

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
ANNUAL TOWN MEETING WARRANT  
MAY 5, 2003

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 Monday, May 5, 2003, at 7:00 P.M., then and there to act on the following articles:

TOWN OFFICERS AND COMMITTEES

ARTICLE 1. To choose various Town Officers and Committees.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2. To hear reports of all Town Officers and Committees for the year 2002.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

ELECTED OFFICIALS SALARIES

ARTICLE 3. To see if the Town will vote to fix the salaries of the elected officials of the Town for the fiscal year commencing July 1, 2003 and ending June 30, 2004 as follows:

Selectmen (5) .....	\$1,500.00 (each)
Moderator.....	\$300.00
Town Clerk .....	\$51,951.00
Water Commissioners (3) .....	\$500.00 (each)

and to act fully thereon. Estimated cost: \$61,251.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED AS FOLLOWS:**

**SELECTMEN (5)..... \$1,500.00 (EACH)**  
**MODERATOR.....\$300.00**  
**TOWN CLERK.....\$51,951.00**  
**WATER COMMISSIONERS (3)..... \$500.00 (EACH)**

**TO SET SALARIES OF ELECTED OFFICIALS. VOTE 8 TO 0.**

**FUND NEGOTIATED CONTRACT – FIRE FIGHTERS**

ARTICLE 4. 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 FY 2004 Fire Department budget to implement the new contractual agreement between Harwich Permanent Fire Fighters, Local 2124, International Association of Fire Fighters and the Town of Harwich and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

**FUND NEGOTIATED CONTRACT – POLICE OFFICERS**

ARTICLE 5. 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 FY 2004 Police Department budget to implement the new contractual agreement between the Local 392 of the International Brotherhood of Police Officers and the Town of Harwich and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

**FUND NEGOTIATED CONTRACT – POLICE SUPERIOR OFFICERS**

ARTICLE 6. 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 FY 2004 Police Department budget to implement the new contractual agreement between the Harwich Superior Officers Association Local 589 and the Town of Harwich and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

FUND NEGOTIATED CONTRACT – HIGHWAYS & MAINTENANCE

ARTICLE 7. 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 FY 2004 Division of Highways & Maintenance budget to implement the new contractual agreement between the Highways & Maintenance Employees Association and the Town of Harwich and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

FUND NEGOTIATED CONTRACT – EMPLOYEES ASSOCIATION

ARTICLE 8. 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 FY 2004 budget to implement the new contractual agreement between the Harwich Employees Association and the Town of Harwich and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

AMEND PERSONNEL BY-LAW/COMPENSATION PLAN

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to amend the Personnel By-Law compensation plan for FY 2004 as follows, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$17,920.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$17,920. TO FUND COST OF LIVING INCREASES FOR NON-UNION EMPLOYEES. VOTE 8 TO 0.**

*INSERT PERSONNEL COMPENSATION PLAN HERE*

*INSERT PERSONNEL COMPENSATION PLAN HERE*

## BUDGET

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be required to defray Town charges for the Fiscal Year 2004 and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$38,604,367.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. ESTIMATED COST: \$38,638,581. VOTE 8 TO 0.**

## CAPITAL PLAN ADOPTION

ARTICLE 11. To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2010 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.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. PRUDENT FINANCIAL PLANNING. VOTE 8 TO 0.**

*INSERT CAPITAL PLAN HERE*

*INSERT CAPITAL PLAN HERE*



## FUND HUMAN SERVICES

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds (\$74,627.18) Seventy Four Thousand Six Hundred Twenty-Seven and 18/100 Dollars to help defray the expenses of the following named Human Service Agencies and Organizations, said funds to be expended under the direction of the Board of Selectmen, and to act fully thereon. By Petition.

Independence House, Inc.  
Nauset, Inc.  
Harwich Meals on Wheels, Inc.  
Cape Cod Council on Alcoholism & Drug Dependency, Inc.  
Sight Loss Services, Inc.  
Cape Cod Child Development, Inc.  
The Family Pantry Corporation  
Harwich Ecumenical Council for the Homeless (HECH)  
(includes Children's Community Center & Youth Ministry)  
South Shore Mental Health, Inc.  
Cape Cod Human Services, Inc.  
Legal Services of Cape Cod and the Islands, Inc.  
Lower Cape Outreach Council, Inc.  
Interfaith Council for the Homeless of Lower Cape Cod  
Eastwind Serve  
CARE (Cape Aids Resource Exchange and Services)

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED AT \$72,807. TO LEVEL FUND SUPPORT FOR HUMAN SERVICES. VOTE 5 TO 4.**

## INTERIM AND LONG TERM POLICE STATION IMPROVEMENTS

ARTICLE 13. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to retain design services for assessing the future needs of the department and to commence with repairs and renovations to the existing police building which will address and improve health, safety, maintenance, and operating conditions and to act fully thereon. By request of the Chief of Police. Estimated cost: \$140,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$140,000. FOR DESIGN SERVICES AND TO MAKE NECESSARY REPAIRS. VOTE 8 TO 0.**

### INTEGRATED POLICE COMPUTER SYSTEM (PHASE I)

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for replacement of the existing in-house computer mainframe, host, and initial programming for police records management, police and fire department computer aided dispatch, and support platform and to act fully thereon. By request of the Chief of Police. Estimated cost: \$195,000.000.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$195,000. TO REPLACE FAILING COMPUTER TECHNOLOGY. VOTE 8 TO 0.**

### PROJECT CONTEMPORARY COMPETITIVENESS

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds for the Board of Selectmen and School Committee to award scholarships to eighth and ninth grade Harwich students to participate in Project Contemporary Competitiveness at Bridgewater State College; said monies to be used to defray the cost of tuition and related expenses, and to act fully thereon. By request of the School Committee. Estimated cost: \$8,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$8,000. TO TAKE ADVANTAGE OF AN EDUCATIONAL OPPORTUNITY. VOTE 6 TO 2.**

### MEDICAID BILLING SERVICES FOR SCHOOL DEPARTMENT

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund a part-time School Department Medicaid Billing Clerk and fund billing services to be provided by a third party vendor in order to obtain Medicaid reimbursement for deposit to the Town General Fund, and to act fully thereon. By request of the School Committee. Estimated cost: \$22,478.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$22,478. TO COLLECT MEDICAID ENTITLEMENTS. VOTE 7 TO 1.**

### DISBURSE STATE FUNDS FOR AID TO HARWICH LIBRARIES

ARTICLE 17. To see if the Town will vote to instruct the Selectmen to disburse the funds allocated by the State under the Acts of 1960, as amended by the Acts of 1963, Chapter 672, and as further amended by the Acts of 1970, Chapter 636, and the Acts of 1971, Chapter 1003, for

aid to Harwich Libraries in accordance with customary procedure and to act fully thereon. By request of the Trustees of Brooks Free Library.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 7 TO 1.**

PURCHASE/EQUIP NEW AMBULANCE

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase and equip a new Type III, Class I, Emergency Medical Vehicle, and to trade a 1998 Ford E450 Type III, Class I, Emergency Medical Vehicle and to act fully thereon. By request of the Fire Chief. Estimated cost: \$150,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$150,000. PUBLIC SAFETY. VOTE 8 TO 0.**

PURCHASE/EQUIP VEHICLES

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase and equip the following vehicles:

<u>Division of Highways &amp; Maintenance</u>	<u>Estimated Cost</u>
One (1) new ¾ ton Pickup Truck with plow package	\$28,000.00
One (1) new Roll-Off Trailer	\$50,000.00

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

<u>Division of Highways &amp; Maintenance</u>
One (1) 1983 Ford Crew Cab Pickup Truck

and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$78,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$78,000. NO FUNDS AVAILABLE. VOTE 8 TO 0.**

PURCHASE/LEASE VARIOUS NEW EQUIPMENT

ARTICLE 20. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to lease for up to five (5) years or to purchase outright and equip the following equipment for use by various Town departments:

<u>Golf Department</u>	<u>Estimated Lease Cost</u>	<u>Estimated Purchase Cost</u>
One (1) Tractor/Loader/Backhoe	\$6,372.00	\$25,000.00
Three (3) Bunker Machines @ \$6,400 each	\$4,416.00	\$19,200.00
Three (3) Utility Vehicles @ \$10,000 each	\$6,720.00	\$30,000.00
Three (3) Fairway Mowers @ \$30,666 each	\$21,000.00	\$92,000.00
Three (3) Greens Mowers @ \$12,333 each	\$8,460.00	\$37,000.00
Two (2) Rotary Mowers @ \$8,500 each	\$3,888.00	\$17,000.00
One (1) Spinner Topdresser	\$2,400.00	\$11,000.00
One (1) Sweeper/Vacuum	\$1,704.00	\$7,500.00
 <u>Division of Highways &amp; Maintenance</u>		
One (1) Athletic Infield Preparation Machine		\$12,000.00

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

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$52,804. TO REPLACE AGING EQUIPMENT AT GOLF COURSE. VOTE 8 TO 0.**

#### PURCHASE NEW DECK FOR DISPOSAL AREA SCALE

ARTICLE 21. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase and install one new 3-Section Steel Deck for the Scale at the Disposal Area. By request of the Acting Director of the Division of Highways & Maintenance. Estimated cost: \$25,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$25,000. TO PROPERLY CHARGE FOR DEBRIS. VOTE 8 TO 0.**

#### CHAPTER 90 ROAD MAINTENANCE

ARTICLE 22. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow in accordance with Chapter 44 of the Massachusetts General Laws, or any other authorizing authority, a sufficient sum of money to be reimbursed by funds made available by the Massachusetts Legislature as the State's contribution for local road construction work under Chapter 90 of the General Laws (funds authorized under Chapter 246 of the Acts of 2002), and to act fully thereon. By request of the Acting Director of the Division of Highways & Maintenance. Estimated cost: \$322,663.16.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$322,663.16. NECESSARY FOR ROAD MAINTENANCE. VOTE 7 TO 1.**

### HERRING RUN RACEWAY REPLACEMENT

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to replace the steel raceway ladder at Johnson's Flume and seek and accept any contributions from state or federal sources for this purpose and to act fully thereon. By request of the Natural Resources Director. Estimated cost: \$43,750.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. LIFT FOR THE FISH. VOTE 8 TO 0.**

### FUND NEW WELL SOURCE EXPLORATION PHASE II

ARTICLE 24. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the purpose of New Well Source Exploration Phase II, which will allow us to drill wells and to test for quality and quantity of water that could be available. Said funds to be expended under the direction of the Board of Water Commissioners and Superintendent, and to act fully thereon. By request of the Board of Water Commissioners. Estimated cost: \$170,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$170,000. TO IDENTIFY NEW WATER SOURCES. VOTE 7 TO 1.**

### CHANGE SENIOR EXEMPTION FROM \$500 TO \$600

ARTICLE 25. To see if the Town will vote to accept certain provisions of Chapter 184 Section 51 of the acts of 2002 amending General Laws Section 5 Clause 41-C as follows: Change the amount of the Senior Exemption from \$500.00 to \$600.00 only. This change to take effect for FY 2004, and to act fully thereon. By request of the Board of Assessors. Estimated cost: \$6,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$6,000. TAX RELIEF FOR INCOME ELIGIBLE ELDERLY. VOTE 7 TO 1.**

### INSTALL WELL AT WHITEHOUSE FIELD

ARTICLE 26. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to provide a well at Whitehouse Field and to act fully thereon. By request of the Recreation and Youth Commission. Estimated cost: \$9,840.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$9,840. INSUFFICIENT FUNDS. VOTE 7 TO 1.**

FUND BUILDING MAINTENANCE – SCHOOLS

ARTICLE 27. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund building maintenance at the Middle and High Schools; said funds to be utilized to accomplish the extraordinary maintenance goals set forth by the school administration in the third year of its 5-year maintenance plan, and to act fully thereon. By request of the School Committee. Estimated cost: \$65,500.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$65,500. INSUFFICIENT FUNDS. VOTE 5 TO 3.**

DEFRAY EXPENSES – CHASE AND HARWICH PORT LIBRARIES

ARTICLE 28. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Board of Selectmen, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$22,630.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$22,630. INSUFFICIENT FUNDS. VOTE 6 TO 2.**

ESTABLISH BETTERMENT PROGRAM FOR PRIVATE WAYS

ARTICLE 29. To see if the Town will vote to adopt a betterment program pursuant to the provisions of Chapter 80, Section 1 of the Massachusetts General Laws for the purpose of improving certain private ways and to raise and appropriate or transfer from available funds a sufficient sum of money for this purpose, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$0.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO IMPROVE PRIVATE WAYS FOR PUBLIC USE. VOTE 6 TO 2.**

## ADOPT PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

ARTICLE 30. To see if the Town will vote to adopt the Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998, and the Intermunicipal Agreement with the towns of Orleans and Chatham, authorized by the Town in 1998; and to authorize the Board of Selectmen to enter into a successor Intermunicipal Agreement, as amended by the Board of Selectmen, with one or more of the aforementioned towns for the purpose of continuing the Pleasant Bay Resource Management Alliance to implement the plan and plan update, and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO CONTINUE THE ONGOING PLAN. VOTE 8 TO 0.**

## ACQUIRE LAND OF PETER COPELAS – ROBBINS POND

ARTICLE 31. To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for any of the purposes specified in the Cape Cod Land Bank Act (Chapter 293 of the Acts of 1998, as amended by Section 211 of Chapter 127 of the Acts of 1999) all or a portion of the land owned by Peter Copelas located in North Harwich and shown as Lots 1, 2, 3, 4, 5 and 6 and the fee in Wind Drift Way and Eastgate Road on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 573 Page 83, and containing 7.86 acres, more or less, and which lots are also shown on Harwich Assessor's Map 79 as Parcels A1-1, A1-2, A1-3, A1-4, A1-5, A1-6 and further described in deeds recorded in the Barnstable County Registry of Deeds Book 3213 Page 319 and Book 7789 Page 217, and to raise and appropriate, or transfer from available funds, or borrow a sufficient sum of money for such acquisition, and further to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and further to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town and to act fully thereon. By request of the Real Estate and Open Space Committee. Estimated Cost: \$1,100,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. ESTIMATED COST: \$1,100,000. TO ACQUIRE LAND  
FOR OPEN SPACE. VOTE 7 TO 0 WITH 1 ABSTAINING.**

*INSERT MAP 79 HERE – ARTICLE 31*



## RESCIND UNUSED BONDING AUTHORIZATION

ARTICLE 32. To see if the Town will vote to rescind the action taken under the following Articles:

1. Article 70 of the May 1, 2000 Annual Town Meeting which authorized the borrowing of the sum of \$202,000.00 for the purpose of acquiring land owned by Joan L. Rider, Trustee located off Church Street in Harwich;
2. Article 72 of the May 1, 2000 Annual Town Meeting which authorized the borrowing of the sum of \$70,200.00 for the purpose of acquiring land now or formerly owned by Louise D. Caruso et al located off Halls Path and Seth Whitefield Road in Harwich.
3. Article 61 of the May 7, 2001 Annual Town Meeting which authorized the borrowing of the sum of \$200,000.00 for the purpose of acquiring land owned now or formerly by the Estate of Frederick W. Nickerson located off Depot Road in Harwich.
4. Article 62 of the May 7, 2001 Annual Town Meeting which authorized the borrowing of the sum of \$25,000.00 for the purpose of acquiring land owned now or formerly by the White Family located off Chatham Road in Harwich;

and to act fully thereon. By request of the Real Estate and Open Space Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO RECYCLE UNUSED LAND BANK FUNDS. VOTE 8 TO 0.**

## TRANSFER LAND FOR AFFORDABLE HOUSING

ARTICLE 33. To see if the Town will vote to transfer and dedicate Parcel D-3 as shown on Assessor's Map 5, containing approximately 6.5 acres of land, for the purpose of providing beach area, parking and related facilities, and the construction of affordable housing; and/or for the sale of a portion of that parcel to raise revenue for the support of affordable housing and development of beach related facilities; and to further authorize the Board of Selectmen to negotiate other provisions as the Board deems necessary and appropriate to carry out the purposes of this article including, but not limited to, design, construction, management, and deed restrictions mandating that the parcels and eventual improvements used for housing be held affordable in perpetuity and that the parcels and improvements used for recreation purposes be held in perpetuity for that purpose and to act fully thereon. By request of the Harwich Housing Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. PRESERVATION OF OPEN SPACE. DECISION OF STATE LEGISLATURE WOULD BE NEEDED TO MAKE CHANGE OF USE. VOTE 8 TO 0.**

*INSERT MAP 5 HERE- ARTICLE 33*

## TRANSFER LAND FOR AFFORDABLE HOUSING

ARTICLE 34. To see if the Town will vote to transfer and dedicate Parcel G3-1 as shown on Assessor's Map 53, containing approximately 9 acres of land for the construction of affordable housing and to further authorize the Board of Selectmen to negotiate other provisions as the board deems necessary and appropriate to carry out the purposes of this article including, but not limited to, design, construction, management, and deed restrictions mandating that the parcels and eventual improvements be held affordable in perpetuity, and to act fully thereon. By request of the Harwich Housing Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT INFORMATION PROVIDED. VOTE 8 TO 0.**

## TRANSFER LAND FOR AFFORDABLE HOUSING

ARTICLE 35. To see if the Town will vote to transfer and dedicate Parcel A1-3 as shown on Assessor's Map 71, containing approximately 6.5 acres of land, and Parcel A1-4 as shown on Assessor's Map 71, containing approximately 1.04 acres of land for the construction of affordable housing and to further authorize the Board of Selectmen to negotiate other provisions as the board deems necessary and appropriate to carry out the purposes of this article including, but not limited to, design, construction, management, and deed restrictions mandating that the parcels and eventual improvements be held affordable in perpetuity, and to act fully thereon. By request of the Harwich Housing Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT INFORMATION PROVIDED. VOTE 8 TO 0.**

*INSERT MAP 53 HERE – ARTICLE 34*

*INSERT MAP 71 HERE – ARTICLE 35*

## TRANSFER LAND FOR AFFORDABLE HOUSING

ARTICLE 36. To see if the Town will vote to transfer and dedicate Parcel E4-2 as shown on Assessor's Map 21, containing approximately .54 acres of land for the construction of affordable housing and to further authorize the Board of Selectmen to negotiate other provisions as the board deems necessary and appropriate to carry out the purposes of this article including, but not limited to, design, construction, management, and deed restrictions mandating that the parcels and eventual improvements be held affordable in perpetuity, and to act fully thereon. By request of the Harwich Housing Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT INFORMATION PROVIDED. VOTE 8 TO 0.**

## TRANSFER LAND FOR AFFORDABLE HOUSING

ARTICLE 37. To see if the Town will vote to transfer and dedicate Parcel S6-15 on Assessor's Map 74, containing approximately .17 acres of land for the construction of affordable housing and to further authorize the Board of Selectmen to negotiate other provisions as the board deems necessary and appropriate to carry out the purposes of this article including, but not limited to, design, construction, management, and deed restrictions mandating that the parcels and eventual improvements be held affordable in perpetuity, and to act fully thereon. By request of the Harwich Housing Committee.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT INFORMATION PROVIDED. VOTE 8 TO 0.**

*INSERT MAP 21 HERE – ARTICLE 36*

*INSERT MAP 74 HERE – ARTICLE 37*



## PETITION FOR LEGISLATION FOR EXEMPTION FROM PARKING FINE LIMITATION

ARTICLE 38. To see if the Town will vote to authorize the Selectmen to petition the General Court to enact special legislation to exempt the Town of Harwich from the provisions of Massachusetts General Law, Chapter 90, Section 20A ½ regarding limitations on parking fines and permit the Town to establish, through its by-laws, fines for general parking violations not exceeding \$50, if paid within 21 days, not exceeding \$55, if paid after 21 days but before the parking clerk reports to the Registrar of Motor Vehicles, and not exceeding \$70 after violation has been reported to the Registrar of Motor Vehicles, and fines for beach and harbor parking violations not to exceed \$125, \$130, and \$145 respectively and to act fully thereon. By request of the Chief of Police.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO PROVIDE FOR BETTER ENFORCEMENT OF PARKING REGULATION. VOTE 6 TO 2.**

## ACCEPT ROAD LAYOUTS

ARTICLE 39. To see if the Town will vote to accept the layout of the following roads as laid out by the Board of Selectmen:

Bassett Woods Road  
Somerset Road

and to authorize the Selectmen to purchase or take by eminent domain the land or interest in the land within said layout for use as a public way and to raise and appropriate or transfer from available funds a sufficient sum of money for this purpose, and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

## LEASE OF TOWN-OWNED PROPERTIES

ARTICLE 40. To see if the Town will vote to authorize the long-term lease of one or more Town-owned properties for a period of time sufficient to allow the restoration of these historic properties and the return on investment to the lessee; the properties to be considered for lease by the Town are identified as follows;

- 1) South Harwich Methodist Church, 270 Chatham Road, South Harwich as shown on Assessor's Map 34 as Parcel N-3.
- 2) West Harwich School House, 5 Bell's Neck Road, West Harwich as shown on Assessor's Map 10 as Parcel 61.

- 3) former Recreation Building, 265 Sisson Road, Harwich as shown on Assessor's Map 40 as Parcel Z-5.

Said leases to be in accordance with such terms and conditions as the Board of Selectmen shall determine, and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT INFORMATION. VOTE 7 TO 1.**

**ACCEPT PROVISIONS OF MASSACHUSETTS GENERAL LAW RELATIVE TO  
ESTABLISHING AN ENTERPRISE FUND**

**ARTICLE 41.** To see whether or not the Town of Harwich will accept the provisions of Chapter 44, Section 53F-1/2, Massachusetts General Laws, an act authorizing cities and Towns to establish an Enterprise Fund, and to act fully thereon. By request of the Board of Water Commissioners.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

**ESTABLISH ENTERPRISE FUND**

**ARTICLE 42.** To see whether or not the Town of Harwich will establish the Harwich Water Department as an Enterprise Fund in accordance with the provisions of Chapter 44, Section 53F-1/2, Massachusetts General Laws, and to act fully thereon. By request of the Board of Water Commissioners.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

**AMEND ZONING BY-LAW – SIGN REGULATIONS**

**ARTICLE 43.** To see if the Town will vote to amend the Town of Harwich Zoning By-law, Section VII (Sign Regulations) by deleting it in its entirety and replacing it with the following, and to act fully thereon. By request of the Planning Board.

**SECTION VII  
SIGN REGULATIONS**

**1.00 PURPOSE AND SCOPE:**

- A. The purpose of this regulation is to permit signs which facilitate communication, promote the safety of motorists and pedestrians, and encourage economic development by identifying businesses and other land uses in ways that complement and enhance the environment.

- B. This sign regulation provides a permitting system to govern the placement of advertising and other informational signs both outdoors and within two (2) feet of any window within the Town of Harwich.

### **1.01 RELATIONSHIP TO OTHER BYLAWS:**

- A. Nothing in this bylaw shall be construed as exempting an applicant from any other applicable town, county, state, or federal bylaws.
- B. To the extent that the requirements of this bylaw differ from, or are not in accordance with any other applicable requirements, the more restrictive requirements shall apply.

### **1.02 DEFINITIONS:**

**BOARD:** The Harwich Zoning Board of Appeals.

**BUILDING OFFICIAL:** The Harwich Building Commissioner or Building Inspector.

**CLUSTER SIGN:** Any sign identifying a business, commercial or industrial development which provides one space per business entity within the development.

**GROUND SIGN:** A sign supported by poles, uprights or braces extending from the ground but not attached to any part of a building.

**SIGN:** Sign shall mean and include every advertising message, announcement, declaration, demonstration, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers. Indoor or outdoor displays of merchandise for sale at retail on the premises shall not be considered a sign for the purposes of this by-law. The following are examples of signs:

**A-Frame/Easel/Sandwich Signs:** Usually a double-faced, free-standing, portable sign

**Awning/Canopy Signs:** Signage affixed to awnings/canopies associated with a business entity.

**Display Box/Menu Board Sign:** Usually a free-standing or wall sign, or an erasable chalk board, sometimes enclosed in glass, for the purpose of displaying menus, entertainment announcements or similar items or events.

**Window Signs:** Signage displayed within two (2) feet of windows primarily for view from outside the business entity.

**SIGN PERMIT:** A permit issued by the Building Department for the erection, construction, enlargement, alteration, repair, or improvement of any sign.

**WALL SIGN:** A sign attached to, painted on, or erected against a wall or roof of a building or structure which extends no more than thirty-six (36) inches from the surface upon which it is attached and whose display surface is either parallel or perpendicular to the face of the building and does not exceed the height of the building on which it is mounted. Projecting wall signs must have at least eight (8) feet of ground clearance.

### **1.03 PERMIT REQUIREMENTS:**

- A. Before any sign is erected, constructed, structurally altered or moved, it shall conform to the requirements contained in this bylaw and shall be approved and shall have received a permit from a Building Official unless the sign is expressly exempted herein from the provisions of this bylaw.

- B. Before any commercial sign receives a permit from a Building Official it shall be reviewed by the Architectural Advisory Committee.
- C. A pre-application conference with the Building Department is encouraged in order for the applicant to become acquainted with application procedures, design standards, and related Town ordinances.

#### **1.04 SIGNS ALLOWED WITHOUT PERMITS:**

The following signs do not count towards the total permitted signage unless otherwise indicated, do not require a permit and shall comply as follows:

**BUSINESS HOUR SIGNS:** "Open/closed" and related hours-of-operation signs which do not exceed one (1) square foot.

**CAUTIONARY SIGNS:** Signs warning of prohibited activities such as trespassing, hunting, fishing, or swimming may be posted on each lot line, however, no signs may be within one hundred feet (100') of each other. Cautionary signs are limited to one (1) square foot or less per sign.

**CONSTRUCTION SIGNS:** A temporary wall or ground sign not more than eight (8) square feet advertising the construction, remodeling or rebuilding of a certain structure for a permitted use on which the signs are located. One sign shall be allowed per lot, shall not be illuminated and shall be removed immediately upon final inspection.

**DIRECTIONAL SIGN:** Any on-premise sign that directs the movement or placement of pedestrian or vehicular traffic without reference to or inclusion of, the name of a product sold or services performed.

**ELECTION/TOWN MEETING SIGN:** Any sign erected by the Town of Harwich to alert the public to an election or a Town Meeting. The location and size of these signs are to be determined by the Town Clerk with the input of a Building Official.

**HOME OCCUPATION SIGNS:** Signs identifying any home occupation as defined by the Harwich Zoning Bylaw shall be limited to a wall or a ground sign. The total square footage of any home occupation sign shall not exceed four (4) square feet in area and may be illuminated in commercial zones per section 1.07 of this bylaw. Wall signs may be attached to any structure and/or fence.

**"OPEN" FLAG:** One "open" flag per business establishment shall be allowed and shall not exceed twenty-four (24) square feet in size.

**POLITICAL CAMPAIGN SIGNS:** Political signs which do not exceed eight (8) square feet per sign face are permitted. Campaign signs are allowed in all zoning districts with the authorization of the owner of the property on which the sign is displayed. Campaign signs are prohibited on Town-owned property, including road rights-of-way. The signs must be removed within one week following the date of the election.

**PUBLIC SIGNS:** Signs required or authorized for a public purpose by law or statute.

**REAL ESTATE SIGNS:** A temporary wall or ground sign not more than eight (8) square feet advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the signs are located. One sign shall be allowed per street frontage, shall not be illuminated, and shall be removed immediately once the property is rented, leased or sale is completed.

**RESIDENTIAL QUARTERBOARD:** A traditional quarterboard, not to exceed eighteen (18) inches in height or ten (10) feet in length. A residential quarterboard shall not advertise a business or profession.

**SPECIAL EVENT FLYERS:** Flyers for special events measuring not more than two (2) square feet in total area shall be permitted for display in the windows of non-residential uses. For those flyers not displayed in windows, they may not be attached to trees, utility poles or be located within a public right-of-way. Such flyers may be erected no sooner than two weeks before the event, and shall be removed within 72 hours after the event; but in no event shall a flyer be erected more than 30 days.

**SUBDIVISION SIGNS:** Subdivision signs are limited to a maximum of twenty (20) square feet per sign and may not exceed six (6) feet in height. One sign may appear at each entrance. Illumination of subdivision signs is prohibited.

**TEMPORARY SIGNS:** Signs of more than two (2) square feet in area advertising a special event. Notice of such signs shall be required to be filed by the sponsoring organization with a Building Official prior to display. Such signs may be erected no sooner than two weeks before the event, and shall be removed within 72 hours after the event; but in no event shall a sign be erected more than 30 days.

**UMBRELLA SIGNS:** Signage as part of an umbrella that advertises a product for sale on the premises. Umbrellas containing the name of a particular establishment shall count against the establishment's total signage.

**VENDING MACHINES:** The portion of any internally illuminated vending machine which advertises a product shall be counted against the total allowable signage unless it is completely shielded from public view by a fence or other barrier.

**WATER DEPARTMENT SIGN:** Any sign erected by the Town of Harwich Water Department to alert the public to any drinking water related event, including but not limited to flushing of pipes and water use restrictions. The location and size of these signs are to be determined by the Water Superintendent with the input of a Building Official.

### **1.05 COMMERCIAL, INDUSTRIAL AND BUSINESS CLUSTER SIGNS:**

Business, commercial, or industrial developments may construct one cluster sign containing the name of the development and/or listings of individual businesses, products or services within the development. Signage at the location of each establishment within the development is also allowed per Sections 1.07 through 1.09 of this bylaw.

### **1.06 NON-CONFORMING SIGNS:**

Lawfully pre-existing signs that do not comply with the provisions of this bylaw at the time of its adoption may be maintained so long as they are kept in a state of good repair as specified in Section 1.08 of this bylaw, and so long as they are not relocated, replaced or structurally altered. Pre-existing signs that are relocated, replaced, structurally altered or not kept in a state of good repair as specified in Section 1.08 of this by-law, shall not be allowed to continue as non-conforming signs and shall require new permits and compliance with this by-law. A lawfully pre-existing non-conforming sign destroyed by natural disaster or accident can be replaced by a sign of the same dimensions in the same location as the original sign.

### **1.07 GENERAL REQUIREMENTS:**

- A. Sign placement shall not interfere with snow removal, or vision or movement of motorists, pedestrians and bicyclists.
- B. Signs shall be externally lit or backlit only and shall be designed, installed and maintained so as to eliminate or minimize upward directed light and glare and so that lights illuminate only

the sign, and not property which adjoins or is nearby. Luminous tube/neon/internally illuminated signs are permitted to be displayed in windows only. The total area of all luminous tube/neon/internally illuminated signs shall not exceed six (6) square feet. No animated signs are permitted.

- C. No ground sign may exceed twelve (12) feet in height.

#### **1.08 CONSTRUCTION AND MAINTENANCE:**

- A. All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, lettering and design work free from deterioration.
- B. A Building Official shall have the authority to order the repair, alteration or removal of any sign or structure which constitutes a hazard to public health and safety, or which is otherwise not in compliance with this bylaw.

#### **1.09 SIGN AREA MEASUREMENT:**

- A. For single tenant businesses accessed directly from a street, right-of-way or parking area, the maximum permitted sign per public entrance façade shall be forty-eight (48) square feet.
- B. Buildings within a project or premise, having more than one (1) tenant or use, shall provide a Master Sign Plan for the entire structure or project for review and approval by the Planning Board prior to any sign permit approval by a Building Official. Once the Planning Board has approved a Master Sign Plan, further approval by the Planning Board will only be required if there are changes to the structure in question that would require Site Plan Review pursuant to Section X.K of the Harwich Zoning By-law. For office buildings, shopping plazas and shopping centers, a cluster sign of up to sixty square feet (60 sq. ft.) is permitted as part of the Master Sign Plan to identify the name of the complex and each individual tenant, plus each tenant may have signage at the location of their business of up to forty-eight square feet (48 sq. ft.) per entrance façade.

Total sign area within the Master Sign Plan is subject to the size limitations of this Section. Sign area cannot be transferred to a single building or facade from other buildings in the project. In addition, the amount of signage assigned to a specific space in a building shall be tied to that space through the lease or purchase agreement. Under no circumstances may the sign area designated for an individual space be transferred to another space in the same building or complex. In the case where a single tenant occupies more than one space, the sign area may be combined for as long as a single tenant occupies both spaces. If the spaces are separated, the original sign area will be returned to each individual space.

- C. The area of a sign face shall be computed by measurement of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area calculation shall not include structural supporting framework, bracing or wall. If any advertising is present on the supports of a sign, the area of the supports will count towards the total allowable signage. Where there are two faces back to back, the total area of the largest face shall determine the area of the sign.

- D. Where two faces are placed at greater than thirty degree (30°) angles to one another, the sign area shall mean the total area of both faces.

#### **1.10 APPEALS:**

Any applicant, who believes a denial is not justified, has the right to appeal to the Board, and to appear at a meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Board shall be filed with the Town Clerk in writing within thirty (30) business days following the denial of the permit by a Building Official, pursuant to Chapter 40A. Applicants appealing to the Board may request review of the decision of the Building Official or a variance to the Sign Regulation pursuant to MGL Chapter 40A Section 10.

#### **1.11 VIOLATIONS OF THIS BY-LAW:**

Violation of this By-law is subject to enforcement action through the Building Department pursuant to Section X D of the Town of Harwich Zoning By-laws.

#### **1.12 SEVERABILITY:**

If any provision of this By-law is held invalid by a court of competent jurisdiction, the remainder of the By-law shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this By-law shall not affect the validity of the remainder of the Harwich Zoning By-law.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO CLARIFY CURRENT BY-LAW. VOTE 8 TO 0.**

#### AMEND ZONING BY-LAW – HOME OCCUPATION

ARTICLE 44. To see if the Town will vote to amend the Town of Harwich Zoning By-law Section VIII (Home Occupation), A, by deleting number 5 and replacing it with the following, and to act fully thereon. By request of the Planning Board.

5. Any sign erected to advertise a home occupation as defined in this by-law shall conform to the requirements set forth in Section VII (Sign Regulations) of this by-law.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO CLARIFY CURRENT BY-LAW. VOTE 8 TO 0.**

#### AMEND ZONING BY-LAW – SIX PONDS SPECIAL DISTRICT

ARTICLE 45. To see if the Town will vote to amend the Town of Harwich Zoning By-law, Section XVII (Six Ponds Special District) As approved by Special Town Meeting August 6, 2001 by making the following changes, and to act fully thereon. By request of the Planning Board.

Under 1.0 (Purposes), delete all bullets, and replace with consecutive numbers 1 through 10 for each of the 10 purposes listed.

Under 2.1 (Zoning Districts), delete the bullets adjacent to the bolded words “Zone A” in the second paragraph and “Zone B” in the fourth paragraph.

Under 3.0 (Definitions), delete “Section 81” and replace with “Sections 81K-81GG” so that it reads: **Grid Subdivision (GS)**. A subdivision consistent with MGL Chapter 41, Sections 81K-81GG and the Town of Harwich Rules and Regulations.

Under 4.1 (Conditional Uses), third paragraph (Within the underlying residential district), delete bullets and number the paragraphs consecutively from 1 to 6.

Under 4.1 (Conditional Uses), third paragraph (Within the underlying residential district), fifth bullet, delete “Section 81” and replace with “Sections 81K-81GG” to the end of the sentence so that it reads: “Grid Subdivision consistent with MGL Chapter 41, Sections 81K-81GG and the Town of Harwich Rules and Regulations.”

Under 6.2.3, third sentence, delete the word “utilities” and replace with the word “utility” so that it reads: “Tunneling for utility installation...”

Under 7.2, delete letters (a), b), c), etc...) and number the paragraphs consecutively from 1 to 5.

Under 8.2 (Design Guidelines), delete bullets and number the paragraphs consecutively from 1 to 5.

Under 9.1 (Application), delete “Section 81” and replace with “Sections 81K-81GG” so that it reads: “A Flexible Cluster Development or Grid subdivision as defined in MGL Chapter 41, Sections 81K-81GG ...”

Under 9.7 (Common Open Space), delete letters (a), b), c), etc...) and number the paragraphs consecutively from 1 to 4.

Under 9.8 (Common Open Space Ownership and Management), delete letters (a), b), c), etc...) and number the paragraphs consecutively from 1 to 3.

Under 9.91 (Submission Requirements), second number 4, delete paragraph number and replace with the number 5, so the numbers are consecutive.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO CLARIFY CURRENT BY-LAW. VOTE 8 TO 0.**



## APPROVE REVISED CEMETERY RULES AND REGULATIONS

ARTICLE 46. To see if the Town will vote to approve the revised Harwich Cemetery Department Rules and Regulations as submitted by the Harwich Cemetery Commission, and to act fully thereon. By request of the Harwich Cemetery Commission.

### **Harwich, Massachusetts Rules and Regulations of Harwich Cemeteries**

#### **I. Rules**

1. Town Cemeteries are open daily from dawn to dusk.
2. No vehicle shall be operated in any part of the cemeteries, except upon the paved avenues, and at speeds no faster than 10 MPH. Violators will be subject to a speeding fine.
3. Horseback riding, recreational motorcycling, roller skating, skateboarding, running/jogging or any other type of recreational sport are prohibited, and the Town is not liable for any injuries sustained by any person participating in a recreational activity within Cemetery property.  
Any activity that encroaches on individual lots or graves is prohibited.
4. Pursuant to the Town of Harwich Animal Control By-Law, Article X, *"No horse or dog shall be allowed in any cemetery within the Town of Harwich, whether it is accompanied by the owner... [and violation's] shall be subject to a fine of (fifty) 50 dollars."*
5. Any person disturbing the quiet and/or order of the grounds by loud noise, speeding, or other improper or disorderly conduct, or who shall violate any of these rules, will be removed from the grounds, and such person will be dealt with as provided by law. The entrance of any intoxicated person is prohibited.
6. No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.
7. Gravestone repairs or rubbings require PRIOR authorization of the Cemetery Commission, or a designated agent – a copy of the Association for Gravestones Studies *Gravestone Rubbings Do's and Don'ts* will be provided.
8. Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day.

#### **II. Interments**

1. Burial lots in the cemeteries shall be used for no other purpose than a place for the interment of the human dead, or marker monuments. Any other memorial structures must be approved by a majority of the Cemetery Commissioners.
2. No interment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written order/interment form from the legal owner, or the legal representative of the right of burial in the lot in which interment is to be made. No grave shall be opened for interment or removal, unless the opener has been authorized by the Cemetery Commission, and the area has been flagged by Cemetery personnel.
3. All interments shall be enclosed in a cement vault except: infants shall require a fiberglass container thirty (30) inches or less in length; cremations shall require an urn or

other permanent container.

### **III. Cemetery Lots**

1. Cemetery personnel shall, upon request furnish to residents/town employees who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made.
2. The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.
3. Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An assignment form needs to be filled in, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
4. Upon the decease of a proprietor, a lot passes to his heirs-at-law (MGL.Ch.114, s.29), unless specifically devised by will or trust (subject to Ch. 190, sec.3).
5. Burial lot(s) for the interment of any indigent resident Veteran are available, and is set aside for the burials of Veterans residing in the Town at the time of their enlistment and/or at the time of their death, verified by the Veterans Agent, and subject to the approval of the Cemetery Commission.
6. Single grave space may be made available for the indigent, residing within the Town at the time of death. Unmarked grave may be made available, without charge, for the burial of the stillborn or very young infants.
7. All work performed on graves or lots by the owners, or by their order, shall be performed only with prior authorization of Cemetery personnel, in order to preserve as much as possible the natural appearance of cemeteries.
8. Maintenance of all plantings placed by a lot owner, or designee, is the responsibility of the lot owner, and the Cemetery Department reserves the right to remove any planting that becomes unsightly. The Town of Harwich is not liable for items left at a grave, or damage to flowers, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures.
9. Annual/perennial flowers must be planted at the base of a monument/marker, so as to not interfere with maintenance department procedures
10. Fences, borders, curbing, hedges, trees, rampant-growing plantings, and crushed stone, are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite.
11. Masons, stonecutters, and all workmen, shall at all times be under the control of Cemetery Department personnel, and must carry off all rubbish and restore roads, avenues, and paths, injured by their operations. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.
12. The Town reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location as far as possible, or as may be selected by Cemetery Management.

#### **IV. Markers, Headstones, Monuments**

1. The following size, length, width, and lot restrictions apply:
  - A. SINGLE LOT – Ground level marker not to exceed twenty-eight (28) inches by sixteen (16) inches. Headstones and monuments not exceed eighteen (18) inches wide by six (6) inches deep by twenty-two (22) inches high. The base for a headstone or monument is not to exceed twenty-four (24) inches wide by twelve (12) inches deep by six (6) inches vertical.
  - B. DOUBLE LOT - Markers, headstones or monument length not to exceed forty-two (42) inches wide by six (6) inches deep by thirty-six (36) inches high. Alternative: Mark as single lots as defined above.
  - C. TRIPLE LOT - Monuments may be placed in the middle (on second grave). Alternative: Mark as single lots as defined above.
  - D. FOUR or MORE LOTS - Markers, headstones or monument length not to exceed sixty (60) inches wide by sixteen (16) inches deep by twenty (20) inches high. Each lot may instead/also have a flat foot marker not to exceed twenty-eight (28) inches in length by sixteen (16) inches in width.
2. No markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or boulder. All monuments are to be centered at the head of lot or centered at the mid-line.
3. A marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial; therefore both a monument and a bench are not permitted.
4. Cremation lot – only one flush marker is permitted; upright monuments are prohibited due to space limitations.
5. The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.

#### **V. Administration**

Under the administrative direction of the Town Administrator and the policy direction of the Cemetery Commissioners, the Cemetery Administrator, shall have overall responsibility for the proper administration of Town Cemeteries in accordance with these rules and regulations and applicable Federal and State laws. The Town of Harwich Home Rule Charter and MGL Ch. 114 establish the Cemetery Commission, and the appointment of members. Duties of the Cemetery Commissioners are proscribed under MGL Ch. 114, S23, and the Town of Harwich Home Rule Charter, S 7-15-2.

#### **VI. Active Cemeteries** *(Burial space available)*

Evergreen Cemetery, Route 137 and Cemetery Road, East Harwich

Island Pond Cemetery, Harwich Center

Mount Pleasant Cemetery, South Street, Harwich Port

Kelley Cemetery, Off Main Street, North Harwich

**VII. Inactive Cemeteries** *(No burial lots available for sale)*

Bank Street Burial Ground, Bank Street, near Long Road

Baptist Church Cemetery, Depot Street, West Harwich

Congregational Church Cemetery, Harwich Center, near church

Herring River, West Harwich, Herring River, West Harwich

Hawks Nest Cemetery, corner of Spruce and Walker Roads, East Harwich

Lothrop Cemetery, Off Lothrop Ave, West Harwich

Methodist Church Cemetery, corner Queen Anne Rd. & Church Street, EH

North Harwich Cemetery, corner Depot St. & Old Chatham Rd., NH

Old Methodist Cemetery, Queen Anne Rd., East Harwich

Old Smith Cemetery, Bells Neck Road, West Harwich

Ryder Cemetery, Route 39 near water tower

South Harwich Cemetery, Old Chatham Road, South Harwich

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO CLARIFY CEMETERY REGULATIONS. VOTE 5  
TO 4.**

**REPLENISH POLICE & FIRE CLAIMS TRUST FUND**

ARTICLE 47. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to replenish the Police and Fire Claims Trust Fund in order to pay certain medical bills related to police officer or fire fighter line of duty illness or injury and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$5,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. ESTIMATED COST: \$5,000. TO PAY CLAIMS. VOTE  
8 TO 0.**

**CREATE “HALL OF FAME” FOR HARWICH CITIZENS**

ARTICLE 48. To see if the Town will vote to authorize the Board of Selectmen to create a “Hall of Fame” to honor the past residents and influential people who have contributed to the town and have made it the special place we call home. Nominees to the Hall of Fame shall be presented to the Board of Selectmen prior to November 1<sup>st</sup> each calendar year. The Board shall then choose Inductees, using guidelines set forth by the Board, and present the names at the next annual town meeting. A photo and brief description or plaque of the Inductee shall then be hung in a designated hallway at the Community Center, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$100.00 (per Inductee).

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED. TO RECOGNIZE CONTRIBUTION. VOTE 6 TO 2.**

### PROMOTE TOWN OF HARWICH

ARTICLE 49. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town of Harwich. Said monies to be used for promotional publication pieces and advertisements touting the town to potential visitors and to act fully thereon. By Petition. Estimated cost: \$12,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$12,000. CANNOT AFFORD AT THIS TIME. VOTE 3 TO 2 WITH 2 ABSTAINING.**

### DEFRAY EXPENSES OF HARWICH ATHLETIC ASSOCIATION

ARTICLE 50. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to help defray the cost of the Harwich Athletic Association in sponsoring the Harwich Mariners, a member of the Cape Cod Baseball League, and other community athletic events; said money to be spent under the direction of the Board of Selectmen, and to act fully thereon. By Petition. Estimate cost: \$3,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ESTIMATED COST: \$3,000. CANNOT AFFORD AT THIS TIME. VOTE 4 TO 3 WITH 1 ABSTAINING.**

### ADOPT BUYBACK PROVISION FOR CALL FIREFIGHTERS

ARTICLE 51. To see if the Town will vote to accept the provisions of the Massachusetts General Laws, Chapter 32, Section 4 (b ½) as amended which provides:

In any city, town, or fire district, which accepts the provisions of this paragraph, service as a permanent-intermittent or call firefighter shall be credited as full-time service as provided in paragraph (b), except that credit for such service shall not be conditioned upon the appointment of said permanent-intermittent or call fire fighter as a permanent member of the fire department. This paragraph shall take effect in a city by vote of the city council in accordance with its city charter; in a town which maintains a separate contributory retirement system by vote of town meeting; in a town whose eligible members are members of the county retirement system of the county wherein such town lies by vote of the town meeting; in a district which maintains a separate contributory retirement system by vote of the district meeting, and in a district the eligible employees of which are members of a county retirement system by vote of the district meeting, and to act fully thereon. By Petition.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

## COMPENSATING BALANCE AGREEMENT

ARTICLE 52. To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements with banking institutions for fiscal year 2004 pursuant to Chapter 44, Section 53F of the General Laws and to act fully thereon. Customary article.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

## LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 53. To see if the Town will assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws as amended by Chapters 516 and 524, Acts of 1950, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts, for improvement, development, maintenance and protection of tidal and non-tidal rivers, streams, harbors, tide waters, foreshore and shores along a public beach outside of Boston Harbor, including the Merrimack and Connecticut Rivers in accordance with Section 11 of Chapter 91 of the General Laws and to authorize the Selectmen to execute and deliver a bond of indemnity to the Commonwealth. Customary article.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

## OBTAIN SUPPLY OF POTASSIUM IODIDE

ARTICLE 54. To request Town Meeting action on the following: A proposal to address the issue of stockpiling and distribution of potassium iodide in connection with House of representative Bill No. 4913 – An Act in Connection with Nuclear Power Plants.

Whereas Cape Cod and the Town of Harwich are situated in an area relative to a nuclear power plant as described in House of Representatives Bill No. 4913 and may be affected in the event of a release of radiation, accident or otherwise,

Whereas there are limited escape routes for the people in this area, and

Whereas the aforementioned bill provides obtaining a supply of potassium iodide for protection from thyroid cancer, at no cost to the Town.

The Town of Harwich votes to accept potassium iodide from the Nuclear Regulatory Commission's Potassium Iodide Stockpiling Program or the operators of the Plymouth Nuclear Power Station. The Town further votes to commission the Board of Health to develop and distribute educational materials to apprise the general public of the issues regarding the use of potassium iodide. Further, the Board of Health will formulate a storage and distribution plan that

is consistent with forthcoming regulations of the Massachusetts Department of Public Health and coordinates with the Town of Harwich Fire and Police Departments, emergency management personnel and other entities and town departments as the Board of Health deems necessary to ensure the timely distribution of potassium iodide should it become necessary, and to act fully thereon. By request of the Board of Health.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. PROVIDES FALSE SENSE OF SECURITY. VOTE 8 TO 0.**

#### CONGREGATE MEAL SITE FOR HARWICH SENIORS

ARTICLE 55. To see if the Town will vote to supply the meal cost for a Congregate Meal Site for Harwich Seniors. The cost for this service is: the meals at \$2.47 each/\$11,559.60 and paper supplies and disposables at \$404.59, and to act fully thereon. By Petition. Estimated cost: \$11,964.19.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$11,964. TO PROVIDE MEALS FOR SENIOR CITIZENS. VOTE 7 TO 1.**

#### PURCHASE & INSTALL A VOICE MAIL SYSTEM AT THE COMMUNITY CENTER

ARTILCE 56. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase and install a voice-mail system at the Community Center and to act fully thereon. By Petition. Estimated cost: \$4,595.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. FUNDED ELSEWHERE. VOTE 8 TO 0.**

#### ESTABLISH REVOLVING FUND FOR COUNCIL ON AGING PROGRAMS

ARTICLE 57. To see if the Town will vote to establish a revolving fund for the purpose of funding programs with the Council on Aging, pursuant to the provisions of Chapter 44, Section 53E ½ of the Massachusetts General Laws and to act fully thereon. By Petition.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO FUND PROGRAMS. VOTE 8 TO 0.**

## RESOLUTION TO ABOLISH CORPORATE PERSONHOOD

ARTICLE 58. To see if the Town will vote to adopt the following resolution to abolish corporate personhood, and to act fully thereon. By Petition.

Whereas, The rights of personhood, as declared in the Bill of Rights and the Fourteenth Amendment of the United States Constitution, the Declaration of Rights of the Constitution of the Commonwealth of Massachusetts, civil rights legislation, and the United Nations Declaration of Human Rights, are among the hardest won and most valuable possessions belonging to all human beings; and

Whereas, The word “person” in the United States Constitution means human beings; and

Whereas, The word “person” in the United States Constitution was *not* meant to include corporations or other fabricated or artificial entities; and

Whereas, corporations are not mentioned, described, or assigned rights under the United States Constitution; and

Whereas, The United States Supreme Court in 1886 had no moral or legal authority to give the legal rights of persons to corporations; and

Whereas, We have seen corporate personhood inappropriately empowered to compete against natural, human citizens in the self-governance of our nation, in sustaining a viable environment, in promoting the general welfare, in establishing justice, in securing the blessings of liberty for ourselves and our posterity; and

Whereas, We have seen corporations claim the First Amendment right to freedom of speech in order to use large sums of money to influence our electoral and legislative processes and to advertise destructive products to our citizens; and

Whereas, We have seen corporations damage the environment when they use the Fourteenth Amendment to contest regulation by us, the citizens, and when they use the Fourth Amendment to deny citizen oversight and inspections; and

Whereas, We eat genetically modified food without our knowledge because corporations use the First Amendment to deny disclosure to the public; and

Whereas, We have seen small, neighborhood businesses, the backbone of our economy, crushed, despite our efforts to save them, by corporations claiming to possess civil rights equal to those established for the protection of citizens; and

Whereas, We know, as all reasonable persons would, and by our powers of sane cognition, that a corporation is a legal abstraction without conscience or moral capacity and without supportable claim to being a person; and



Whereas, We know that We, the People, through our state governments create and establish corporations, and the authority to instruct, regulate, or revoke the charter of corporations is retained by us; and

Whereas, The United States Constitution is not a suicide pact amenable to a claim that rights allocated to the people may lawfully be appropriated by an artifact having legal standing with natural citizens.

therefore, be it

**RESOLVED, That the Town of Harwich adopt the position that corporations are not persons and are not entitled to the rights of persons in the Bill of Rights, the Fourteenth Amendment, and civil rights legislation under the United States Constitution, and, accordingly, the Town of Harwich supports the abolition of corporate personhood.**

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. DO NOT SUPPORT THE ABOLISHMENT OF CORPORATE PERSONHOOD. VOTE 8 TO 0.**

#### RESOLUTION TO ELIMINATE \$600 MILLION IN TAX BREAKS TO CORPORATIONS

ARTICLE 59. To see if the Town will vote to adopt the following Resolution to organize concerted advocacy to obtain all state aid due Massachusetts communities, and to act fully thereon. By Petition.

Whereas, The tax code is a major form of corporate welfare; and

Whereas, Tax breaks for corporations constitute a form of political charity without adequate redeeming social value; and

Whereas, The Governor and General Court, faced with inadequate revenues to cover the Commonwealth's expenses, have left untouched tax breaks to corporations and have lowered the personal income tax exemption (a tax increase on all the people), thereby shifting revenue obligations unfairly to the people with the lowest resources; and

Whereas, Tax breaks, unlike spending programs and direct subsidies, are outside the budgetary process and receive little publicity for public debate on how to respond to the current fiscal crisis; and

Whereas, The Governor and General Court, faced with an unbalanced budget, failed to acknowledge the hidden tax breaks to corporations and have cut state aid to local communities and to health and human service programs instead; and

Whereas, The Governor and General Court have not advanced a proposal to cut unnecessary patronage jobs but to raise fees and other revenue sources that further increase revenue burdens on the rank and file taxpayers; and

Whereas, Corporate tax breaks in Massachusetts total approximately \$600 million;

therefore, be it

**RESOLVED, That the Governing Body and Townspeople of Harwich join together to protest in the strongest terms to the Governor, House Speaker, and Senate President against their unfair and irresponsible management of revenue acquisition and spending leading to their cutting state aid to Massachusetts municipalities and towns, That furthermore these cuts should not come until \$600 million in state aid through tax breaks to corporations are eliminated first, and That Harwich should seek support in this protest from other municipalities and towns throughout the Commonwealth whose residents are similarly concerned.**

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NEGATIVE IMPACT GREATER THAN OUTCOME. VOTE 8 TO 0.**

#### HERRING FISHERIES

ARTICLE 60. To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary article.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 8 TO 0.**

#### UNPAID BILLS

ARTICLE 61. 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 Chapter 170 of the Acts of 1941 and to act fully thereon. By request of the Town Accountant. Estimated cost: \$\_\_\_\_\_.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

### STABILIZATION FUND

ARTICLE 62. To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sum of money to be added to the Stabilization Fund and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO REFUND THE \$322,797.18 TO STABILIZATION USED FOR CHAPTER 90, AS PROMISED. VOTE 8 TO 0.**

### SURPLUS REVENUE

ARTICLE 63. To see if the Town will vote to transfer certain unused balances of articles appropriated in past years to surplus revenue and to act fully thereon. By request of the Board of Selectmen.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

*INSERT SIGNATURE PAGE HERE*

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
SPECIAL TOWN MEETING WARRANT  
MAY 6, 2003

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 6, 2003 at 8:00 P.M., then and there to act on the following articles:

SUPPLEMENT FINANCE COMMITTEE RESERVE FUND ACCOUNT

ARTICLE 1. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money to supplement the FY'03 Finance Committee Reserve Fund Account and to act fully thereon. By request of the Finance Committee. Estimated cost: \$646,198.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$646,198. TO PAY UNEXPECTED FY '03 BILLS. VOTE 6 TO 0.**

MAINTAIN/UPDATE/CERTIFY  
REAL/PERSONAL PROPERTY VALUATIONS

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to maintain, update, and/or certify real and personal property valuations and to act fully thereon. By request of the Board of Assessors. Estimated cost: \$17,500.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTIMATED COST: \$17,500. STATE MANDATE. VOTE 6 TO 0.**

## ADOPT HARWICH HOUSING STRATEGY

ARTICLE 3. To see if the Town will vote to approve and adopt the Town of Harwich Housing Strategy (included as Attachment A), and to act fully thereon. By request of the Harwich Housing Committee.

(Attachment A)

### **Town of Harwich Housing Strategy**

#### **Background**

On May 2, 2000 the Harwich Town Meeting adopted a final Local Comprehensive Plan which included a section on Affordable Housing (section 11.0). This section constitutes, in effect, a housing strategy for the Town of Harwich. This plan contained 19 recommendations with respect to affordable housing. Recommendation 18 calls for an update of the affordable housing analysis every three years. Additionally, in a letter from Director Gumble (Massachusetts Department of Housing and Community Development) dated August 27, 2002, the Town of Harwich was notified that in order to become housing certified for FY 04, pursuant to Executive Order 418, the town must have in place a housing strategy. The housing strategy must contain sufficient information and unit production goals so as to be able to determine whether the units added are sufficient for the granting of future certifications.

It is with the goal of updating the existing housing analysis and providing a housing strategy that the following document has been prepared.

#### **Changes in Conditions**

Since May 2000 there have been several changes in the cost, supply and availability of affordable housing. The median sales price for single homes in Harwich has increased from \$188,050 Jan – Oct 2000 to \$277,000 Jan – Oct of 2002 (The Warren Group). New housing units built in Harwich total 167 in 1999, 118 in 2000, 105 in 2001 and 90 through November of 2002. During this period 65 of these units (Pine Oaks III) qualify as affordable units.

While the median price of housing has risen 47%, median income for Barnstable County has increased 18.4%, from \$47,700 (for a family of four) in 2000 to \$56,500 in 2002. Housing is considered affordable if a family with an income 80% of the median spends less than 30% for housing. In 2000 this amount was \$954 per month and in 2002, \$1130 per month. In 2000 a family earning 80% of median income could afford a home costing \$135,000 (assuming 10% down, 6.25% interest, taxes and insurance) and in 2002, one costing \$175,000 under the same assumptions.

The goal for affordable housing, as set by Executive Order 418, is for each town to have 10% of its available housing affordable. Harwich currently has 214 affordable units (3.65%), 372 units short of the current goal of 586. In 2025, when Harwich will reach its build out total of 8500

units, 850 units should be affordable. This leaves Harwich with a need to have created 636 units over the next 22 years, or 29 units a year.

## **Issues**

The provision of affordable rental opportunities for working people and their families still appears to be the greatest identified need. Anecdotal evidence from school, town and private employers all indicate that the lack of affordable housing is the greatest problem in attracting and retaining employees. The lack of affordable seasonal employee rental housing also has been identified as a problem and as such places additional pressure on the availability and affordability of year round rental units.

Making progress on meeting the 10% goal is important on several levels. The most obvious is the benefits to the residents of Harwich of having affordable housing available. Maintaining Housing Certification under EO 418 is also important. Maintaining this certification affects the Town's standing in resisting ill-conceived 40B development proposals. Remaining certified also impacts the extent to which Harwich will remain competitive in applying for State grant funding.

Harwich can play several roles in implementing a housing strategy. The town on one hand can serve a purely regulatory role expecting the private sector to respond to requirements and inducements. On the other hand, Harwich can play an active role, directly acting to develop affordable units. As an active developer of housing, the Town is in the best position to control where and what type of housing is developed and whether that housing meets the Town's most critical needs. Eventually, as an owner of housing, Harwich will have an asset which provides affordable housing in perpetuity and over time will earn a return which can be invested in additional units.

If the Town decides to develop affordable units by buying existing units, the cost in dollars, to provide the necessary level of subsidy, can be significant. Harwich, in order to make the unit affordable, would have to purchase the property outright or subsidize the purchase price so that the remaining mortgage payment would be affordable. The cost to the Town in today's market would possibly average \$100,000 per unit of single family housing. Additionally, by purchasing an existing property those properties are removed from the tax roll. Benefits of this strategy are that purchases can occur in any area of town and by not adding to the total number of units, the total number of affordable units needed is not affected.

Harwich can also provide a subsidy by providing existing Town owned land for the construction of new housing. The cost of land today makes up a significant portion of the cost of housing. Construction cost can be financed by traditional bank financing and should be affordable without any additional Town cash outlay. Local financial institutions have responsibilities under the Community Reinvestment Act and should be interested in local options to meet these responsibilities.

The benefit in building new housing is that the types of units needed, can be built – single or multi units, 1, 2 or 3 bedrooms, etc. Costs for removing lead paint, making units accessible and renovating and repairing existing construction defects are avoided. Land which the Town has

provided should remain in public ownership. Additionally, as units developed by the Town produce excess revenue, said revenue should be reinvested in additional housing opportunities.

## **Goals**

1. To promote the annual development, whether by new construction, acquisition, and/or conversion of existing buildings, by Town action and action of others, 29 units of affordable housing, 70% of which will provide for the need of rental housing.
2. To promote the development of funding sources and income streams to support the development of affordable housing.
3. To continue to review Town by-laws, and other regulations, and strive to remove barriers preventing the development of affordable housing.

## **Recommendations**

1. Adopt a plan and strategy which has concrete production goals for the coming three years with an updating and extension of the plan at that time.

**Discussion** – In achieving the affordable housing goals, all potential players, the Town and both for profit and non-profit members of the private sector will have to do a part. The Town can only decide what it will specifically do over the next three year period. Goals can be suggested for the private sector but performance cannot be required. Housing production by all players, changes in the economic framework and changes in regulatory requirements over the ensuing three years will make a fresh analysis and goal setting necessary.

2. Establish a local fund for affordable housing for the receipt of cash contributions, state and private grants, and local funds dedicated to affordable housing.
3. Request that Town Meeting, in May, 03, set aside the following parcels for affordable housing:
  - a. Map 53, Parcel G3-1, approximately a 9 acre lot off Driftwood Lane in East Harwich for the provision of 46 bedrooms in 1, 2 and 3 bedroom units, typically arranged in four unit buildings.
  - b. Map 71, Parcel A1-3, 6.5 acre lot on Oak St. in Harwich Center for the provision of 26 bedrooms in 1, 2 and 3 bedroom units, typically arranged in four unit buildings.
  - c. Map 5, Parcel D-3, 6.5 acre lot on Earle Rd., West Harwich, a portion to be reserved for the beach, parking, facilities, and buffer, a portion to raise funds to develop beach facilities and affordable housing, and the remainder for the development of up to 12 bedrooms, in a variety of unit configurations, of affordable housing.
  - d. Identify parcels in North Harwich, Pleasant Lake, South Harwich, and Harwich Port to be set aside by Town Meeting in May 04 and 05 for similar Town owned rental housing development.
4. Request that Town Meeting set aside the following parcels for development of one or more single family units by the Harwich Housing Authority, Lower Cape and/or Harwich Community Development Corp., or Harwich Ecumenical Council for the Homeless.
  - a. Map 21, Parcel E4-2, .54 acre lot on Sisson Rd., Harwich Port.



- b. Map 74, Parcel S6-15, .17 acre lot on Holmes Rd., East Harwich.
  - c. Locate additional single lots in all villages for consideration at the 04 and 05 Town Meetings.
- 5. Develop and issue requests for proposals on the following two parcels.
  - a. Map 10, Parcel X-3, 1.81 acre lot on Willow St. (set aside at May, 01 Town Meeting).
  - b. Map 30, Parcel A-3, .54 acre lot on Old Campground Rd. (set aside at May, 01 Town Meeting).
- 6. Of the 29 unit annual goal for affordable housing the Town will encourage private developers, including both for profit and not-for-profit organizations, to provide 14 units of affordable housing in each of the next three years.
- 7. In order to reduce the demand for affordable rental units in the summer months, the Planning Board and other concerned Town Committees will review and make recommendations concerning issues related to the establishment of seasonal employee congregate housing as an alternative to the fierce competition for affordable summer rentals.
- 8. The Board of Selectmen of the Town of Harwich shall establish a task force made up of representatives nominated by Town Committees involved in the provision of affordable housing, preservation of the historic character of the Town, and the identification and acquisition of open space, and other interested parties, to review issues, costs, and benefits of enacting provisions of the Community Preservation Act and to bring a recommendation forward for the May, 2004 Town Meeting.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

AMEND GENERAL BY-LAWS – TOWN MEETING

ARTICLE 4. To see if the Town will vote to Amend CHAPTER I, ARTICLE 1, PARTS 1-101 through 1-103 of the By-laws by:

- (1) Inserting the following bold face text in PART 1-101 and deleting the underlined text:

All articles to be inserted in the May Town Meeting warrant shall be presented **submitted, in final form**, in writing to the Selectmen no later than four (4) p.m. on the third **second** Friday in January previous to the meeting. All articles for a Special Town Meeting shall be submitted as aforesaid at least forty (40) days before the Special Town Meeting.

- (2) Renumbering PART 1-102 as PART 1-103.
- (3) Inserting the following bold face text as PART 1-102.

**A copy of all articles to be inserted in the warrant for any Town Meeting shall be submitted by the Board of Selectmen to the Finance Committee not later than**

**(14) days after the deadline for the submission of articles set forth in Part 1-101 above.**

or take any other action relative thereto. By request of the By-law/Charter Review Committee.

**NO RECOMMENDATION PENDING FURHTER INFORMATION.**

**AMEND TOWN CHARTER**

**ARTICLE 5.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted amending the Town Charter, as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto. By request of the By-law/Charter Review Committee.

**SPECIAL ACT:**

An Act relative to the Charter of the Town of Harwich

Section 1. The Charter of the Town of Harwich, which is on file in the office of the archivist of the Commonwealth, as provided in section 12 of Chapter 43B of the General Laws, is hereby amended by deleting the text of the charter in its entirety and substituting it with the following:

# TOWN OF HARWICH

## CHARTER

### PREAMBLE

We, the people of the Town of Harwich, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth, do hereby adopt the following Home Rule Charter for this Town.

### CHAPTER 1 TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

#### SECTION 1 Incorporation

1-1-1 The present Town of Harwich, within its territorial limits as now or as may hereafter be established by law, is hereby continued as a body corporate and politic with perpetual succession under the name: Town of Harwich.

#### SECTION 2 Form of Government

1-2-1 This charter provides for an open Town Meeting-Board of Selectmen-Town Administrator form of Town government, and it shall be known by the title: Harwich Home Rule Charter.

#### SECTION 3 Scope and Construction of Town Powers

1-3-1 The Town shall possess, exercise, and enjoy all powers possible under the Constitution and Statutes of the Commonwealth as completely and fully as though they were expressly enumerated herein.

#### SECTION 4 Construction of Charter

1-4-1 The powers of the Town under this charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the charter shall not be construed as limiting in any measure the general powers of the Town as stated in this chapter.

#### SECTION 5 Severability

1-5-1 If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of this charter to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

## SECTION 6 Intergovernmental Relations

1-6-1 Consistent with the provisions of law, the Town may exercise any of its powers, perform any of its functions, or participate in the financing thereof, by contract or otherwise, jointly or in cooperation with any one or more municipalities, civil divisions, subdivisions, or agencies of the Commonwealth, other states, or the United States Government.

## SECTION 7 Parliamentary Authority

1-7-1 The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Town in all cases to which they are applicable and in which they are not inconsistent with this charter, the by-laws, or the General Laws of the Commonwealth.

## CHAPTER 2 TOWN MEETING

### SECTION 1 Organization and Powers

2-1-1 The legislative powers of the Town shall be exercised by a Town Meeting open to all registered voters of the Town.

2-1-2 The Town Meeting shall consider and act upon with or without amendments, all charter amendments, all by-laws, proposed operating and capital improvement budgets, bond issues, and other financial proposals of the Town.

2-1-3 The Town Meeting shall possess and may exercise all powers possible under general law.

### SECTION 2 Warrants

2-2-1 Warrants for all Town Meetings shall be issued by the Board of Selectmen and opened and closed in accordance with CHAPTER I, ARTICLE 1, PART 1-101 of the By-laws.

2-2-2 The warrant for any and all Town Meetings shall be published in a newspaper of general circulation within the Town at least fourteen days prior to the meeting, and shall be posted in a public place in every precinct in the Town at least fourteen days prior to any such meeting.

2-2-3 A copy of the warrant for any and all Town Meetings shall be mailed by first-class mail to the residential address of all registered voters at least fourteen (14) days prior to the date of such meeting. Only one copy of the warrant will be sent to the residential address regardless of the number of registered voters residing at that address. Warrants shall continue to be provided to the voters upon check in at any Town Meeting.

### SECTION 3 Procedures

2-3-1 The annual Election of Town officers shall be called pursuant to Chapter 8, clause 8-1-1. The annual Town Meeting for transaction of other Town business shall be held the first Monday in May.

2-3-2 A special Town Meeting may be called by the Board of Selectmen, and shall be called by said board upon the request, in writing, of at least two hundred registered voters of the Town.

2-3-3 The quorum for the conduct of business for any Town Meeting shall be as provided by by-law.

2-3-4 In all procedural matters, the Town Meeting shall be governed by general law, this charter, or by-law.

#### SECTION 4 Initiative

2-4-1 By written petition to the Board of Selectmen, any ten (10) voters of the Town may secure the inclusion of an article in a warrant for the Annual Town Meeting, and at least one hundred registered voters may secure the same for any duly scheduled Special Town Meeting.

#### SECTION 5 Moderator

2-5-1 A Moderator, elected in accordance with clause 6-3-1, shall preside at all sessions of the Town Meeting.

#### SECTION 6 Simplified Rules of Procedure

2-6-1 Rules of parliamentary procedure in simplified form shall be prepared by the Moderator and shall be included in the Town Meeting warrants prepared for distribution to Town voters.

#### SECTION 7 Ad Hoc Committees

2-7-1 All ad hoc committees established by the Town Meeting shall be appointed by the Moderator, unless the motion establishing any such committee shall name the members, provide for their election, or provide for a different appointive authority.

#### SECTION 8 Articles Having Fiscal Implications

2-8-1 All proposed operating expenditures shall be included in a single, omnibus-type article in the Town Meeting warrant.

2-8-2 All articles shall be considered by the Finance Committee which shall issue a written recommendation on all such articles. The chairman of the committee, or a designated representative, shall be present at the Town Meeting to provide verbal explanations of the committee's recommendations.

2-8-3 Unless the article has been submitted by petition in accordance with clause 2-4-1, no article calling for the appropriation of funds shall be included in any special Town Meeting warrant unless the proposed expenditure has been recommended by the Board of Selectmen and the Finance Committee, acting separately at separate meetings.

## SECTION 9 Compulsory Attendance

2-9-1 All Town officers, the chairmen of multi-member bodies, division directors, and department heads, or their duly designated representatives, shall attend sessions of the Town Meeting when proposals affecting their particular office, body, division, department, or function are included in the warrant. The absence of any such persons shall not invalidate the actions of the Town Meeting.

## CHAPTER 3 BOARD OF SELECTMEN

### SECTION 1 The Board of Selectmen

3-1-1 A Board of Selectmen of five members shall be elected at-large for three-year overlapping terms.

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

### SECTION 2 Policy Leadership Responsibilities

3-2-1 Except as otherwise provided by this charter, all executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall have all of the powers and duties given to boards of selectmen under the Constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by by-law, or by any other Town Meeting vote.

3-2-2 The Board of Selectmen shall cause the laws and orders for the government of the Town to be enforced and shall cause an up-to-date record of all its official acts to be kept.

3-2-3 The Board of Selectmen shall serve as the chief policy-making agency of the Town and, as such, shall not normally administer the day-to-day affairs of the Town, but shall instead regularly direct the Town Administrator to help it in carrying out its administrative duties, and make recommendations to the Town Meeting relating to actions required to be taken by that body.

### SECTION 3 General Powers, Duties and Responsibilities

3-3-1 The Board of Selectmen shall have the power to enact rules and regulations establishing Town policies, not otherwise governed by general law, this charter, or by-law, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the board shall be effective only if such appropriation has been authorized by Town Meeting.

### SECTION 4 Powers of Investigation

3-4-1 The Board of Selectmen may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town department, office, or agency, including any doubtful claims against the Town, and for this

purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next Town Report.

#### SECTION 5 Specific Powers, Duties, and Responsibilities

3-5-1 The Board of Selectmen shall be recognized as head of the government for all ceremonial purposes.

3-5-2 The Board of Selectmen shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and further, to enforce, or cause to be enforced, the laws, rules and regulations relating to all businesses for which it issues licenses.

3-5-3 The Board of Selectmen shall have the authority to designate from time to time one or more of their members to sign warrants for the payment of Town funds in the absence of the Town Administrator as referenced in Clause 4-6-1. Such designation shall be in the form of a vote by a majority of the Board at a duly called and held Public Meeting which vote shall take effect as soon as a written copy thereof signed by a majority of the Board is filed in the Office of the Town Clerk, Town Accountant and Town Treasurer.

#### SECTION 6 Powers of Appointment

3-6-1 The Board of Selectmen shall have the power to appoint: a) a Town Administrator as provided in Chapter 4; b) a Town Counsel; c) a Town Accountant; d) a Police Chief; e) a Fire Chief; f) three Assessors for overlapping three-year terms; g) three members of a Board of Registrars of voters for overlapping three-year terms; h) Election Officers; i) one or more Constables; and j) two members of the Capital Outlay Committee.

3-6-2 The Board of Selectmen shall also have the power to appoint policy-making multi-member bodies enumerated in Chapter 7 and such other bodies as may be in existence on the effective date of this charter and for whom no other method of appointment is provided in this charter. Unless otherwise provided, the Board shall also appoint such other bodies as may be hereafter established by general law, charter, by-law, or vote of the Town Meeting.

#### SECTION 7 Prohibitions

3-7-1 Except for the purpose of investigation authorized by this charter, the Board of Selectmen or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator and neither the board nor its members shall give orders to any such officer or employee, either publicly or privately.

3-7-2 Members of the Board of Selectmen shall be ineligible to serve on appointive Town multi-member bodies established by this charter or by by-law.

3-7-3 Members of the Board of Selectmen shall be eligible to serve as ex officio, non-voting members of ad hoc advisory committees.

## CHAPTER 4 THE TOWN ADMINISTRATOR

### SECTION 1 Appointment

4-1-1 The Board of Selectmen, by an affirmative vote of at least four members, shall appoint a Town Administrator for an indefinite term to serve at its pleasure.

4-1-2 In selecting a Town Administrator, the Board of Selectmen shall search for candidates by placing an advertisement in the International City Management Association Newsletter or similar professional publication and in at least two newspapers having statewide or regional circulation.

### SECTION 2 Qualifications

4-2-1 The Town Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications shall consist of at least a bachelor's degree, preferably in public administration, granted by an accredited degree-granting college or university. The professional experience shall include at least five years of prior full time, compensated executive service in public or business administration. Alternately, two years or more of professional experience and a master's degree in an appropriate discipline shall qualify any applicant.

### SECTION 3 Duties

4-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for administering and coordinating all employees, activities and departments placed by general law, this charter, or by-law under the control of the Board of Selectmen and of the Town Administrator.

4-3-2 He shall devote his full working time to the duties of his office; he shall not become a candidate for, or hold, any elective office during his term of appointment; and he shall not engage in any business activity during his term, except with the written consent of the Board of Selectmen. He shall:

- (a) Attend all meetings of the Board of Selectmen, except when excused, and have the right to speak but not to vote.
- (b) Assemble, prepare, and present to the Board of Selectmen the annual operating budget of the Town.
- (c) Develop and annually revise the capital improvements plan and budget, in consultation with the Capital Outlay Committee.



- (d) Be responsible for seeing that the budget is administered and expended as adopted by the Town Meeting and in accordance with general law, this charter, and by-law.
- (e) Keep the Board of Selectmen informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit regular reports to the board.
- (f) Keep the board informed regarding the availability of state and federal funds and how such funds might relate to unmet short-range and long-range needs.
- (g) Be responsible for the solicitation and preparation of applications for grants.
- (h) In the absence of the Personnel Administrator, be responsible for the day-to-day administration of the personnel system and by-law, and administer and enforce collective bargaining contracts, the Personnel By-law, and rules and regulations adopted by the Board of Selectmen.
- (i) Be responsible for the purchasing of services, supplies, materials, and equipment for all Town divisions, departments, and offices, excepting those for the School Department, the Water Department, and for the Brooks Free Library.
- (j) Coordinate, with the approval of the Board of Selectmen, the administrative activities of all multi-member bodies and officers concerned with the physical, economic, and environmental development of the Town.
- (k) Develop, keep, and annually update a full and complete inventory of all property of the Town, except school property, both real and personal.
- (l) Convene regular meetings of the management advisory team established by clause 5-3-3.
- (m) Negotiate collective bargaining contracts on behalf of the Board of Selectmen, unless the board shall have designated another negotiator.
- (n) Perform such other duties as may be required by this charter, by-law, or vote of the Board of Selectmen.

#### SECTION 4 Responsibilities for Appointments

4-4-1 Subject to the approval of three or more affirmative votes of the Board of Selectmen, the Town Administrator shall have the power to appoint, and on the basis of merit and fitness alone, and except as may otherwise be provided by general law, this charter, or the Personnel By-law, may suspend or remove a) Division Directors; b) Department Heads; c) a Treasurer-Tax Collector; d) a Town Engineer; e) a Town Planner; f) a Health Agent; g) a Harbormaster; h) an Assistant Town Administrator; and i) a Director of Recreation.

4-4-2 The Town Administrator shall also appoint, on the basis of merit and fitness alone, and, except as may otherwise be provided by general law, this charter, Personnel By-law, or collective bargaining agreements, may suspend or remove: a) all full-time Town employees; b) all part-time employees; c) all employees of appointed Town multi-member bodies; d) one or more inspectors; and e) all other full-time, part-time or seasonal employees, except those of the Police and Fire Departments, and those departments headed by elected officials. All such appointments and removals shall be subject to disapproval by four affirmative votes of the Board of Selectmen taken within fourteen days.

4-4-3 The Town Administrator shall appoint two (2) members to the Capital Outlay Committee.

#### SECTION 5 Responsibilities for Administrative Reorganization

4-5-1 The Town Administrator may, with the approval of the affirmative vote of at least three members of the Board of Selectmen, establish, reorganize, consolidate or abolish any division, department or position placed by this charter under his direction and supervision, except as otherwise provided by general law, this charter, or by vote of Town Meeting.

4-5-2 The creation of any new full-time, compensated position which requires the approval of the Board of Selectmen shall not become effective until the position has been funded by a vote of Town Meeting.

#### SECTION 6 Responsibilities for Disbursements

4-6-1 The Town Administrator shall have the authority to issue warrants for the payment of Town funds and his signature thereon will be sufficient authorization for payment thereof by the Town Treasurer provided, however, in the absence of the Town Administrator or in the event of a vacancy in said office, warrants may be signed by the person or persons designated by the Board of Selectmen in accordance with Clause 3-5-3 of Chapter 3, Section 5.

#### SECTION 7 Evaluation

4-7-1 The Board of Selectmen shall annually evaluate the performance of the Town Administrator. The board shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.

4-7-2 A copy of the evaluation shall be provided to the Town Administrator.

#### SECTION 8 Removal

4-8-1 The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Administrator by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within ninety days following any town election that has resulted in a change in the incumbents on the board. The vote initiating removal shall be taken at a regular scheduled public meeting of the board and in open session.

4-8-2 The adoption of said resolution shall serve to suspend the Town Administrator for a period of not more than forty-five days during which the salary shall continue to be paid. A copy of such resolution shall be delivered forthwith to the Town Administrator in person, or sent by registered mail to his place of residence.

4-8-3 Within five days following the receipt of such resolution, the Town Administrator may file a written request for a public hearing. If such a hearing is requested, the board shall schedule it within two weeks, and it shall be held in a public place. At least seven days prior to the public hearing, the board shall advertise the hearing in a newspaper of local circulation and shall cause identical notices citing the purpose, location, time and date to be posted in the Town Hall and in three other places of public access within the Town.

4-8-4 The Moderator shall preside at any such hearing.

4-8-5 At any such hearing, the reasons for the removal shall first be read aloud. The Town Administrator shall then have the right to respond, either personally or through counsel. The Board of Selectmen and the Town Administrator shall have the right to call witnesses and to subpoena any and all Town records.

4-8-6 Final removal of any Town Administrator shall be effected by the affirmative vote of at least three members of the Board of Selectmen at a public meeting of the board held within seven days of such public hearing, if requested. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members, at a public meeting of the board held not earlier than fourteen days after the vote initiating the removal. The salary of the Town Administrator shall continue to be paid for a period of sixty days after the vote effecting removal from office.

4-8-7 The Town Administrator shall provide the Board of Selectmen with at least ninety days notice of an intended resignation, provided, however, that the board may, at its discretion, shorten or waive such requirement.

## SECTION 9 Filling Vacancy

4-9-1 When a vacancy arises in the office of the Town Administrator, the Board of Selectmen shall advertise the vacancy as soon as possible. The board shall fill the vacancy as soon as possible but in any case, within six months.

## SECTION 10 Assistant Town Administrator

4-10-1 The Assistant Town Administrator shall perform such duties as may be assigned by the Town Administrator and, from time to time as necessary, shall perform the duties of that officer. The Assistant Town Administrator shall be appointed in accordance with the provisions of clause 4-4-1.

## CHAPTER 5 TOWN ADMINISTRATIVE ORGANIZATION

### SECTION 1 General

5-1-1 The administrative functions of the Town government shall be performed within the organizational framework of two or more divisions and several departments.

5-1-2 The divisions shall include: a Division of Finance; a Division of Highways and Maintenance; and such other divisions as shall be established in accordance with the provisions of 4-5-1.

5-1-3 The departments shall include; a Police Department; a Fire Department; a Planning Department; and such other departments as shall be established in accordance with the provisions of 4-5-1.

5-1-4 Responsibility for the functions administered within the several divisions and departments shall be vested in the Town Administrator unless otherwise provided by the general laws, this charter, or the by-laws.

5-1-5 Except as otherwise provided in this chapter, the Town Administrator, with the approval of the Board of Selectmen, shall designate those divisions to be supervised by a division director and those, if any, to be supervised by the Town Administrator. If the Town Administrator is designated to act as director of one or more divisions, he shall serve in such additional capacity without additional compensation.

5-1-6 With the approval of the Town Administrator, a division director, other than the Town Administrator, may designate himself as head of one or more departments within his respective division, but if so designated he shall serve in such additional capacity without additional compensation.

5-1-7 Employees or officers of the Town who are or may be designated as directors of divisions shall be appointed subject to the provisions of clause 4-4-1. Such persons shall plan, organize, schedule, coordinate, and budget the activities of the several departments placed by this charter or by administrative reorganization within a particular division.

### SECTION 2 Division of Finance

5-2-1 The administrative functions of assessment, tax and fee collections, receipts and disbursements, purchasing, and others of a fiscal nature shall be carried out within a Division of Finance.

### SECTION 3 Division of Highways and Maintenance

5-3-1 A Division of Highways and Maintenance shall be established under the direction of an appointed officer, to be known as the Director of Highways and Maintenance.

5-3-2 The division shall be responsible for: a) the construction, maintenance, repair, lighting, and cleaning of roads, highways, and streets; b) the collection, if any, and disposal of solid waste and the maintenance and operation of all facilities for the disposal of same; c) the preservation, care, maintenance, and improvement of all Town-owned cemeteries; d) the care and maintenance of public grounds, including parks; e) the planting, care and pruning of all shade trees growing on Town-owned land; f) the servicing, maintenance and repair of all automotive vehicles and vehicular equipment owned by the Town, except as otherwise determined by the Board of Selectmen or in cases of emergency; g) the repair and maintenance of Town-owned buildings; h) the care, maintenance, and cleaning of parking lots, public beaches, and of the land-side and grounds of Town harbors; and, i) such other public works functions as may be assigned by this charter or by-law.

5-3-3 A management advisory team shall be established within the division. The team shall include the Director of the Division, department heads, the Town Engineer, the Superintendent of the Water Department, and such other persons as may be appointed to the team by the Town Administrator. The team shall provide advice to the director on all matters relating to the functions of the division. Regular meetings of the team shall be held in accordance with the provisions of Section 4-3-2, subsection (l), of this charter.

#### SECTION 4 Police Department

5-4-1 A Police Department shall be established under a Chief of Police. The Board of Selectmen shall appoint the Chief of Police and such other officers as they deem necessary, as provided by Section 97A of M.G.L. Chap. 41.

#### SECTION 5 Fire Department

5-5-1 A Fire Department shall be established under a fire chief, who shall be appointed by the Board of Selectmen.

#### SECTION 6 Planning Department

5-6-1 A Planning Department shall be established under a Town Planner, who shall be appointed in accordance with the provisions of clause 4-4-1.

5-6-2 The Town Planner shall be professionally qualified for the duties of his office by reason of education, training and experience, and shall provide his services under the general policy direction of the Planning Board, subject to the day-to day supervision of the Town Administrator.

## CHAPTER 6 ELECTED TOWN OFFICERS AND MULTI-MEMBER BODIES

### SECTION 1 General Provisions

6-1-1 The officers and multi-member bodies to be elected by vote of the Town shall be: a Moderator, a Town Clerk, a Board of Selectmen as provided in Chapter 3, a School Committee, a Water Commission, a Board of Library Trustees, and a Housing Authority.

6-1-2 Multi-member bodies established or continued under this chapter shall perform their functions and duties in accordance with the constitution, general law, this charter, and by-laws.

6-1-3 No member of any elected Town multi-member body established or continued under this chapter shall be eligible to accept any appointed, paid position under any such body. This prohibition shall apply to the term for which an office holder has been elected, and for one year following the expiration of said term of office.

### SECTION 2 Vacancies

6-2-1 Except as otherwise provided, vacancies in elected Town multi-member bodies established or continued under this chapter shall be filled by the Board of Selectmen together with the remaining members of the respective board, in accordance with the provisions of the general law.

### SECTION 3 Moderator

6-3-1 A Moderator shall be elected for a three-year term. The Moderator shall: a) preside at all Town Meetings; b) appoint the members of the Finance Committee; c) appoint ad hoc committees of the Town Meeting in accordance with clause 2-7-1; d) preside at any hearing called to discuss the suspension or removal of the Town Administrator; and e) annually attend at least three meetings of the Finance Committee.

### SECTION 4 Town Clerk

6-4-1 A Town Clerk shall be elected for a three-year term.

6-4-2 The Town Clerk shall carry out such duties as are, and may be, provided by general law, this charter, by-law and by vote of the Town Meeting.

### SECTION 5 School Committee

6-5-1 A School Committee of five members shall be elected at large for three-year overlapping terms.

6-5-2 The School Committee shall conduct a public hearing prior to submitting a budget to the Town Administrator. The committee shall have preliminary summaries of its recommendations available at said hearing which shall be distributed to those requesting them.

6-5-3 Except as otherwise voted by the Town, the School Committee shall be responsible for the maintenance and repair of all school buildings.

#### SECTION 6 Water Commission

6-6-1 A Water Commission of three members shall be elected for three-year overlapping terms.

6-6-2 The Water Commission shall possess and exercise all powers given to said board under Chapter 165 of the Acts of 1935.

6-6-3 The commission shall appoint a Water Superintendent, and shall request such officers to cooperate with, and be responsive to, requests emanating from the Town Administrator's office.

#### SECTION 7 Library Trustees

6-7-1 A board of Library Trustees of seven members shall be elected for three-year overlapping terms.

6-7-2 The board shall be responsible for the administration and operation of the Brooks Free Library, including staffing of professional library staff, acquisitions of books, journals, periodicals, and other materials relating to the library function, and the promulgation of library rules and regulations.

#### SECTION 8 Housing Authority

6-8-1 There shall be a Housing Authority of five members, one of whom shall be appointed under authority of the Commonwealth and four of whom shall be elected. The elected members shall serve five-year overlapping terms.

### CHAPTER 7 APPOINTED MULTI-MEMBER BODIES

#### SECTION 1 Advertising Vacancies and Appointing Multi-member Bodies

7-1-1 To ensure a diverse representation on all appointed multi-member bodies, the Board of Selectmen shall make a concentrated effort to seek out qualified persons from the entire Town when filling vacancies, and only year-round Harwich residents shall be qualified for appointment to any Town multi-member body.

7-1-2 To further promote a maximum level of qualified, active, and interested citizen participation on appointed multi-member bodies, the Board of Selectmen shall advertise all vacancies and impending appointments. Said advertising shall enumerate the vacancies that are to be filled and include a brief summary of the qualifications and duties and shall solicit the submission of a Citizen Activity Record Form from persons willing and able to serve. The advertisement shall also include a deadline for submitting said activity record forms and the date and time of meetings at which the interview with the applicants shall be held, as well as the date

of the meeting at which the appointments will be made. Such advertisements shall be published in a newspaper of general circulation in the Town and shall be made once a week for a minimum of two (2) weeks after the vacancy arises.

7-1-3 The Board of Selectmen shall give careful consideration to regulatory or by-law requirements for appointments to multi-member bodies and shall consider any specific recommendations from the chairman of such bodies when filling vacancies.

7-1-4 Prior to making appointments to the Finance Committee, the Moderator shall also make an effort to seek out qualified persons to serve and shall cause a notice to be published enumerating the vacancies to be filled and setting forth the location, time and date when the Moderator will be available to interview persons willing and able to serve. The advertising of vacancies on the Finance Committee shall also be published in a newspaper of general circulation in the Town and shall be made once a week for a minimum of two (2) weeks after a vacancy arises.

## SECTION 2 General Provisions

7-2-1 Multi-member bodies established or continued under this chapter shall possess and exercise all powers given to them under the Constitution and Laws of the Commonwealth, and shall have and exercise such additional powers and duties as may be authorized by this charter, by-law, or vote of the Town Meeting.

7-2-2 All multi-member bodies of the Town shall; a) organize annually; b) elect necessary officers; c) adopt rules of procedure and voting; d) maintain minutes and records of attendance, copies of which shall be a public record and regularly filed with the Town Clerk; and e) nominate prospective employee(s) of their choice, who shall then be considered for appointment by the Town Administrator, as provided in clause 4-4-2.

7-2-3 All such multi-member bodies shall meet with the Board of Selectmen at least once in each year.

7-2-4 All such multi-member bodies shall conduct their meetings in accordance with the open meeting provisions of the Open Meeting Law.

7-2-5 Members of multi-member bodies established or continued under this chapter may receive such compensation for their services as may be authorized by the Town Meeting, unless prohibited by the General Laws of the Commonwealth. During the term for which a member is appointed and for one year following expiration of such term, no member of any appointed multi-member body shall be eligible to accept any paid position under any such body.

7-2-6 Any person duly appointed to any such multi-member body shall take up the duties of his office immediately following qualification for office.



7-2-7 The unexcused absence, without good cause, of a member from four or more consecutive meetings of any such multi-member body shall serve to vacate the office. When such a vacancy has been created, it shall be filled within thirty days, in accordance with general law.

7-2-8 Except as otherwise provided by the Laws of the Commonwealth of Massachusetts or elsewhere in this charter, a quorum of any multi-member body established or continued under this charter shall consist of a majority of the members required to be appointed to that multi-member body.

### SECTION 3 Change in Composition of Appointed Multi-member Bodies

7-3-1 The Town Meeting may, by by-law, enlarge or decrease the number of persons to serve as members of appointed Town multi-member bodies, provided, however, that all such bodies shall always consist of an odd number of members.

### SECTION 4 Board of Health

7-4-1 A Board of Health of five members shall be appointed by the Board of Selectmen for three-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

7-4-2 A Health Agent shall be appointed by the Town Administrator, as provided in clause 4-4-1. The Health Agent shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Board of Health.

### SECTION 5 Planning Board

7-5-1 A Planning Board of (9) nine members and (2) two alternate members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-5-2 The board shall make recommendations to the Town Administrator and to the Town Planner on all matters concerning the physical, economic, and environmental development of the Town.

7-5-3 The board shall be responsible for the development and periodic updating of a master plan or portions thereof. A summary of such plan(s) shall be submitted to the Town Meeting, which shall act thereon, with or without amendments.

7-5-4 After the summary has been acted on by the Town Meeting, the Planning Board shall utilize the plan in making zoning and other recommendations to the Town Meeting. The board shall report annually on the status of the master plan(s).

7-5-5 Whenever the Planning Board recommends proposed amendments to the zoning by-law, it shall provide explanations of its recommendations to the Town Meeting.

7-5-6 The Planning Board shall appoint one (1) member of the Capital Outlay Committee.

## SECTION 6 Board of Assessors

7-6-1 A Board of Assessors of three members shall be appointed by the Board of Selectmen for three-year overlapping terms. One member, at least, shall be professionally qualified for the duties of the office.

7-6-2 The Deputy Assessor shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Board of Assessors.

## SECTION 7 Conservation Commission

7-7-1 A Conservation Commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-7-2 The Conservation Administrator shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Conservation Commission.

## SECTION 8 Council on Aging

7-8-1 A Council on Aging of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-8-2 The Director of the Council on Aging shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Council on Aging.

## SECTION 9 Historical Commission

7-9-1 An Historical Commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

## SECTION 10 Recreation and Youth Committee

7-10-1 A Recreation and Youth Committee of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-10-2 The committee shall develop and carry out programs designed to meet the opportunities, challenges and problems of youth in the Town of Harwich. It shall be responsible for the development of comprehensive, year-round, indoor and outdoor recreation programs and policies including management of beach and pond activities and properties. Such policies and programs shall be designed to meet the recreational needs of children, youth, adults and the elderly.

7-10-3 The policies adopted by the committee shall be administered by the Director of Youth and Recreation who shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the committee.

#### SECTION 11 Cultural Council

7-11-1 A Cultural Council of five members shall be appointed by the Board of Selectmen for three-year overlapping terms in accordance with the provisions of Chapter 10, Section 58, of the General Laws of the Commonwealth. Members shall not be eligible to serve more than two consecutive terms.

#### SECTION 12 Zoning Board of Appeals

7-12-1 A Zoning Board of Appeals of five members and five associate members shall be appointed by the Board of Selectmen for three-year overlapping terms.

#### SECTION 13 Golf Committee

7-13-1 A Golf Committee of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-13-2 The committee shall have full power and responsibility for the maintenance and operation of the municipal golf course.

7-13-3 The Director of Golf Operations, or employee having the general powers of supervision of the golf course shall be under the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Golf Committee.

#### SECTION 14 Waterways Committee

7-14-1 A Waterways Committee of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms, and shall be advisory to that Board.

7-14-2 The Waterways Committee shall be responsible for the development of regulations for all waterways including marine ramps, docks, piers, moorings, and aquaculture.

7-14-3 The Harbormaster shall administer the policies adopted by the Board of Selectmen and shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Waterways Committee.

#### SECTION 15 Cemetery Commission

7-15-1 A Cemetery Commission of three members shall be appointed by the Board of Selectmen for three-year overlapping terms.

7-15-2 The Commission shall be responsible for the administration of cemetery funds, and shall develop policies for the management of Town-owned cemetery properties.

7-15-3 The policies adopted by the commission shall be administered by the Cemetery Administrator who shall be subject to the day-to-day supervision of the Town Administrator within the scope of the general policy and direction established by the Commission.

#### SECTION 16 By-law/Charter Review Committee

7-16-1 A By-law/Charter Review Committee of five members shall be appointed by the Board of Selectmen. The committee shall regularly review the Home Rule Charter and the General By-laws of the Town and submit proposed revisions to the Town Meeting at least once every five years.

7-16-2 The By-law/Charter Review Committee shall also be responsible for reviewing all articles proposing to change the by-laws or charter and all such articles shall be submitted by the Board of Selectmen to the By-law/Charter Review Committee not later than fourteen (14) days after the deadline for submission of articles.

#### SECTION 17 Historic District Commission

7-17-1 A Historic District Commission shall be appointed by the Board of Selectmen in accordance with the provisions of the General Laws, Chapter 40C, Section 4, as outlined in ARTICLE V of the by-laws.

### CHAPTER 8 ELECTION AND RECALL

#### SECTION 1 Town Elections

8-1-1 The regular election for all Town officers who are chosen by ballot shall be held the third Tuesday in May. The warrant calling said election may include other ballot questions as determined by the Selectmen.

8-1-2 All general law provisions with regard to Town elections shall apply, except as may herein be provided by this charter.

#### SECTION 2 Town Elections to be Nonpartisan

8-2-1 All Town elections shall be nonpartisan, and election ballots shall be printed without any party mark or designation whatsoever.

#### SECTION 3 Eligibility of Town Voters

8-3-1 Any registered voter of the Town shall be eligible for election to any elective office or board of the Town.

#### SECTION 4 Time of Taking Office

8-4-1 Any person duly elected to any office or board shall take up the duties of his office immediately following his certification.

#### SECTION 5 Recall of Elective Officers

8-5-1 Any elective officer of the Town may be recalled and removed from office by the voters as herein provided. Any voter may file with the Town Clerk an affidavit signed and sworn to under the penalty of perjury containing the name and title of the elective officer whose removal is sought and a statement of grounds for recall. The Town Clerk shall thereupon deliver to the voter a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the Town Clerk, and shall contain the Town Clerk's official seal and signature. The petitions shall be dated and addressed to the Board of Selectmen, and shall contain the name of the person to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. For all elective officers, such petition must be signed by the qualified voters of the Town equal in number to at least five percent (5%) of those registered at the last regular Town Election. Such recall petition must be filed within fourteen (14) days following its initial date of issuance.

8-5-2 The Town Clerk and Board of Registrars shall, within seven (7) days following receipt of the petition, certify the names thereon. If the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall without delay submit the same with a certificate to the Board of Selectmen. The Board of Selectmen shall forthwith schedule a recall election to be held not earlier than the 64<sup>th</sup> day from the date the election is called, and not later than the 90<sup>th</sup> day. Provided, however, that if the regular Town election or another special election shall be held within 100 days after the date of the certificate that a sufficient petition has been filed, and provided further that such election is at least 64 days from the date the election is called, the Board of Selectmen shall postpone the holding of the recall election to the date of such other election, and shall order the recall election to be held in conjunction therewith. All procedures for voting upon the recall question and filling any vacancy caused by the recall of an officer shall be in the same manner as provided by general law for the conduct of elections.

8-5-3 Any officer sought to be removed may be a candidate to succeed to the same office and, unless the officer requests otherwise in writing, the Town Clerk shall place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections. The form of the question to be voted upon shall be substantially as follows:

“Shall (here insert the name and title of the elective officer whose recall is sought) be recalled? Yes \_\_\_\_\_ No \_\_\_\_\_”

Under the ballot question shall appear the word “Candidates” and the directions for voters as required by law, and below that shall be the names of candidates nominated.

8-5-4 If the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected provided that at least twenty-five percent (25%) of all those qualified to vote shall have voted.

## CHAPTER 9 FINANCIAL PROVISIONS AND PROCEDURES

### SECTION 1 Finance Committee

9-1-1 A Finance Committee of nine members shall be appointed by the Moderator for three-year overlapping terms. Three members shall be appointed annually.

9-1-2 Any person duly appointed to the Finance Committee shall take up the duties of the office on July 15 of each year.

9-1-3 Vacancies in the Finance Committee shall be filled by the Moderator within thirty days after he has been notified, in writing, of the vacancy on the committee. Any person appointed to fill out an unexpired term shall take up the duties immediately following such appointment and qualification for office.

9-1-4 No member of the Finance Committee shall hold any other elected or appointed Town office, except the Capital Outlay Committee.

9-1-5 The Finance Committee shall appoint two (2) members of the Capital Outlay Committee.

### SECTION 2 Submission of Budget and Budget Message

9-2-1 On or before the first day of October of each year, the Town Administrator shall present the Board of Selectmen with the current financial assessment of the Town including the latest estimated revenues for the ensuing fiscal year and any specific related fiscal data.

9-2-2 On or before the first Tuesday of October of each year, the Board of Selectmen, after consulting with the Town Administrator, shall issue a general policy statement to guide the Town Administrator in developing the budget requests for the ensuing year.

9-2-3 All division directors and department heads, and all multi-member bodies shall submit their budget requests to the Town Administrator on or before the first Friday in November of each year.

9-2-4 On or before the second Tuesday in January the Town Administrator shall submit to the Board of Selectmen a comprehensive budget for all Town functions for the ensuing fiscal year and shall submit to the Selectmen a budget message.

9-2-5 The budget message shall explain the budget both in fiscal terms and in terms of what specific projects are contemplated in the year ahead. It shall: a) outline the proposed financial policies of the Town for the ensuing fiscal year; b) describe the important features of the budget; c) indicate any major changes from the current year in financial policies, expenditures, and

revenues, together with the reasons for such changes; d) summarize the Town's debt position; and e) include such other material as the Town Administrator may deem appropriate.

9-2-6 The budget shall provide a complete financial plan for all Town funds and activities and shall be in such format as the Finance Committee may suggest, provided the format suggested is compatible with commonly accepted standards of municipal budgeting. The budget shall indicate proposed expenditures for both current operations and capital projects during the ensuing fiscal year, detailed by divisions, departments, offices, and multi-member bodies.

### SECTION 3 Action on the Proposed Budget

9-3-1 The Board of Selectmen and the Finance Committee shall meet jointly or severally in such budget hearings as are deemed necessary to adequately review the proposed budget of the Town Administrator.

9-3-2 On or before the first Tuesday in March of each year, the Board of Selectmen shall submit to the Finance Committee a budget which has been approved with or without amendments to the Town Administrator's proposed budget.

9-3-3 The Finance Committee shall conduct one or more public hearings on the proposed budget after it has been submitted to it by the Selectmen and by March 31 of each year shall submit its written recommendations on the budget and on all articles to appear in the Warrant. Said written recommendations shall be made available for distribution to the public at least ten (10) days prior to the scheduled date of Town Meeting. To assist in its preparation of recommendations, the committee may require the Town Administrator, the head of any division or department or any other Town officer or member of a multi-member body to furnish it with appropriate data.

9-3-4 The Board of Selectmen shall present the budget to Town Meeting.

### SECTION 4 Budget Adoption

9-4-1 The Town Meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

### SECTION 5 Capital Outlay Committee

9-5-1 A Capital Outlay Committee of seven (7) members shall be appointed for three-year overlapping terms. Two (2) members shall be appointed by the Finance Committee, two (2) members shall be appointed by the Board of Selectmen, one (1) member shall be appointed by the Planning Board, and two (2) members shall be appointed by the Town Administrator.

9-5-2 The Capital Outlay Committee shall assist the Town Administrator in the development of the Capital Outlay Plan and Budget.

## SECTION 6 Capital Outlay Plan

9-6-1 The purpose of the seven (7) year capital outlay plan is to provide the Town with a long-range forecast of the Town's capital improvement needs, and to attempt to keep debt borrowing levels as even as possible from year to year.

9-6-2 A capital outlay shall be defined as the acquisition, construction, or renovation of buildings, equipment or land having a total cost of \$100,000 during any budget year and/or planning funds for any such capital outlays, except that the acquisition of land for conservation, open space, or watershed purposes is excluded from this definition.

9-6-3 The Town Administrator shall submit a seven (7) year Capital Outlay Plan which shall consist of the six (6) remaining years of the previously voted plan plus one (1) additional year as the seventh year of the plan, to a joint meeting of the Board of Selectmen and the Finance Committee, during the month of December of each year.

9-6-4 The Board of Selectmen shall hold a joint public meeting on the submitted capital outlay plan with the Finance Committee and the Capital Outlay Committee on or before the second Friday in January.

9-6-5 The Board of Selectmen shall prepare articles to be included in the May Annual Town Meeting Warrant, seeking adoption of the seven (7) year Capital Outlay Plan, and funding of the current year of that plan.

9-6-6 A simple majority vote of the Town Meeting shall be required to adopt the seven (7) year Capital Outlay Plan as submitted.

9-6-7 Additions, revisions or amendments to the first six (6) years, as outlined in Section 9-6-3 above, of the submitted seven (7) year Capital Outlay Plan shall be done as amendments to the main motion adopting the plan, and shall require a two-thirds majority vote in order to pass.

9-6-8 If any part of the current year of the plan fails to receive funding at the Annual Town Meeting, the unfunded portion shall be dropped from the plan and may only return under the provisions previously set forth in Sections 9-6-3 or 9-6-7 above.

9-6-9 If any part of the current year of the plan receives funding support at the Annual Town Meeting but fails at any necessary Debt Exclusion, Capital Exclusion or Proposition 2 ½ override ballot votes, the unsupported portion shall be returned to the seven (7) year capital plan in year one (1) of the next seven (7) year plan, and will be subject to the provisions set forth in Section 9-6-7 above.

9-6-10 Any article included in an Annual or Special Town Meeting Warrant, which requests a Capital Outlay as defined in Section 9-6-2 above shall be considered an amendment to the Capital Outlay Plan and shall require a two-thirds majority vote in order to pass.



## SECTION 7 Notice of Public Hearing on Capital Improvement Plan and Budget

9-7-1 The Finance Committee shall publish, in one or more newspapers of general circulation in the Town, the general summary of the capital improvements plan and budget and a notice stating: a) the times and places where copies of the capital improvements plan are available for inspection; and b) the date, time, and place, not less than seven days following such publication, when the committee shall conduct a public hearing on said plan and budget.

## SECTION 8 Annual Audit

9-8-1 Prior to the end of each fiscal year, the Board of Selectmen shall retain a certified public accountant or a certified accounting firm to make an audit of all Town accounts, books, records, and transactions of every division, department, office, and multi-member body.

9-8-2 A copy of every auditor's report shall be filed with the Town Clerk, shall be a public record, and the entire report and a summary thereof shall be available for inspection at the office of the Town Clerk.

## CHAPTER 10 ADDITIONAL PROVISIONS

### SECTION 1 Continuation of Existing Laws

10-1-1 Except as specifically provided in this charter, all special laws, Town by-laws, votes, rules and regulations of or pertaining to the Town which are in force when this charter takes effect and which are not inconsistent with the provisions of this charter shall continue in full force and effect until amended or rescinded by due course of law or expire by their own limitation.

### SECTION 2 Charter Amendment

10-2-1 This charter may be replaced, revised, or amended in accordance with the procedures made available by Articles eighty-nine and one hundred and thirteen of the amendments to the Constitution of the Commonwealth, commonly known as the Home Rule Amendments, and M.G.L. Chap. 43B, commonly known as the Home Rule Procedures Act.

### SECTION 3 Definitions

10-3-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

- (a) Charter. The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Articles eighty-nine and one hundred and thirteen of the amendments to the Constitution of the Commonwealth.
- (b) Town. The word "Town" shall mean the Town of Harwich.

- (c) Town agency. The words “Town agency” shall mean any board, commission, committee, department or office of the town government.
- (d) Majority Vote. The words “majority vote” shall mean a majority of those present and voting provided that a quorum of the body is present.
- (e) Voters. The word “voters” shall mean the registered voters of the Town of Harwich.
- (f) Multi-member Body. The words “multi-member body” shall mean any board, commission or committee of the Town consisting of two or more persons, whether appointed or elected.
- (g) Certification. The word “certification” shall mean that person has been declared elected.
- (h) He/His. The words “he,” or “his” or any other use of a masculine noun or pronoun in this charter shall include the feminine.
- (i) Officer. The word “officer” shall mean any individual elected or appointed to office.

Section 2. Notwithstanding the provisions of Chapter forty-three B of the General Laws or of any other general or special law to the contrary, actions taken by the Town in accordance with the provisions of the Town Charter as it existed prior to this Act are hereby validated, ratified and confirmed.

Section 3. Section one of this Act shall be submitted for acceptance to the voters of the Town of Harwich at an annual or special Town election in the form of the following question which shall be placed on the official ballot:

“Shall an Act passed by the General Court in the year 2003, entitled ‘An Act amending the Charter of the Town of Harwich’ be accepted?”

If a majority of the votes cast in answer to the question is in the affirmative, section one of this Act shall take effect, but not otherwise.

Section 4. Sections two and three of this Act shall take effect upon passage.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THERE HAS NOT BEEN ENOUGH TIME FOR THIS TO BE STUDIED. VOTE 4 TO 3.**

#### AMEND BY-LAWS – ANTI-NOISE REGULATIONS

ARTICLE 6. To see if the Town will vote to amend the Town By-Laws, Sections 4-807 and 4-808, entitled Anti-Noise Regulations – Penalty, by striking these sections in their entirety and inserting the following:

4-807 A. It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle or premises, which is plainly audible at a distance of one hundred and fifty (150) feet from any such building, boat, structure, vehicle or premises. The fact that the noise is plainly audible at a distance of one hundred-fifty (150) feet from the building, structure, vehicle, boat or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this shall be, first, issued a written warning. If such warning is ignored, the violator(s) shall be punished by a fine of one hundred and fifty dollars (\$150.00) for each offense. Each such act which constitutes a violation of this section, which either continues or is reported more than thirty (30) minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with section 4-808.

B. Any person shall be deemed in violation of this by-law, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, boat or conveyance or any part thereof during a violation of this by-law shall constitute prima

facie evidence that they are a countenancer to the violation. Any person violating this by-law shall be punished by a fine of one hundred and fifty dollars (\$150.00) for each offense. Each such act which constitutes a violation of this section, which either continues or is reported more than thirty (30) minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with section 4-808.

C. For the purposes of this by-law, noises which disturb the reasonable quiet, comfort, repose or health of others include: 1) loading or unloading activities, 2) use of power tools, 3) use of radios, 4) use of televisions, 5) use of amplifiers, 6) use of musical instruments, 7) use of lawn or landscaping equipment, 8) loud outcries, or 9) other loud or boisterous noises which are not specifically exempted by section 4-808 and which are plainly audible at a distance of 150 feet from their source between 10:00 p.m. and 7:00 a.m. as outlined in 4-807, sections A and B.

4-808 A. Procedure upon violation. It shall be deemed a breach of the peace and it shall be the duty of any police officer of this town to order any person or persons so acting as to violate the provisions of this by-law to cease any prohibited activities which are specified in 4-807, sections A, B and C, and if the person or persons so ordered does not forthwith obey, the officer may arrest said person(s) or the officer may issue a non-criminal citation for the violation.

B. Exemptions. The following uses and activities shall be exempt from the noise level regulations:

- 1) Noises of safety signals, warning devices and emergency pressure relief valves during public emergencies.
- 2) Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
- 3) Noises resulting from emergency and maintenance work performed by the town or its agents, by the state or by public utility companies or their agents.
- 4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the town.
- 5) Parades and public gatherings for which the Selectmen have issued a permit.
- 6) Bells, chimes or carillons.
- 7) Noises for which a special permit has been granted by the Board of Selectmen under 4-808, section C.

C. Application for Special Permit. Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

D. Severability Clause. If any part of this by-law is deemed to be contrary to State or Federal law by the Attorney General, that part can be severed without affecting any other part of this by-law.

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

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

AMEND GENERAL BY-LAWS – BEACH PARKING

ARTICLE 7. To see if the Town will vote to amend the General By-laws, Article IV, Part 7, by adding the following new Section 4-703:

Notwithstanding the above language, the Board of Selectmen shall be authorized to permit residents or property owners of another town to park at designated Town-owned beach(es), provided the other town(s) provides reciprocal beach parking privileges to residents and property owners of the Town of Harwich, and provided further that such beach parking shall be subject to the rules and regulations of the Board of Selectmen including the payment of fees to be determined by the Board of Selectmen; and to act fully thereon. By request of the Board of Selectmen and the Recreation and Youth Commission.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**

RESCIND WAITING LIST POLICY AT TOWN HARBOR

ARTICLE 8. To see if the Town will vote to instruct the Board of Selectmen to rescind their decision to alter the waiting list policy for slips and moorings at the Town Harbor, and reinstate the policy which allows the person/persons at the top of the list to bypass an available slip and remain in their present position on said list. By Petition.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INTERFERES WITH SELECTMEN’S POLICY. VOTE 5 TO 0 WITH 1 ABSTAINING.**

IMPROVE WATER QUALITY ON LONG POND

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to provide for the Town’s share of costs associated with a project to take corrective action to improve water quality on Long Pond, in cooperation with the Commonwealth Department of Environmental Management, the Cape Cod Commission and the Town of Brewster, and to act fully thereon. The project is recommended by an independent Management Study and the Town appointed Long Pond Advisory Committee. By Petition. Estimated cost: \$30,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INSUFFICIENT FUNDS. VOTE 6 TO 0.**

## AMEND ZONING BY-LAW – SPECIAL PERMIT

ARTICLE 10. To see if the Town will vote to amend the Harwich Zoning By-Law by adding to SECTION X.G. Special Permit as follows:

### 14. Harwich Center Commercial Overlay District

#### 14.1 Purpose

The Harwich Center Commercial Overlay District enables the development and redevelopment of the Parallel Street portion of Harwich Center to be in keeping with its historic development patterns, while allowing for the housing of visitors to the Harwich Center area. The Harwich Center Commercial Overlay District permits the development of inns and expansion of guest houses into inns, as herein defined.

#### 14.2 Scope

Within the Harwich Center Commercial Overlay District only property that has frontage on the north side of Parallel Street in Harwich Center, is permitted to utilize this section. All single uses remain under the present Town of Harwich Zoning By-laws. Additionally, use of properties in the Harwich Center Commercial Overlay District for transient lodging will be encouraged. All other property that does not have frontage on the north side of Parallel Street in this overlay district is not affected by this section.

The dimensional requirements, including building set backs, maximum site coverage and heights of these structures are outlined in Section 14.5 of this document.

This By-Law is intended to be used in conjunction with other by-laws and regulations of the town, including site plan review designed to encourage appropriate patterns of village development. Wherever the provisions of this Harwich Center Commercial Overlay District are inconsistent with other provisions of the Zoning By-law, the provisions of the Harwich Center Commercial Overlay District shall govern.

#### 14.3 Location

The Harwich Center Commercial Overlay District includes only property with frontage on the north side of Parallel Street in Harwich Center that is located between Bank Street on the east and Sisson Road on the west.

#### 14.4 Procedure

- a. The Planning Board shall serve as the Special Permit Granting Authority for developments within the Harwich Center Commercial Overlay District.
- b. Prior to the submission of an application for Special Permit under this by-law, the applicant may meet with the Planning Board at a public meeting for a pre-application conference to discuss the proposed development in general terms and establish the plan filing requirements. The Planning Board shall schedule a meeting for a pre-application conference following a written request from the

applicant, inviting preliminary comments from the Board of Health, Conservation Commission, and any other interested officials or agencies. The purpose of this pre-application conference is to inform the Planning Board as to the nature of the proposed project. As such, no formal filings are required for the pre-application conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall concept of the proposed project and its relationship to abutting properties.

- c. Special Permit applications shall comply with and be subject to the requirements of Section X.L. – Major Site Plan Approval.

#### 14.5 Dimensional and Parking Requirements

- a. Lots shall have frontage along the north side of Parallel Street to utilize the dimensional requirements of paragraph 14.5. Adjacent parcels may be included provided they are under the same ownership and are also located within the overlay district. Where possible lots should be combined by plan or deed prior to the issuance of the Special Permit. Minimum required lot area for inns in the Harwich Center Commercial Overlay District shall be 12,500 square feet and shall have continuous frontage of at least 100 feet.
- b. Setback requirements:
  - 1. Front setback requirements shall be determined at the time of site plan review based on existing development patterns and the elements of the proposed project.
  - 2. Side lot line setback shall be 10 feet.
  - 3. Rear lot line setback shall be 20 feet.
- c. Parking shall be permitted at the front, side or rear of the property.
- d. Maximum site coverage shall not exceed 80%.
- e. Maximum building coverage of lot shall not exceed 50%.
- f. The maximum permitted height for new construction shall not exceed 30 feet or 2 ½ stories.
- g. The minimum number of parking spaces shall be one half space for each guest room plus one space for each four sets in a restaurant within an inn.
- h. The Board may waive or modify these dimensional requirements if it is found that such waiver or modification will not substantially derogate from the purpose and intent of this By-Law and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.

And further to amend Section II (Definitions) by adding the following:

Inn: A building or complex of buildings providing transient lodging and other related services, including, without limitation, food service or a restaurant within which access to individual guest rooms is provided by common interior corridors. The guest rooms may have cooking facilities.

And further by adding Under Section V.E. Table 1, Use Regulations, Paragraph I. Residential Uses the following:

Inn:

R-R R-L R-M RH-1 RH-2 C-V CH-1 CH-2 I-L RH-3 MR-L MRL-1 WR PWS  
-----S1-----

<sup>1</sup> In the Harwich Center Commercial Overlay District only.

and to act fully thereon. By request of Gregory Winston, owner of property at 114-118 Parallel Street.

**NO RECOMMENDATION PENDING FURTHER INFORMATION.**



*INSERT SIGNATURE PAGE.*

## NOTES

## NOTES