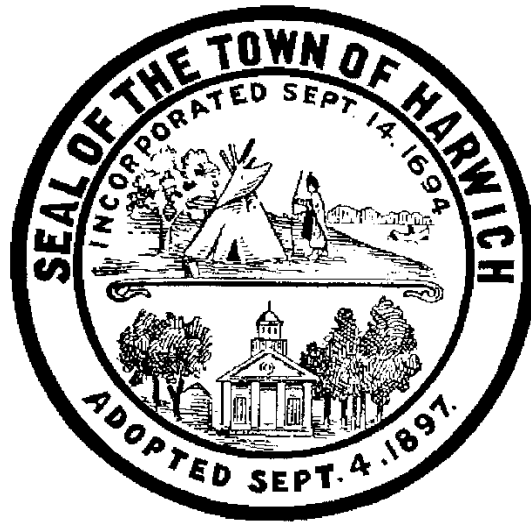


**ANNUAL TOWN MEETING
WARRANT
With
RECOMMENDATIONS**



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 Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		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:

The Town Moderator Michael D. Ford opened the Annual Town Meeting at held at the Community Center Gymnasium at 7 p.m. having been advised by the Interim Town Clerk, James G. Mullen, Jr. that a quorum of one hundred (150) registered voters had been met. A total of three Hundred and Sixty-seven (367) registered voter were present for the start of the Town Meeting.

Interim Town Clerk James G. Mullen, Jr. read the constables return of the warrant.

The Moderator Michael D. Ford sworn in Maddyline E. Hastings as the Assistant Town Moderator

ARTICLES

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded that the article be accepted and adopted as printed.

VOTED: The Town Voted YES

UNANIMOUS VOTE

REPORTS OF TOWN OFFICERS AND COMMITTEES

The Moderator, Michael D. Ford made the following appointments to various town boards and committees.

FINANCE COMMITTEE: Angelo LaMantia to a three (3) year term to expire June 30, 2025

CALEB CHASE TRUST FUND: Robert Doane to a three year (3) term to expire June 20, 2025

CAPE COD REGIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE:
Robert J. Furtado to a three year (3) term to expire June 30, 2025

REPORTS OF TOWN OFFICERS AND COMMITTEES

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$ 42,188,893 be appropriated for the purposes listed in Appendix B under the column entitled “BOS Recommended FY2023” and further that the sum of \$ 39,893,833 be raised and appropriated and that the following amounts be transferred as follows:

Community Preservation Act Funds \$ 221,525, Overlay Surplus \$200,000, Peg Access and Cable Related Fund \$190,869, Golf Infrastructure & Improvement \$101,700, State Aide \$725,976 and various Betterments \$64,025

Further that the sum of \$759,278 be raised and appropriated in the General Fund Operating Budget and allocated to the Water Enterprise Fund that the sum of \$31,687 be raised and appropriated in the General Fund Operating Budget and allocated in the Waste water Enterprise Fund for the purpose of funding the Fiscal Year 2023 operating budget.

VOTED The Town Voted YES

VOICE VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$ 28,041,205 be raised and appropriated to fund the Town of Harwich's assessment for the FY 2023 annual operation of the Monomoy Regional School District

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$2,079,314 be raised and appropriated to fund the annual operation of the Cape Cod Regional Technical High School

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$4,255,954 be transferred from Water Department Receipts to operate the water Enterprise Fund for this purpose:

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

And further to transfer the sum of \$ 50,000 from the Water Department Budget to Other Post-Employment Benefits Trust Fund created under Article 8 of the May 6, 2014 Special Town Meeting .

Voted: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and further that the sum of \$337,195 be raised and appropriated and \$ 200,000 be transferred from the Wastewater Enterprise Fund Retained Earnings for this purpose:

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

VOTED: The Town Voted YES

VOICE VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded that this article be accepted and adopted and that the sum of \$147,302 be transferred from the PEG Access and Cable Related Fund for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$139,776 be transferred from Free Cast for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$48,880 be transferred from Free Cast for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

ADOPT THE CAPITAL PLAN

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES

VOICE VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES

The Moderator declared a 2/3rds VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$ 66,470 be transferred from the PEG Access and Cable Related Fund for this purpose.

VOTED: The Town Voted YES

VOICE VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$298,540 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$100,000 be transferred from Free Cast to fund the EPA Municipal Separate Storm Sewer System (MS4) Compliance program.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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. Estimated cost: \$49,200

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$49,200 be transferred from Free Cast for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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. Estimated cost: \$14,137.50

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$14,137.50 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$75,000 be transferred from Free Cast for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$300,000 be transferred Retained Earnings in the Water Enterprise Fund for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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 the Board of Selectmen. Estimated cost: \$157,000

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$157,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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. Estimated cost: \$90,000

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$90,000 be transferred from Retained Earnings in the Water Enterprise Fund for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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. Estimated cost: \$271,000

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$271,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to appropriate the sum of \$700,000 to fund the Road Maintenance Program, and all costs incidental and related thereto, as requested in the Capital Plan for FY23; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$700,000 and to issue bonds and notes therefor pursuant to General Laws Chapter 44, Section 7 or 8 or any other enabling authority; and that the Board of Selectmen is authorized to expend all funds available for the project and to take any other action necessary or convenient to carry out the project; provided, however, that the appropriation and borrowing authorized by this vote shall not take effect until the town votes to exempt from the limitation on total taxes imposed by G.L. c.59, 21C (Proposition 2.5) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

VOTED: The Town Voted YES

The Moderator declared a 2/3rds VOTE

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 the Board of Selectmen. Estimated cost: \$298,450

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$298,450 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$130,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$22,500 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

VOICE VOTE

The Moderator recognized David J. Nixon, Chair of the Community Preservation Committee for a report on Articles 29 through 37

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sum of \$ 221,525 to be funded from the FY 2021 Certified Undesignated Fund Balance.

VOTED: The Town Voted YES

UNANIMOUS VOTE

**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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sum of \$118,800 to be funded from the FY 2021 Certified Historic Preservation Reserve

VOTED: The Town Voted YES

VOICE VOTE

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

Joanathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sum of \$50,000 to be funded from the FY 2021 Certified Community Housing Reserve.

VOTED: The Town Voted YES

VOICE VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion to accept and adopt as printed and the sums of \$31,270.93 to be funded from the FY 2021 Certified Community Housing Reserve, \$210,000 to be funded from FY 2023 Anticipated Revenues and \$258,729.07 be funded from FY 2021 Certified Undesignated Fund Balance.

VOTED: The Town Voted YES

VOICE VOTE

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

Jonathan P. Chorey made a motion which was seconded to accept and adopt as printed and that the sum of \$ 75,000 to be funded from the FY 2021 Certified Undesignated Fund Balance.

VOTED: The Town Voted YES

VOICE VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sum of \$100,000 to be funded from the FY 2021 Certified Undesignated Fund Balance.

VOTED: The Town Voted YES

VOICE VOTE

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 \$245,000.00 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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sums of \$50,997 to be funded from the FY 2021 Certified Undesignated Fund Balance and \$194,503 to be funded from the FY 2023 Anticipated Revenue

VOTED: The Town Voted YES

VOICE VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and the sums of \$604,486 to be funded from the FY 2021 Certified Open Space Reserves, \$210,000 from the FY 2023 Anticipated Revenue and \$135,514 from FY 2021 Certified Undesignated Fund Balance.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$35,000 be transferred from the Golf Improvement Fund.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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. By request of the Board of Selectmen. Estimated cost: \$500,000

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$500,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

VOICE VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed

VOTED: The Town Voted YES The Moderator declared a 2/3rds VOTE

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.~~

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED The Town Voted YES UNANIMOUS VOTE

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 $4\frac{1}{2}$ $\frac{3}{4}$ 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.~~

Bradford Chase, member of the Conservation Commission, made a motion that was duly seconded to accept and adopt as printed in the warrant

VOTED: The Town Voted YES

VOICE VOTE

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.

Within 310-4 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;

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.

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

A motion was made and seconded to adjourn the Town Meeting until May 3, 2022 at 7 pm

The Town Meeting adjourned at 10:40 pm

The Moderator Michael D. Ford opened the Adjourned Town Meeting at 7:05 pm on May 3, 2022. The Interim Town Clerk, James G. Mullen, Jr. informed the Moderator that the quorum of One hundred and fifty voters (150) had been met. A total of Two Hundred and Eighty-One (282) voters attended the second session of the Annual Town Meeting.

VOTED: The Town Voted YES on the Amendment **VOICE VOTE**

VOTED: The Town Voted NO on the Amendment

33

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 <u>Town Administrator or Designee</u>	75% of the fees from use of the weight room	Weight room equipment (and repair)
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 <u>204 Sisson Road</u> <u>Municipal Building</u>	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	Monies generated from receipts paid to the Town in lieu of sidewalks required to	Sidewalk improvements including consulting services and construction

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund
	<u>Town Administrator or Designee</u>	be installed in now new 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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

Joseph Powers, Town Administrator, made a motion amend the main motion by changing the language within the Sidewalks Revolving Fund line by switching the language in the Revenue Source and Use of Funds columns. Duly Seconded.

VOTED: The Town Voted YES on the Amendment UNANIMOUS VOTE

VOTED on AMENDED MAIN MOTION: The Town Voted YES VOICE VOTE

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.

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

A motion was made and seconded to amend Article 45 by removing the line in the table referring to ADA

VOTED: The Town Voted YES on the Amendment UNANIMOUS VOTE

VOTED on AMENDED MAIN MOTION: The Town Voted YES

UNANIMOUS VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES VOICE VOTE

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.

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES UNANIMOUS VOTE

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

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

Jonathan P. Chorey, Chairman of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$ 756.34 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee, made a motion which was seconded to accept and adopted as printed and that the sum of \$30,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed and that the sum of \$3,600 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES

UNANIMOUS VOTE

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 the Chase/Harwich Port Libraries. Estimated cost: \$20,000

Jonathan P. Chorey, Chair of the Finance Committee, made a motion which was seconded to accept and adopt as printed and that the sum of \$20,000 be transferred from Free Cash for this purpose.

VOTED: The Town Voted YES UNANIMOUS VOTE

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.

A motion was made and seconded to accept and adopt as printed.

A motion was made and seconded to call the question.

VOTED: The Town Voted YES YES 220 NO 1

VOTED on MAIN MOTION: The Town Voted NO VOICE VOTE

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.

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

A motion was made and seconded to accept and adopt as printed.

VOTED: The Town Voted NO VOICE VOTE

**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.

A motion was made and seconded to accept and adopt as printed.

VOTED: The Town Voted NO VOICE VOTE

**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.

A motion was made and seconded to accept and adopt as printed.

A motion was made to move the question.

VOTED: The Town Voted YES UNANIMOUS VOTE

VOTED on MAIN MOTION: The Town Voted NO VOICE VOTE

The Moderator Michael D. Ford stepped down as Moderator at this point and swore in William D. Crowell as the Interim Town Moderator.

**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.

A motion was made and seconded to accept and adopt as printed and that the sum of Zero \$0 be appropriated.

VOTED: The Town Voted YES

VOICE VOTE

HERRING FISHERIES

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

Jonathan P. Chorey, Chair of the Finance Committee made a motion which was seconded to accept and adopt as printed.

VOTED: The Town Voted YES

UNANIMOUS VOTE

A motion was made and seconded to adjourn the 2022 Annual Town Meeting.

VOTED: The Town Voted YES

UNANIMOUS VOTE

The 2022 Annual Town Meeting adjourned at 12:16 am on May 4, 2022.

James G. Mullen, Jr.
Interim Town Clerk

Upon review of the recording of the 2022 Annual Town Meeting, a number of revisions have been made the official meeting minutes. Revisions are noted in red text.

Emily Mitchell
Town Clerk

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