION - S&W	138,789	148,974	162,999	165,506	160,786	(4,720)	-2.9%
46	CONSERVATION - EXP	8,198	4,891	4,833	5,915	6,686	771	13.0%
47	Sub-Total	146,987	153,865	167,832	171,421	167,472	(3,949)	-2.3%
48	TOWN PLANNER - S&W	87,324	93,093	63,545	95,305	153,036	57,731	60.6%
49	TOWN PLANNER - EXP	3,580	3,428	1,275	4,531	5,601	1,070	23.6%
50	Sub-Total	90,904	96,520	64,820	99,836	158,637	58,801	58.9%
51	BOARD OF APPEALS - S&W	-	-	-	-	2,050	2,050	200.0%
52	BOARD OF APPEALS - EXP	15	124	-	735	800	65	8.8%
53	Sub-Total	15	124	-	735	2,850	2,115	287.8%

FY 2023 Board of Selectmen Recommended Budget

<u>TOWN OPERATION BUDGET 2023</u>		<u>Actual</u>	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>BOS Recommend</u>		<u>PCT</u>
		<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>	<u>\$\$ Change</u>	<u>CHANGE</u>
54	ALBRO HOUSE - EXP	2,928	2,177	2,076	6,355	5,000	(1,355)	-21.3%
55	OLD RECR BUILDING - EXP	4,123	5,001	3,457	7,627	6,500	(1,127)	-14.8%
56	W. HARWICH SCHOOL - EXP	404	365	396	1,424	1,600	176	12.4%
57	Sub-Total	7,455	7,543	5,929	15,406	13,100	(2,306)	-15.0%
58	COMMUNITY DEVELOPMENT - S&W	225,761	211,842	211,492	235,150	-	(235,150)	-100.0%
59	COMMUNITY DEVELOPMENT - EXP	20,076	6,596	8,218	13,113	5,898	(7,215)	-55.0%
60	Sub-Total	245,837	218,438	219,710	248,263	5,898	(242,365)	-97.6%
61	PUBLIC BUILDINGS REPAIRS	-	-	-	2,133	2,000	(133)	-6.2%
62	TOWN/FIN COM REPORTS	7,766	5,961	1,540	10,000	10,000	-	0.0%
63	ADVERTISING	22,229	4,788	27,138	22,750	30,000	7,250	31.9%
64	POLICE - S&W	3,716,952	3,554,438	3,824,384	4,270,381	4,310,121	39,739	0.9%
65	POLICE - EXP	485,462	375,889	316,691	493,737	528,237	34,500	7.0%
66	POLICE - CAP OUTLAY	131,100	85,811	(45,927)	-	-	-	0.0%
67	Sub-Total	4,333,514	4,016,139	4,095,148	4,764,118	4,838,358	74,239	1.6%
68	FIRE - S&W	3,872,857	3,744,052	3,906,676	4,299,285	4,397,138	97,853	2.3%
69	FIRE - EXP	362,366	356,867	364,589	551,329	597,499	46,170	8.4%
71	Sub-Total	4,235,223	4,100,920	4,271,265	4,850,614	4,994,637	144,023	3.0%
72	AMBULANCE - S&W	137,969	86,233	100,343	-	-	-	0.0%
73	EMS - EXP	118,467	122,332	123,874	-	-	-	0.0%
74	Sub-Total	256,436	208,565	224,217	-	-	-	0.0%
75	BUILDING - S&W	291,192	283,536	301,442	340,348	455,518	115,169	33.8%
76	BUILDING - EXP	13,822	10,568	15,851	26,475	27,885	1,410	5.3%
77	Sub-Total	305,013	294,104	317,293	366,823	483,402	116,579	31.8%
78	EMERG. MGMT - S&W	1,032	2,300	637	5,355	5,408	53	1.0%
79	EMERG. MGMT - EXP	4,562	7,075	1,974	8,500	8,500	-	0.0%
80	Sub-Total	5,593	9,375	2,611	13,855	13,908	53	0.4%
81	NATURAL RESOURCES - S&W	102,223	110,546	113,474	114,714	116,307	1,593	1.4%
82	NATURAL RESOURCES - EXP	27,835	21,525	12,108	27,100	27,100	-	0.0%
83	Sub-Total	130,058	132,071	125,583	141,814	143,407	1,593	1.1%
84	PLEASANT BAY ALLIANCE	20,160	23,760	23,760	23,760	25,232	1,472	6.2%
85	TOWN ENGINEER - S&W	131,618	115,709	119,404	114,549	101,589	(12,960)	-11.3%
86	TOWN ENGINEER - EXP	35,871	28,677	46,762	30,310	39,350	9,040	29.8%
87	Sub-Total	167,489	144,386	166,166	144,859	140,939	(3,920)	-2.7%
88	HIGHWAY - S&W	2,623,322	2,578,958	2,642,033	2,777,324	2,778,807	1,484	0.1%
89	HIGHWAY - EXP	2,806,797	2,690,057	3,352,557	3,303,765	3,355,968	52,202	1.6%
90	Sub-Total	5,430,119	5,269,015	5,994,589	6,081,089	6,134,775	53,686	0.9%
91	SNOW/ICE - S&W	81,499	25,914	93,372	40,000	40,000	-	0.0%
92	SNOW/ICE - EXP	190,965	66,955	211,695	95,000	95,000	-	0.0%
93	Sub-Total	272,463	92,870	305,067	135,000	135,000	-	0.0%
94	STREET LIGHTS	22,731	30,356	24,504	31,000	30,000	(1,000)	-3.2%
95	CEMETERY ADMIN - S&W	65,070	70,040	71,084	71,434	71,434	0	0.0%
96	CEMETERY ADMIN - EXP	4,546	4,670	3,428	5,108	5,108	(1)	0.0%
97	Sub-Total	69,617	74,710	74,512	76,542	76,542	(0)	0.0%
98	BOARD OF HEALTH - S&W	163,782	183,249	160,145	193,196	269,893	76,697	39.7%
99	BOARD OF HEALTH - EXP	13,241	8,331	5,851	12,560	18,425	5,865	46.7%
100	Sub-Total	177,023	191,579	165,996	205,757	288,318	82,561	40.1%
101	COMMUNITY CENTER S&W	176,286	185,474	190,465	198,100	203,327	5,227	2.6%
102	COMMUNITY CENTER EXP	117,063	109,175	97,068	121,190	120,682	(508)	-0.4%
103	Sub-Total	293,349	294,649	287,533	319,290	324,009	4,719	1.5%
104	COUNCIL ON AGING - S&W	352,597	361,824	351,333	393,012	448,127	55,115	14.0%
105	COUNCIL ON AGING - EXP	63,932	55,274	22,392	82,326	112,773	30,447	37.0%
106	Sub-Total	416,529	417,099	373,725	475,338	560,900	85,562	18.0%
107	YOUTH COUNSELOR - S&W	85,203	93,443	96,254	96,853	98,154	1,301	1.3%

FY 2023 Board of Selectmen Recommended Budget

<u>TOWN OPERATION BUDGET 2023</u>		Actual FY2019	Actual FY2020	Actual FY2021	Budget FY2022	BOS Recommend FY2023	\$\$ Change	PCT CHANGE
108	YOUTH COUNSELOR - EXP	4,604	4,221	3,243	3,485	4,250	765	22.0%
109	Sub-Total	89,807	97,663	99,497	100,338	102,404	2,066	2.1%
110	VETERANS EXPENSE/BENEFITS	97,507	133,899	120,138	144,277	145,018	741	0.5%
111	DISABILTY RIGHT - EXP	300	-	-	500	500	-	0.0%
112	HUMAN SERVICES	78,690	79,450	75,900	83,250	83,250	-	0.0%
113	LIBRARY - S&W	665,422	696,848	703,073	741,157	755,032	13,875	1.9%
114	LIBRARY - EXP	267,610	248,848	262,677	274,820	280,183	5,363	2.0%
115	Sub-Total	933,032	945,695	965,750	1,015,977	1,035,215	19,238	1.9%
116	RECREATION - SEASONAL - S&W	216,097	208,379	223,664	217,695	219,179	1,484	0.7%
117	RECREATION - S&W	245,726	253,706	246,770	274,076	264,600	(9,476)	-3.5%
118	RECREATION - EXP	46,281	52,966	41,608	45,575	48,075	2,500	5.5%
119	RECREATION - CAP OUTLAY	9,029	-	-	-	-	-	0.0%
120	Sub-Total	517,133	515,051	512,041	537,346	531,854	(5,492)	-1.0%
121	HARBORMASTER -S&W	311,293	324,299	310,483	343,519	360,621	17,102	5.0%
122	HARBORMASTER - EXP	203,466	107,197	115,214	253,230	250,879	(2,351)	-0.9%
123	Sub-Total	514,759	431,496	425,697	596,749	611,500	14,750	2.5%
124	BROOKS ACAD MUSEUM COMMISSION	9,440	7,842	9,833	12,894	14,000	1,106	8.6%
125	HISTORICAL COMMISSION	-	-	-	-	2,040	2,040	200.0%
126	HISTORICAL COMMISSION	198	-	-	350	350	-	0.0%
127	Sub-Total	198	-	-	350	2,390	2,040	582.9%
128	CELEBRATIONS	992	-	-	1,600	1,600	-	0.0%
129	GOLF - S&W	865,827	795,295	928,704	943,957	1,002,424	58,467	6.2%
130	GOLF - EXP	614,144	535,217	671,367	639,223	656,114	16,891	2.6%
131	GOLF CAP OUTLAY	66,199	13,829	44,314	68,000	68,000	-	0.0%
132	Sub-Total	1,546,170	1,344,341	1,644,385	1,651,180	1,726,538	75,358	4.6%
133	GOLF IMA MRSD	82,000	82,000	29,383	83,538	83,538	-	0.0%
134	ELECTRICITY - CVEC	68,140	71,705	70,744	75,750	77,644	1,894	2.5%
137	INTERFUND TRANSFERS	73,600	325,558	574,365	515,331	1,819,824	1,304,493	253.1%
138	Total Departmental Budgets	23,424,730	23,502,145	24,248,246	26,172,172	29,115,995	2,943,823	11.2%
139	Total Debt Service (Prin & Int)	4,710,046	4,920,069	4,461,774	4,146,161	3,092,196	(1,053,965)	-25.4%
140	STATE ASSESSMENTS	269,883	285,138	300,868	314,004	322,639	8,635	2.7%
141	BARNSTABLE COUNTY RETIREMENT	2,763,836	3,024,763	3,144,894	3,242,673	3,504,895	262,222	8.1%
142	CAPE COD COMMISSION ASSESSMENT	223,393	234,056	239,906	246,584	252,749	6,165	2.5%
143	BARNSTABLE COUNTY ASSESSMENT	208,362	218,307	223,764	243,785	249,879	6,094	2.5%
144	UNEMPLOYMENT COMPENSATION	32,401	16,281	6,518	20,000	20,000	-	0.0%
145	GROUP HEALTH INSURANCE	4,514,731	4,551,199	4,525,043	4,938,071	5,275,725	337,654	6.8%
146	OPEB	125,000	150,000	-	250,000	250,000	-	0.0%
147	GENERAL INSURANCE	726,142	805,793	750,505	877,726	910,082	32,356	3.7%
148	GENERAL INSURANCE DEDUCTIBLE	7,018	3,696	2,222	20,000	20,000	-	0.0%
149	TOTAL TOWN	37,005,542	37,711,447	37,903,740	40,471,177	43,014,160	2,542,983	6.3%
150	OVERLAY (Abatements/Exemptions)	450,000	437,775	400,000	454,663	450,000	(4,663)	-1.0%
151	C C REGIONAL TECH HIGH	1,581,236	2,317,475	1,737,789	1,536,309	2,079,314	543,005	35.3%
152	MONOMOY REG. SCH. DISTRICT							
153	TOTAL MRSD ASSESSMENT	25,609,390	26,643,415	26,820,046	27,361,048	28,041,205	680,157	2.5%
154	TOTAL	64,646,168	67,110,112	66,861,575	69,823,197	73,584,679	3,761,482	5.4%
Reconciliation to Article:								
Total from line 154						\$	73,584,679	
Less:								
State & County Assessments							825,267	
Overlay							450,000	
Cape Cod Technical High School							2,079,314	
Monomoy Regional School District							28,041,205	
Total Reductions							31,395,786	
Article 4						\$	42,188,893	

**Five Year Capital Outlay Plan
FY 2023 to 2027**

Department	Title	FY2023	FY2024	FY2025	FY2026	FY2027	Five Year Total
Administration	Brooks Academy Renovation Project	250,000	600,000	560,000	75,000	0	1,485,000
Administration	Beautify the villages of Harwich	0	50,000	50,000	50,000	50,000	200,000
Administration							
Channel 18	Main Control equipment	0	0	0	17,650	0	17,650
Channel 18	Equip meeting rooms & field equipment	66,470	4,388	47,863	7,247	45,000	170,968
Channel 18							
Community Center	Green community utilities	298,450	0	0	0	0	298,450
Community Center	Privacy fence	75,000	0	0	0	0	75,000
Community Center	A/C replacement	0	0	180,000	0	0	180,000
Community Center	Generator	0	0	0	0	140,000	140,000
Community Center	Weight room equipment replacement	30,000	0	30,000	0	30,000	90,000
Community Center	Gymnasium replacements	0	108,400	0	0	0	108,400
Community Center	Roof	0	0	0	0	264,000	264,000
Community Center							
Cultural Center	Equipment upgrades	0	0	0	1,160,000	0	1,160,000
Cultural Center							
Engineering (via Admin.)	Stormwater EPA MS4 compliance	100,000	40,000	40,000	100,000	100,000	380,000
Engineering (via Admin.)							
Facility Maintenance	ADA compliance requirements	0	121,000	0	0	0	121,000
Facility Maintenance							
Fire Department	Ambulances	0	0	403,860	0	428,092	831,952
Fire Department	Engines/Other Fire Equipped Vehicles	22,500	0	0	0	0	22,500
Fire Department	Vehicles	130,000	0	70,000	0	0	200,000
Fire Department							
Golf	Irrigation Update	0	0	1,200,000	0	0	1,200,000
Golf	Vehicle purchase	90,000	0	0	0	0	90,000
Golf							
Harbormaster	Allen Harbor Jetty	0	2,000,000	0	0	0	2,000,000
Harbormaster	Herring River Ramp replacement	0	0	30,000	0	300,000	330,000
Harbormaster	Saquaket Bulkheads replacements	0	0	0	175,000	0	175,000
Harbormaster	Wychmere Outer Harbor Dredge	0	0	0	0	0	0
Harbormaster	Vehicle replacement	0	0	0	42,000	0	42,000
Harbors							
Library	Interior modifications	0	0	40,000	150,000	0	190,000
Library							
Police Department	Police Cruiser replacements	157,000	0	0	0	0	0
Police Department	Equipment replacements	49,200	45,500	18,000	18,000	12,600	143,300
Police Department	Technology replacement	14,138	0	18,000	0	0	32,138
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	Vehicle replacements	298,540	445,000	487,500	495,000	485,000	2,211,040
Public Works	Transfer station generator	0	143,000	0	0	0	143,000
Public Works	Construct maintenance building	0	0	0	0	3,200,000	3,200,000
Public Works							
Recreation							
Town Clerk	Voting Equipment replacement	75,000	0	0	0	0	75,000
Town Clerk							
Water Department	Vehicle replacements	90,000	0	125,000	0	0	215,000
Water Department	Equipment replacements	0	0	125,000	0	0	125,000
Water Department	Pavement management plan	0	175,000	0	0	0	175,000
Water Department	New well construction	0	500,000	0	0	0	500,000
Water Department	Rt. 28 water main replacement	0	7,000,000	0	0	0	7,000,000
Water Department	Paint Pleasant Lake Ave. tank	0	0	1,750,000	0	0	1,750,000
Water Department	Distribution system upgrades	0	0	10,000,000	0	0	10,000,000
Water Department	Pipe discontinuity upgrade	0	0	0	1,500,000	0	1,500,000
Water Department	Watermain design	300,000	0	0	0	0	300,000
Water Department							
Wastewater Department	E. Harwich Collection System Expans.	0	30,000,000	0	0	0	30,000,000
Wastewater Department	Phase 4 Collection System design	0	0	2,500,000	0	0	2,500,000
Wastewater Department	Rt. 28 sewer main installation	0	2,000,000	0	0	0	2,000,000
Wastewater Department							
ANNUAL TOTALS		3,446,298	44,632,288	19,075,223	5,189,897	6,454,692	78,798,398

FUNDING SOURCES	FY2023	FY2024	FY2025	FY2026	FY2027	Five Year Total
ARPA Funds	165,000					-
Chapter 90 Funds	700,000	700,000	700,000	700,000	700,000	3,500,000
General Fund Debt Exclusions	700,000	2,700,000	1,900,000	1,860,000	3,900,000	11,060,000
Free Cash	1,394,828	1,552,900	1,867,360	930,000	1,479,692	7,224,780
Other State/Federal Grants						-
Public, Education & Government (PEG) Funds	66,470	4,388	47,863	24,897	45,000	188,618
Waterways Fund			30,000	175,000	300,000	505,000
Water Retained Earnings	390,000	175,000	250,000			815,000
Water Debt (User Fee Funded)		7,500,000	11,750,000	1,500,000		20,750,000
Wastewater Fund Debt Exclusions		32,000,000	2,500,000			34,500,000
Weight Room Revolving Fund	30,000		30,000		30,000	90,000
TOTAL	3,446,298	44,632,288	19,075,223	5,189,897	6,454,692	78,798,398

Note: FY 2025 General Fund Debt Exclusions include \$1,200,000 for Cranberry Valley Golf Course which are proposed to be paid from Golf Improvement Fund for the purpose of irrigation updates.

FY 2023 Capital Outlay Budget

Department	Title	Funding Source	FY2023
Administration	Brooks Academy Renovation Project	Free Cash	250,000
	Administration		
Channel 18	Equip meeting rooms & field equipment	PEG Funds	66,470
	Channel 18		
Community Center	Green community utilities	Free Cash	298,540
Community Center	Privacy fence	ARPA Funds	75,000
Community Center	Weight room equipment replacement	Revolving Fund	30,000
	Community Center		
	Cultural Center		
	Emergency Management		
Engineering (via Admin.)	Stormwater EPA MS4 compliance	Free Cash	100,000
	Engineering (via Admin.)		
	Facility Maintenance		
Fire Department	Engines/Other Fire Equipped Vehicles	Free Cash	22,500
Fire Department	Vehicles	Free Cash	130,000
	Fire Department		
Golf	Vehicle purchase	ARPA Funds	90,000
	Golf		
Police Department	Police Cruiser replacements	Free Cash	157,000
Police Department	Equipment replacements	Free Cash	49,200
Police Department	Technology replacement	Free Cash	14,138
	Police Department		
Public Works	Road maintenance/improvements	Ch. 90 Funds/Debt Exclusion	1,400,000
Public Works	Vehicle replacements	Free Cash	298,450
	Public Works		
Town Clerk	Voting Equipment replacement	Free Cash	75,000
	Town Clerk		
Water Department	Watermain Design	Retained Earnings	300,000
Water Department	Vehicle replacements	Retained Earnings	90,000
	Water Department		
	ANNUAL TOTALS		3,446,298

FUNDING SOURCES	FY2023	% Total Funding
ARPA Funds	165,000	5%
Chapter 90 Funds	700,000	20%
General Fund Debt Exclusions	700,000	20%
Free Cash	1,394,828	40%
Public, Education & Government Funds	66,470	2%
Water Retained Earnings	390,000	11%
Weight Room Revolving Fund	30,000	1%
TOTAL	3,446,298	

The following is the original Regional Agreement for the Monomoy Regional School District (adopted December 2010 at Town Meetings). Proposed revisions to the Regional Agreement are highlighted in red in four sections of this document and include feedback from DESE. The proposed revisions are lined up next to the original language to be changed. There are a few explanatory boxes highlighted with blue (like this box) that are not to be part of the final proposed wording.

There are also two additional changes in sections III.B and sections VIII.B.2, that are also highlighted and accompanied by an explanatory box.

Revising this agreement will be a “two-step” process, with the first step focusing only on financial items in Spring 2022 Town Meetings, to be followed with a second round of changes to clean up obsolete language (largely related to the process of regionalization) at subsequent Town Meetings. A vote to adopt the proposed revisions at Town Meeting would replace sections of the original language with the text highlighted in red.

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

Whereas the Towns of Chatham and Harwich, towns in the Commonwealth of Massachusetts, hereinafter referred to as “member towns”, desire to create a regional school district consistent with the terms of Chapter 71 of the Massachusetts General Laws, as amended, the member towns, in consideration of the mutual promises contained herein, agree as follows:

Section I. MEMBERSHIP OF THE REGIONAL DISTRICT SCHOOL COMMITTEE

A. Name and Composition. During the transition period spoken of in Section XX herein, the District shall be named by the Interim Regional School Committee, utilizing a majority vote consistent with Section I,B below. The Regional District School Committee, hereinafter sometimes referred to as the “Committee”, shall consist of eight (8) members, four (4) of whom reside in the Town of Chatham and four (4) of whom reside in the Town of Harwich.

B. Weighted Voting. Because of the disparity in the population of the two towns, each of the four (4) Committee members from Harwich will have one full vote on all matters and each of the four (4) Committee members from Chatham will have 50% of a vote on all matters, for a total of six (6) votes. For a motion which requires a majority vote to pass, a majority (i.e., greater than 50%) of the six (6) votes (which must be no fewer than 3.5 votes) must be cast in the affirmative and at least one Committee member from each of the two towns must vote in the affirmative. For the passage of a motion requiring a two-thirds vote (such as the passage of the annual budget), at least two thirds (i.e., no fewer than 4 votes) of the six (6) total votes must be cast in the affirmative. Should a shift in the respective populations of the member towns, based on the most recent decennial federal census figures, cause an impermissible disparity based on one-person, one-vote principles, the Committee will act to address the disparity via the amendment process.

C. Election of Members. Each member must reside in the town which she or he represents. Each member must be elected consistent with the process for the election of town officials in said town and will be elected to open seats during the annual election or special election in said town. The term of each elected member will begin on the first business day after his or her election and after being sworn in by the respective Town Clerk. A member who has not otherwise vacated his or her seat will continue to serve until his or her successor is elected and sworn.

At every annual election, except at the initial election of the Regional School District Committee when the procedure specified below in subsection E (Initial Staggering of Terms) will be applied, there shall be elected one or two members of the Committee from the Town of Chatham and one or two members of the Committee from the Town of Harwich as is necessary to maintain the membership of the Committee in accordance with subsection A (Name and Composition) above.

D. Length of Terms. With the sole exception of the initial election of the Regional School District Committee by the procedure specified below in subsection E (Initial Staggering of Terms), the term of office of each elected member shall be three years, and a member will serve until his/her successor is elected and sworn in by the respective Town Clerk.

E. Initial Staggering of Terms. For the purpose of staggering the terms of the initial Regional School District Committee only, the following procedure will apply:

In regard to each of the member towns, the two (2) candidates receiving the highest and second-highest number of votes will be elected to three (3) year terms; the candidate receiving the third highest number of votes will be elected to a two (2) year term; and the candidate receiving the fourth highest number of votes will be elected to a one (1) year term.

F. Vacancies. Any vacancy occurring on the Regional District School Committee for any cause shall be filled by the local Board of Selectmen and the remaining Regional District School Committee members from the town where the vacancy occurs. The members of the Board of Selectmen shall meet in joint session with the remaining members of the Regional School District Committee from the town where the vacancy occurs. A majority vote of the members of this joint session shall be required to fill the vacant position. Such replacement shall serve until the next annual town election. At that next annual election, a person will be elected to serve the balance of the unexpired term, if any, which had become vacant.

G. Organization. At the first scheduled meeting of the Regional District School Committee after the annual election of all member towns, the Regional District School Committee shall organize in accordance with Massachusetts General Laws, Chapter 71, Section 16A, known as "Regional School Committee, Organization". In addition, the Regional District School Committee shall fix the times and place for its regular meetings for the new term, provide for the calling of special meetings upon written or electronic notice to all its members, and appoint appropriate sub-committees and other officers.

Section II. POWERS OF THE COMMITTEE

The Committee shall possess all of the powers conferred by law upon regional school district committees via G.L. Chapter 71, section 16 and otherwise, including but not limited to the power to acquire property and/or to enter into leases for land and/or buildings. During the period July 1, 2012 to June 30, 2013, the Committee shall have the power to perform all of the end of the year reporting functions that normally would have been performed by the Chatham School Committee and the Harwich School Committee.

Section III. QUORUMS, VOTES AND GOVERNANCE

A. A quorum to conduct business shall consist of five (5) members, with no fewer than two members being present from each of the member towns. A number less than the majority may vote to adjourn, but shall not take any other action.

B. On all issues requiring a vote of the Regional District School Committee, a simple majority vote (i.e., no fewer than 3.5 of the six (6) votes as spoken to in Section I, subsection B) shall be required to pass all motions, except as specified elsewhere in this Agreement, or as required by statute **and/or regulation.**

The words 'and/or regulation' have been added to III.B, per DESE request.

C. The Regional District School Committee shall annually elect officers at the first regularly scheduled meeting held after the last of the elections in the member towns. Such officers shall exercise the powers expressed and implied in G.L. Chapter 71, section 16A.

D. A Chairperson and a Vice-Chairperson shall be elected from among the Regional District School Committee's membership. The Committee will have as standard practice that the position of Chairperson will rotate annually between the member towns. For example, in the first year that the District is in existence, the Chairperson will be elected without regard to where he/she resides. In year two, however, the Chairperson shall be elected from members who reside in the other town. This rotation sequence will then be maintained in future years. By a two-thirds (2/3) vote, and with at least one Committee member from each of the member towns voting in the affirmative, the Regional District School Committee may in any given year deviate from this standard practice. The Vice-Chairperson in any given year shall be drawn from the members who reside in the member town different from that of the Chairperson.

E. The Regional District School Committee shall elect a Secretary who may or may not be a member of the Regional District School Committee's membership.

F. The Regional District School Committee shall appoint a Treasurer who shall not be a member of the Regional District School Committee.

G. Any action voted by the Regional District School Committee which directly and specifically affects the elementary school(s) in only one town will require that three of the four members of the Regional District School Committee from the town in which the affected elementary school(s) is/are located vote in support of that action.

Section IV. TYPE OF SCHOOL DISTRICT AND TRANSFER OF ASSETS

A. The Regional School District shall provide educational programs for public school students who reside in the member towns and who are attending grades pre-kindergarten through and including grade 12. The Regional School District Committee, as established consistent with Section I (Membership of the Regional School District School Committee) above, is authorized in its discretion to establish and maintain other educational programs, including, but not limited to, vocational-technical educational programs consistent with G.L Chapter 74, and is authorized in its discretion to join or form educational collaboratives consistent with G.L. Chapter 40, s. 4E.

B. The Regional School District may, at the Committee's discretion, include pre-kindergarten, and shall include all grades from K-12.

C. The elementary schools shall serve students in grades K-4, and, at the Committee's discretion, pre-kindergarten.

D. The middle school(s)/high school(s) shall serve students in grades 5-12.

E. Where the term "preschool" is mentioned in this Agreement, it is done in order to permit the Regional District School Committee, at some future date, the discretion to provide "universal" preschool classes.

F. The Committee may in its discretion alter the elementary/secondary grade configuration spoken to above.

G. At the time of the creation of the District, any and all money held in so-called "revolving funds," in gift accounts, in grant accounts, or in student activity accounts/funds that are held by the member towns for the benefit of their respective school departments will be conveyed to the District to be utilized for educational and/or extracurricular purposes consistent with the purposes for which the revolving funds or accounts were created. Additionally, school-related equipment, material, and supplies that are owned by the school departments of the member towns at the time of the creation of the District will be conveyed to the District.

Section V. LOCATION AND OWNERSHIP OF SCHOOLS

A. All Regional District schools shall be located within the geographical limits of the District. The Regional District school buildings shall be located on sites owned by, or leased to, the District.

B. It is the intent of the member towns to seek to build a new high school and to renovate a middle school with all due alacrity.

C. There shall be no less than one elementary school in each member town. Students in the elementary grades shall attend schools in their towns of residence, except in special cases as defined by the Regional District School Committee.

D. Each member town shall retain ownership of its elementary school buildings and grounds that are in existence at the time of the formation of the District and shall lease the same to the District for the sum of one dollar per year. Each lease shall be for a term of up to twenty (20) years, with said term to be established by the District School Committee. The term shall commence on the date when the Regional District School Committee completes the transition period spoken to in Section XX and comes into full existence. The leases shall contain provisions for an extension of up to 20 years at the option of the Regional District School Committee. The leases shall contain provisions authorizing the District to repair, improve, alter, remodel and maintain the buildings or any part thereof, at the District's expense. Said leases shall not prevent the use of the buildings or premises by the respective owner towns, upon approval of the Regional School District Committee; such approval shall not be unreasonably withheld. Each lease involving a member town may include such other terms as may be agreed upon by the Selectmen of that member town and by the Regional District School Committee, who shall execute the lease for the member towns and the District, respectively.

E. The Town of Chatham shall lease to the Regional District School Committee the land and buildings (at the option of the Committee) presently known as the Elementary School, as well as the land and/or the buildings (at the option of the Committee) comprising the combined Middle School/ High School. The terms expressed in paragraph V, D shall apply equally to this paragraph.

F. The Town of Harwich, shall lease to the Regional District School Committee the land and/or buildings (at the option of the Committee) presently known as the Elementary School, as well as the land and/or the buildings (at the option of the Committee) presently known as the Middle School, and the land and/or the buildings (at the option of the Committee) presently known as the High School. The terms expressed in paragraph V,D shall apply equally to this paragraph.

G. The leases of all of the above-referenced school buildings should be signed by the date the District Committee completes the transition period spoken to in Section XX and comes into full existence.

H. At whatever point in time that land and/or buildings that are leased by a member town to the Regional District School Committee ceases to be needed by the District, the District School Committee shall vote to declare said land and/or buildings as surplus, and the custody and control of said land and/or buildings shall revert to the owner town.

I. Payments from future leases of Regional property shall be paid to the Regional School District.

Section VI. TRANSPORTATION

The Regional District School Committee shall set District transportation policy. School transportation shall be provided by the Regional School District, and the cost thereof shall be apportioned among the member towns as defined in Section IX.

In the following section, there are two proposed changes, both in Section C. Section C 1 has a DESE required change that aligns the language with state regulations . There is also a School District proposed change that adds a new paragraph 6 to Section C to establish how school choice revenue will be equitably allocated.

<p align="center"><i>Current Regional Agreement</i></p> <p><u>Section VII. BUDGET</u></p> <p>A. The Committee shall prepare an annual operating and maintenance budget using accounts itemized in conformance with the chart of accounts utilized and required by the Massachusetts Department of Elementary and Secondary Education or its successor.</p> <p>B. The Regional School District’s budgetary process, and the timing of and method of appropriation of funds in regard thereto, shall be governed by the provisions of G. L. c. 71 §16(m) and c. 71 §16B and other applicable provisions of G. L. c. 71 and any special laws or regulations relating thereto.</p> <p>C. The Regional District School Committee shall prepare a budget on a fiscal year basis for the District in the following manner:</p> <ol style="list-style-type: none"> 1. The Regional District budget process shall be initiated annually on or about October 1 and shall provide opportunity for the Selectman and Finance Committee of each member town to have input into its preparation. On or about January 15th, the 	<p align="center"><i>Proposed Change to the Regional Agreement</i></p> <p><u>Section VII. BUDGET</u></p> <p>A. The Committee shall prepare an annual operating and maintenance budget using accounts itemized in conformance with the chart of accounts utilized and required by the Massachusetts Department of Elementary and Secondary Education or its successor.</p> <p>B. The Regional School District’s budgetary process, and the timing of and method of appropriation of funds in regard thereto, shall be governed by the provisions of G. L. c. 71 §16(m) and c. 71 §16B and other applicable provisions of G. L. c. 71 and any special laws or regulations relating thereto.</p> <p>C. The Regional District School Committee shall prepare a budget on a fiscal year basis for the District in the following manner:</p> <ol style="list-style-type: none"> 1. The Regional District budget process shall be initiated annually on or about October 1 and shall provide opportunity for the Selectman and Finance Committee of each member town to have input into its preparation. On or about January 15th, the

Regional District School Committee shall complete its proposed budget for the ensuing year. **Said proposed budget shall be approved by majority vote, with at least one Committee member from each member town voting in the affirmative.** Said proposed budget shall be posted in the Town Hall of each member town, shall be provided to each member town's public library, and shall be submitted to the Selectmen and Finance Committee members of each member town.

This change is required by DESE. The current Regional Agreement requires that a majority vote on a budget also be approved by at least one member from each town – state regulations requires only a majority vote for a budget to be passed and the Regional Agreement language cannot require something more restrictive than state regulations. The highlighted change establishes that the Budget/Finance Subcommittee for the School District will move forward a proposed budget (to be voted upon by the full School Committee) when it has support from at least one member from each town within the Budget/Finance Subcommittee.



Regional District School Committee shall complete its proposed budget for the ensuing year. **The Regional District School Committee shall have a Budget/Finance Subcommittee charged with, among other things, to develop a proposed budget. The Budget/Finance Subcommittee shall have four (4) members, two of which shall be from each member town. The Budget/Finance Subcommittee shall vote to approve a proposed budget by a majority vote with at least one member from each member town voting in the affirmative. Said proposed budget is subject to the approval by majority vote of the Regional District School Committee.**Said proposed budget shall be posted in the Town Hall of each member town, shall be provided to each member town's public library, and shall be submitted to the Selectmen and Finance Committee members of each member town.

2. Said proposed budget shall contain a notice stating when and where a public hearing will be held. The public hearing shall be held in any District school building. The notice of the public hearing shall be posted in all member towns and published consistent with G.L. chapter 71, section 38N in a newspaper having general circulation in the region. Upon request of the Finance Committee and/or the Board of Selectmen of any member town, the Regional District School Committee shall arrange to meet with such

2. Said proposed budget shall contain a notice stating when and where a public hearing will be held. The public hearing shall be held in any District school building. The notice of the public hearing shall be posted in all member towns and published consistent with G.L. chapter 71, section 38N in a newspaper having general circulation in the region. Upon request of the Finance Committee and/or the Board of Selectmen of any member town, the Regional District School Committee shall arrange to meet with such

Finance Committee and/or Board of Selectmen for the purpose of discussing the proposed budget. Said proposed budget shall be in reasonable detail, itemized at least as follows: central administration, expenses of instruction, transportation, operation of school plant, maintenance of school plant, capital outlay, and debt and interest charges. All non-recurring expenditures shall be itemized. Enrollment, staffing, total expenditures and assessments for the past five (5) years shall be included. The Finance Committee or the Board of Selectmen of a member town may request further information.

3. Consistent with G.L. chapter 71, section 16B the Regional District School Committee shall adopt by a two-thirds (2/3) vote of all its members a budget with such changes as may have resulted from conferences and/or the public hearing. Within thirty (30) days from the date on which the budget is adopted, the Treasurer of the District shall certify to the Treasurer of each member town that town's assessed share of such budget.

4. The budget and assessments shall be so constructed as to show debt service, transportation, operating, and capital costs. It shall also list all sources of revenue used to reduce operating costs as described in Section IX.

5. The process and the requirements for the approval or disapproval of the budget by the member towns will be consistent with the terms and conditions of chapter

Finance Committee and/or Board of Selectmen for the purpose of discussing the proposed budget. Said proposed budget shall be in reasonable detail, itemized at least as follows: central administration, expenses of instruction, transportation, operation of school plant, maintenance of school plant, capital outlay, and debt and interest charges. All non-recurring expenditures shall be itemized. Enrollment, staffing, total expenditures and assessments for the past five (5) years shall be included. The Finance Committee or the Board of Selectmen of a member town may request further information.

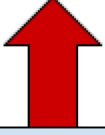
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4. The budget and assessments shall be so constructed as to show debt service, transportation, operating, and capital costs. It shall also list all sources of revenue used to reduce operating costs as described in Section IX.

5. The process and the requirements for the approval or disapproval of the budget by the member towns will be consistent with the terms and conditions of chapter

71, section 16B, as well as 603 CMR section 41, et seq., as those terms and conditions may be amended.

This changed is proposed by the School Committee to ensure that each town will equitably benefit from school choice revenue based on the town's proportion of students.



71, section 16B, as well as 603 CMR section 41, et seq., as those terms and conditions may be amended.

6. The budget will be prepared net of School Choice revenue. School Choice revenue will be allocated to reduce each school's portion of the budget. The amount of school choice revenue to be allocated to each school's portion of the budget will be calculated as follows:
 - a. Using enrollment data reported to DESE on October 1st, the school's percentage share of the total number of students attending the district will be calculated for each of the previous three years.
 - b. The average of these three percentages will be calculated.
 - c. The estimate of the total school choice revenue for the budget year will be multiplied by each school's three year average to determine the amount of school choice revenue to be allocated to that school.

Section VIII. BUDGETARY DEFINITIONS

The budget for the operation of the District's Schools, including payments of principal and interest on bonds and other evidence of indebtedness issued by the District, shall be apportioned to the member towns via the method set out in Section IX and subject to the following definitions:

A. Budget

As defined by this document, the budget is the amount of money voted by the Regional District School Committee to finance the District schools and which will be assessed to the member towns.

B. The budget shall be comprised of various costs, each as herein defined as follows:

1. "Operating Costs" include all costs not included in capital costs, transportation costs, or debt service, as defined below, but operating costs include interest and principal on revenue anticipation notes. Operating costs include the net costs of evening, graduate and extension courses or any other types of courses, including vocational education programs, which are offered by the District to persons other than pupils attending a regular district school program in any of the grades K-12, inclusive.
2. "Capital costs" will include all capital outlay appearing in the 7000 DESE function codes and as defined below in Section IX.B.
3. "Transportation costs" include all costs associated with transporting the District's students to and from school.
4. "Debt service" includes all costs that are used for payment of principal and interest on bonds or other obligations issued by the District except revenue anticipation notes.

The words 'as defined below in section IX.B' have been added to VIII.B.2, per DESE request.

The following section has substantial changes throughout.

Current Regional Agreement

Section IX. METHOD OF ASSESSING COSTS OF THE REGIONAL SCHOOL DISTRICT

A. Operating Costs. Operating costs needed to support the district's budget will be reduced by all general fund revenues and state aid. Member town assessments will then be prepared as follows:

1. Each member town will contribute to the District no less than its minimum required local contribution as determined by the Commissioner pursuant to G.L. chapter 70.
2. Any excess costs needed to support the district's budget will be assessed to the member towns on the basis of the town's foundation enrollment.
3. Excess costs will be assessed to each member town on the basis of the combined three-year rolling average of foundation enrollment for each member town. That is, the foundation enrollment figures as published by the DESE for each member town for the past three years will be averaged, as will the total of the foundation enrollments of all of the member towns for the past three years. Each member town will be assessed the same percentage of the excess

Proposed Change to the Regional Agreement

Section IX. METHOD OF ASSESSING COSTS OF THE DISTRICT

A. Operating Costs. The District shall apportion operating costs via the following process:

1. Each member town will be assigned the minimum required local contribution to the District as determined by DESE.
2. Each member town's share of that portion of the District's operating costs that exceeds the total required local contribution for all member towns is allocated via the following series of calculations:
 - a. The District budget will be separated into three parts based on the following cost centers: the Chatham Elementary School cost center, the Harwich Elementary School cost center, and a combination of the Middle School, the High School, and the District cost centers. This final part of the budget will be known collectively as the "Regional" Cost Center. Each part of the budget will be considered net of general fund

costs as that member's foundation enrollment for the past three years relates to the foundation enrollment for the entire District during those three years.

Sections 2 and 3 of the original Regional Agreement have been revised to describe how excess costs (costs beyond the required minimum local contribution) will be apportioned.

Sections 2 and 3 provide:

- How the costs to run each elementary school are calculated.
- How the local minimum contribution is allocated to each school.
- How revenue is equitably divided between the schools.

These two sections are combined into a new Section 2 in the School Committee proposed change.



revenue and state aid apportioned by the district per Section IX, A. 3. Apportionment of Funds/Revenue.

- b. The District's Foundation Enrollment as published by DESE will be segmented by member town and grade group (PreK-4 and 5-12).
- c. An above minimum required local contribution for each cost center will be calculated by subtracting the cost center's portion of the minimum required local contribution from the cost center's part of the budget as presented in (a.) above. Each cost center's portion of the minimum local required contribution will be calculated as follows:
 - i. Each elementary school cost center's portion of the minimum required local contribution will be determined by the member town's minimum required local contribution multiplied by the percentage of that member town's foundation enrollment that is in grades prek to four.
 - ii. The Regional cost center's portion of the member town's minimum required local contribution will be determined as follows:
 - Each member town's minimum required local contribution will be multiplied by the percentage of that town's total foundation

enrollment that is in grades five through twelve (including special education beyond grade twelve).

- The sum of these figures for each member town will be the regional cost center's portion of the minimum local contribution.

d. The above minimum required local contribution for each cost center will be apportioned as follows:

i. Each member town will be apportioned 100% of its local elementary school cost center's part of the District budget above minimum required local contribution.

ii. Each member town will be apportioned a share of the Regional costs center's part of the budget above minimum local contribution as follows:

- Using foundation enrollment data, the percentage of the total number of students in grades five through twelve (including special education beyond grade twelve) that reside in that member town will be calculated for each of the previous three

years.

- The average of these three percentages will be calculated.
- The three year average for each member town will be multiplied by the Regional costs center's part of the budget above minimum local contribution to determine that member town's share.

e. Each member town's minimum required local contribution shall be added to its total above minimum required local contribution to determine its Annual Operating Assessment.

3. Apportionment of Funds/Revenue

a. General fund revenues and state aid (excluding Regional Transportation Aid) will be applied to each cost center's part of the budget as follows:

- i. The portion of the revenue to be applied to each elementary school cost center's share of the budget will be calculated as follows:
 - Using foundation enrollment data, the percentage of the total foundation enrollment for both member towns that is in grades Prek to Grade four in each

member town will be calculated for each of the previous three years.


- The average percentage for these three years will be calculated for each member town.
- That average percentage for each member town will be multiplied by the total general fund revenue and state aid to determine the amount to be applied to that member town's elementary school cost center's share of the budget.

ii. The portion of the revenue to be applied to the regional costs center's share of the budget will be calculated as follows:

- Using foundation enrollment data, the percentage of the total foundation enrollment for both member towns that is in grades five through twelve (including special education beyond grade twelve) will be calculated for each of the previous three years.
- The average percentage for these three years will be calculated.
- That average percentage will be multiplied by the total general fund revenue and state aid to

B. Capital Costs. Except as expressed in subsection E below (which pertains to the assessment of capital costs and debt service on facilities that are in existence at the time of creation of the District until such time that there is one regional high school and one regional middle school), capital costs shall be assessed to the member towns on the basis of the three year rolling average of each town's foundation enrollment as described in Section IX, A, 4 above.

Capital Costs were originally split based on the 3-year average of foundation enrollment (currently roughly 75% Harwich, 25% Chatham). In the proposed revision, the town that owns the elementary school is responsible for all capital costs for their building, but the capital costs of the middle and high school (which are fully regional) continue to be split based on the 3-year average of foundation enrollment.



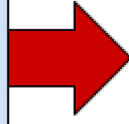
determine the amount to be applied to the regional costs center's share of the budget

b. All grant and all other District funds shall be apportioned to cost centers by the Committee at the Committee's discretion.

B. Capital Costs. Capital costs shall include all expenses in the nature of capital outlay including, but not limited to, the cost of acquiring land, the cost of constructing, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, or which could be categorized as a capital expense in conformance with applicable law and regulation, including, without limitation, the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes and other obligations issued by the District to finance capital costs.

1. Capital costs attributable to the middle and high schools will be assessed to the member towns on the basis of the three-year rolling average of each

There are no substantive changes to the section on Transportation costs in the proposed revision.



C. Transportation Costs. Transportation costs will be assessed to the member towns based upon the number of students residing in each town who attend the District's schools based on the average of the most recent three years' October 1 enrollment figures as reported to DESE.

D. Debt Service. Except as expressed in subsection E below (which pertains to the assessment of capital costs and debt service on facilities that are in existence at the time of creation of the District until such time there is one regional high school and one regional middle school), debt service costs will be assessed to the member towns as follows:

member town's total foundation enrollment as follows:

- Using foundation enrollment data, each member town's percentage share of the total foundation enrollment for the district will be calculated for the previous three years.
- The average percentage for these three years will be calculated.
- That average percentage for each member town will be multiplied by the total capital costs attributable to the middle and high schools to determine the amount to be assessed to each member town.

2. Capital costs attributable to the District's elementary schools will be assessed to the member town that owns that building.

C. Transportation Costs. Transportation costs will be assessed to the member towns based upon the number of students residing in each member town who attend the District's schools based on the average of the most recent three years' enrollment figures as reported, **currently on October 1**, to DESE.

D. Debt Service. Notwithstanding the terms of subsection B above, debt service costs will be assessed to the member towns as follows:

1. Debt service costs attributable to the high school and the middle school will be assessed

1. Debt service costs attributable to the high school and the middle school will be assessed to the member towns using the three year rolling average of each town's foundation enrollment as described in Section IX,A,4 above.

2. Debt service costs attributable to the District's elementary schools will be assessed to the member towns based upon the mechanism described in paragraph E below which utilizes the most recent three years' October 1 enrollment figures.

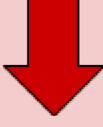
E. Notwithstanding the terms and conditions of subsections B and D above, until such time as there is one regional high school and one regional middle school, expenditures on capital items and debt service which are attributed to facilities that are in existence at the time of the creation of the District and which are under the care and custody of the District, regardless of whether they are owned by the District or leased to the District, will be assessed to the member towns using the following approach. The number of students who reside in each of the member towns who attend the facility in question based upon the average of the most recent three years' October 1 enrollment figures as reported to DESE will be identified. Each member town will then be assessed a percentage of the capital and debt service expenditures attributable to that facility. This percentage will be the same percentage as the number of students from that town who are enrolled in the facility in question, using the three year average referenced in this paragraph, bears to the two towns' combined enrollment in that facility. If the construction of a new high school is undertaken after the creation of the District, the capital costs and debt service attributed to said construction, and the planning for same, will be assessed under subsections B and

to the member towns using the three year rolling average of each member town's foundation enrollment as described in Section IX, A, 3a ii, above.

2. All other debt service costs attributable to the elementary school school buildings will be assessed to the member town that owns the building.



As with Capital Costs, Debt service was originally split based on the 3-year average of foundation enrollment (currently roughly 75% Harwich, 25% Chatham). In the proposed revision, the town that owns the elementary school is responsible for all debt service for their building. The debt service of the middle and high school (which are fully regional) will continue to be split based on the 3-year average of foundation enrollment. As of FY22, the only debt service for the school district is for the construction of the regional high school.

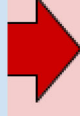


Section E no longer applies. There was, at the time of regionalization, a small amount of Debt existing for the current Regional Middle School that has since been paid off.

D above, despite the fact that the completion of the new high school will occur prior to there being one regional middle school. If a renovation of and/or addition to the building which is known at the time of creation of the District as the Chatham Middle School/High School is undertaken for purposes of converting said building to a District middle school, the capital costs and debt service attributed to said renovation/addition, and the planning for same, will be assessed under subsections B and D above. However, the capital costs and debt service attributable to this building continuing to be used as a middle school for the Chatham students while the Harwich Middle School is still in operation will be assessed consistent with this paragraph E.

F. The payment of the assessed share of costs by each member town, as computed by the Regional District School Committee according to the methods specified in Section IX, shall be made by each member town's Treasurer by check or electronic transfer payable to the Regional School District in five equal installments by the first business day of each August, November, February, May, and June.

Method of Assessing Costs Section F of the original Regional Agreement becomes Section E. The proposed revisions change the timing of payments to fit the way the towns have actually been funding the district over the past years.



E. The payment of the assessed share of costs by each member town, as computed by the Committee according to the methods specified in Section IX, shall be made by each member town's Treasurer by check or electronic transfer payable to the District in equal installments by the first business day of the month as set forth below:

Chatham: August, October, December, February,
April, May, June

Harwich: July, September, November, January,
March, May, June.

Section X. STABILIZATION FUND.

The Regional District School Committee may, consistent with the terms and conditions of G.L. chapter 71, section 16G½, establish and maintain a stabilization fund.

Section XI. ADMISSION OF ADDITIONAL TOWNS

By an amendment to this agreement adopted by each member town in accordance with Section XVII (Amendments) and in compliance with the provisions therein contained, any other town or towns may be admitted to the Regional School District upon adoption of such amendment, and also upon compliance with any statutory or regulatory requirement as may be applicable.

Section XII. WITHDRAWAL OF MEMBER TOWNS

In the event that a member town decides to seek to withdraw from the District, the following procedures and requirements will apply:

A. Vote Expressing Desire to Withdraw. Any member town seeking to withdraw from the District shall, by vote at an annual or special town meeting, request the Committee to formulate an amendment to this Agreement setting forth the terms under which the town may withdraw from the District. No withdrawal will take effect on other than July 1 of a given year, and the vote spoken of in the preceding sentence, as well as the notification to the District consistent with paragraph B below, as well as the submittal of a long range education plan consistent with paragraph C below, must all occur no less than two (2) years prior to the desired date of withdrawal.

B. Notice. The clerk of the town seeking to withdraw shall, within seven (7) days of the vote, notify the Committee chairperson as well as the District's superintendent in writing that the town has voted to request the Committee to formulate an amendment to the Agreement setting forth the terms for withdrawal. The clerk will provide a certified copy of the vote with the notification.

C. Long Range Education Plan. No less than two (2) full years prior to the desired date of withdrawal, the town seeking to withdraw, in addition to the other requirements spoken to in paragraph A above, will submit to the Commissioner of Elementary and Secondary Education (hereinafter "the Commissioner") and to the District a "Long Range Education Plan" consistent with 603 CMR 41.02(2). The Long Range Plan will address, in addition to any other factor required by the Commissioner, the following: the expected educational benefits of reorganization; the current and projected enrollments; an inventory of all educational facilities under the jurisdiction of the District; the proposed administrative structure; the fiscal ramifications of withdrawal upon the withdrawing town as well as the other member towns in the District; the geographical and physical characteristics of the area; and the effect that withdrawal will have on student transportation.

D. Requirements. In addition to other terms and requirements which the Committee may include in the amendment, the town seeking to withdraw will be responsible for the following: (1)

payment of all operating costs for which it is liable as a member of the District; (2) continuing payments beyond the time of withdrawal to the District for the town's share of the indebtedness of the District which is outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District; and (3) for the costs, including legal fees, that accrue to the District as a result of the withdrawal process.

E. Approval of Withdrawal. A request to withdraw shall become effective only if the amendment to the Agreement is approved by vote of the Committee, is approved by the Commissioner, and is approved by majority vote at an annual or special town meeting in the town seeking to withdraw and in each of the other member towns, and the withdrawal can become effective no less than one full year after the completion of these requirements.

F. In no event shall such withdrawal take place prior to ten (10) years from the effective date of this agreement as defined in Section XVIII (Effective Date and Jurisdiction).

Section XIII. ANNUAL REPORT

The Regional District School Committee shall submit to each member town an annual report containing a detailed financial statement and a statement showing methods by which the annual charges assessed against each town were computed, together with such additional information relating to the operation and maintenance of the schools as may be deemed necessary by the Regional District Committee or by the Selectman and/or the Finance Committee of any member town.

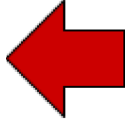
Section XIV. TEACHERS

In accordance with G.L. chapter 71, section 42B, teachers serving in the schools of a member town at the time that the District comes into existence and who have professional teacher status shall be employed by the District with that same status. Teachers who are serving in the schools of a member town at the time that the District comes into existence and who do not have professional teacher status shall be employed by the District if there is an available position which such person is certified to fill.

The following section has a single change required by DESE that aligns the Regional Agreement with State Law.

Section XV. INCURRING OF DEBT

The District School Committee may vote to incur debt consistent with the terms and conditions of G.L. chapter 71, section 16. At the time of taking action to incur debt, and except for the incurring of temporary debt in anticipation of revenue, the District School Committee by a **majority** vote will choose either the process that appears in subsection (d) of chapter 71, section 16, or the process that appears in subsection (n) of chapter 71, section 16.



This change is required by DESE. Specifically, DESE has directed that the District Agreement reflect a default of one of the two legally permissible methods to incur debt, and allow for a change to that default by a 2/3 vote of the School Committee (rather than a choice being made by a simple majority vote of the School Committee). The District recommends setting “section 16(n)” as the default. Section 16(n) calls for a ballot election in the member towns to approve the debt following a vote of the School Committee. Section 16(d) would allow the School Committee to incur the debt unless one or both member towns holds a town meeting within 60 days and vote to disapprove the incurring of the debt.

Section XV. INCURRING OF DEBT

The District School Committee may vote to incur debt consistent with the terms and conditions of G.L. chapter 71, section 16(n). At the time of taking action to incur debt, and except for the incurring of temporary debt in anticipation of revenue, the District School Committee may, by a **two-thirds** vote, choose to incur debt using the process that appears in subsection (d) of chapter 71, section 16.

Section XVI. REVIEW OF AGREEMENT

At least every five (5) years, the Committee will undertake a review of the terms of this Agreement. The first review of this Agreement shall occur no later than in the fifth fiscal year of the District's existence. Proposals for amendments to this Agreement will follow the procedure contained in Section XVII (Amendments).

Section XVII. AMENDMENTS

A. Amendments to this Agreement may be initiated by a three-quarters (3/4) vote (i.e., no fewer than 4.5 votes) of the District Committee or by a petition signed by ten percent (10%) of a member town(s) registered voters. Said signatures need to be certified by the Clerk of the respective town who must also certify the fact that the number of signatures represents at least 10% of the registered voters of the town. Such amendments to the agreement must receive a majority vote of approval by each member town at an annual town meeting, and all amendments are subject to the approval of the Commissioner.

B. No such amendment shall be made which shall substantially impair the rights of the holders of any of the District's bonds or notes of the District then outstanding, or the rights of the District to procure the means for payments thereof.

Section XVIII. EFFECTIVE DATE AND JURISDICTION

The full jurisdiction of the Regional District School Committee will commence on July 1, 2012 at the conclusion of the transition period established in Section XX.

Section XIX. SEVERABILITY OF SECTIONS

Consistent with G.L. Chapter 71, section 16I, if any provision of this Regional School District Agreement shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

Section XX. TRANSITION PERIOD

As part of the approval of this Agreement, and of the Regional School District created by this Agreement, the member towns as well as the Commissioner will be taken to have approved a transition period, consistent with 603 CMR 41.03(5) which will extend from the date of voter approval of the District until the end of the fiscal year following the fiscal year in which the vote to approve the District was taken. During this transition period, the existing local school committees will continue in existence and will continue to operate the schools of the member towns subject to the restrictions spoken to in this Section XX (hereinafter “this section”). During this transition period, and prior to the seating of the Regional School Committee on July 1, 2011, an Interim Regional School Committee (hereinafter the “IRSC”) will be formed consistent with this section which will exercise the powers expressed in this section. The IRSC will exist until midnight on June 30, 2011, at which time the Regional School Committee will be seated and will serve for the balance of the transition period and thereafter.

A. Composition of the Interim Regional School Committee. As soon as possible after the approval of this Agreement by the voters, the Interim Regional School Committee will be formed which will consist of eight (8) members, four (4) from each town. Two (2) of such members will be drawn from the members of, and elected by vote of, each of the two (2) local school committees. Each of these local school committees will also appoint two (2) additional citizens who reside in their respective towns and who are not members of the local school committee to serve on the IRSC. The votes of these members will be weighted, and the requirements for an affirmative vote will be the same, as is expressed in Section I, subsection B of this Agreement. During that part of the transition period when the IRSC is in existence, should any member on the IRSC resign from membership on the IRSC or become ineligible for continued membership on the IRSC (e.g., by leaving the membership of the local school committee or by moving from their respective town) the local school committee will vote a replacement. If the vacancy is caused by one of the members of a local school committee leaving the IRSC, then the replacement shall be chosen from among the remaining members of that local school committee. If the vacancy is caused by one of the citizens leaving the IRSC, then the respective local school committee shall appoint another citizen who is not a member of the local committee as the replacement.

B. Quorum. A quorum shall exist when a five (5) of the eight (8) IRSC members are present, with no less than two (2) present from each of the member towns. At a meeting where there is no quorum, the members present may vote to adjourn but shall not take any other action.

C. Election of Officers. The IRSC will elect officers consistent with Section III (Quorums, Votes, and Governance) except that the IRSC officers so chosen will serve throughout that part of the transition period that the IRSC is in existence.

D. Powers of the IRSC and the Regional School Committee During the Transition Period. During the transition period, the IRSC (until June 30, 2011) and the Regional School Committee (from July 1, 2011 to June 30, 2012) shall possess all powers, subject to the availability of funds necessary for the exercise of such powers, necessary for the planning and implementation of the regional school district, including but not limited to the following:

1. The power to receive funds from the Commonwealth as well as appropriations, grants, and gifts from other sources. This is not intended to alter the fact that during the transition period other funds from the Commonwealth will continue to flow to the member towns and their individual school departments.
2. The power to establish and adopt policies for the regional school district.
3. The power to employ a superintendent, treasurer, chief financial officer, and director of Special education, as well as the power to authorize the superintendent to employ other personnel as needed.
4. The power to contract for and/or purchase goods and services, as well as the power to enter into lease and other agreements with the member towns, collaboratives, vendors, and other agencies and parties, with all the powers being able to be exercised on behalf of the regional school district.
5. The power to adopt budgets for the regional school district, and to assess the member towns for these budgets.
6. The power to negotiate and to enter into collective bargaining agreements, which will take effect no sooner than the inception of the Regional School District.
7. The power to appoint a regional School Building Committee.
8. The power to develop and adopt a strategic plan for the Regional School District.
9. The power to appoint subcommittees.

E. Relationship between the IRSC and the Local School Committees and Between the Regional School Committee and the Local School Committees During the Transition Period. During the transition period, the local school committees of the member towns may not make decisions that will financially obligate or legally encumber the regional School district without ratification by majority vote of the IRSC or, after June 30, 2011, by majority vote of the Regional School Committee. In addition, the local school committees shall comply with the following during the transition period:

1. No building projects will be undertaken and no building closures will occur unless ratified by majority vote of the IRSC or, after June 30, 2011, by majority vote of the Regional School Committee.
2. Program offerings will remain substantially the same.
3. No school choice openings will be filled except with the approval by majority vote of the IRSC or, after June 30, 2011, by majority vote of the Regional School Committee.

4. The school administration of the local school districts shall cooperate with the Regional Administration in terms of information sharing and in terms of the transfer control during the transition period.
5. During the period July 1, 2011 to June 30, 2012, the Regional School Committee will assume responsibility for the transportation of the regular education students (i.e., not the special education students or the vocational students) who reside in Chatham and Harwich and who are enrolled in the Chatham or Harwich Public Schools. During 2011-2012, the Chatham School Committee and the Harwich School Committee shall pay an assessment to the Regional School Committee of an amount equal to the cost of said transportation for their respective regular students. The Regional School Committee will have the option of designating the Chatham School Department, the Harwich School Department, or both, as its financial agents(s) for purposes of processing invoices and payments for said transportation.

F. Termination of IRSC. The IRSC will exist until midnight on June 30, 2011, at which time the Regional School Committee will assume jurisdiction of the Regional School District for the balance of the transition period and thereafter. The Regional School Committee will be deemed to be the legal successor to the IRSC for purposes of all contracts, collective bargaining agreements, other agreements, and leases that have been entered into by the IRSC.

In the following section, the only proposed change is to replace the 2010 Signature Page with an updated Signature Page.

Dated this ____ day of _____ 2022.

Chatham Select Board

Peter Cocolis, Chair

Shareen Davis, Vice-Chair

Cory Metters, Clerk

Dean Nicastro, Member

Jeffrey S. Dykens, Member

Harwich Board of Selectmen

Michael D. MacAskill, Chair

Julie Kavanagh, Vice-Chair

Mary E. Anderson, Clerk

Larry G. Ballantine, Member

Donald F. Howell, Member

Monomoy Regional School Committee

Meredith Henderson (H), Chair

Tina Games (H), Member

Terry Russell (H), Member

Sharon Stout (H), Member

Jackie Zibrat-Long (C), Vice-Chair

Nancy Scott (C), Member

Danielle Tolley (C), Member

Jessica Rogers (C), Member