

TOWN OF HARWICH
SPECIAL TOWN MEETING

February 11, 2008



WARRANT
with
RECOMMENDATIONS

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FEBRUARY 11, 2008

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VOTING PROCEDURES

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

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¾ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X				X					
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

The chart below shows the amount of money required to change the FY 2008 tax rate in \$.05 increments.

<u>TAX RATE CHANGE IN \$1000</u>	<u>DOLLARS REQUIRED</u>
\$ 0.01	\$ 52,272
\$ 0.05	\$ 261,362
\$ 0.10	\$ 522,724
\$ 0.15	\$ 784,086
\$ 0.20	\$ 1,045,448
\$ 0.25	\$ 1,306,811
\$ 0.30	\$ 1,568,173
\$ 0.35	\$ 1,829,535
\$ 0.40	\$ 12,090,897
\$ 0.45	\$ 2,352,259
\$ 0.50	\$ 2,613,621
\$ 0.55	\$ 2,874,983
\$ 0.60	\$ 3,136,345
\$ 0.65	\$ 3,397,708
\$ 0.70	\$ 3,659,070
\$ 0.75	\$ 3,920,432
\$ 0.80	\$ 4,181,794
\$ 0.85	\$ 4,443,156
\$ 0.90	\$ 4,704,518
\$ 0.95	\$ 4,965,880
\$ 1.00	\$ 5,227,242

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by the Town Meeting to make expenditures and to incur obligations for specific purposes.

AVAILABLE FUNDS: Available funds refer to other funds available for appropriation by the Town Meeting, such as Wetland Protection funds, Cemetery Lot sales and Perpetual Care Interest and old article balances returned to revenue.

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate. It cannot exceed 5% of the levy.

FREE CASH: Certified each year by the Director of State Bureau of Accounts, this is the portion of the fund balance which is available for appropriation by a Vote of Town Meeting. It is not cash, but rather is the approximate total of cash and receivables less current liabilities and earmarked reserves.

TRANSFER: The authorization to use an appropriation for a different purpose; in most cases only the Town Meeting may authorize a transfer.

RESERVE FUND: This fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5% of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee, and are for “extraordinary or unforeseen” situations, normally emergencies.

STABILIZATION FUND: This is a special reserve for future expenditures. The aggregate amount in the fund shall not exceed, at any time, 10% of the valuation in the preceding year. Money may be voted into the fund by a majority vote at Town Meeting. Money may be appropriated from the fund only by a two-thirds vote at Town Meeting for any municipal purpose.

CHERRY SHEET: An annual statement received from the State Department of Revenue detailing estimated receipts for the next fiscal year from various State Aid accounts and estimated charges payable by the assessors in setting the tax rate. Named for the cherry colored paper, which the State traditionally has printed it on.

PROPOSITION 2 ½ TERMS

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

LEVY: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

LEVY CEILING: This is the maximum the levy limit can be. The ceiling equals 2.5% of the Town's full and fair cash value.

LEVY LIMIT: The Maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases.

LEVY LIMIT INCREASE: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

NEW GROWTH: New construction and new parcel subdivision may also increase the Town's levy limit.

OVERRIDE: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

GENERAL OVERRIDE: A general override ballot question can be placed on a referendum if a majority of the Board of Selectmen vote to do so. If the ballot question is approved by a majority of the voters, the Town's levy limit is permanently increased by the amount voted at the referendum. The levy limit increase may not exceed the Town's levy ceiling. Override questions must be presented in dollar terms and specify the purpose.

DEBT EXCLUSION: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

CONTINGENT VOTES: Chapter 634 of the Acts of 1989 permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Board of Selectmen. If a referendum is called by the Selectmen it must take place within forty-five days of the Town Meeting vote.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING
FEBRUARY 11, 2008**

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, February 11, 2008, at 7:00 P.M., then and there to act on the following articles:

FUND NEGOTIATED CONTRACT – HARWICH POLICE FEDERATION

ARTICLE 1. To see if the Town will vote to transfer a sufficient sum of money to be added to the Police Department FY 2008 budget to implement the new contractual agreement between the Harwich Police Federation and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$54,895.

**FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$54,895 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.
VOTE: YES-5, NO-0.**

FUND NEGOTIATED CONTRACT – SUPERIOR POLICE OFFICERS

ARTICLE 2. To see if the Town will vote to transfer a sufficient sum of money to be added to the Police Department FY 2008 budget to implement the new contractual agreement between the Harwich Superior Officers and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$31,697.

**FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$31,697 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.
VOTE: YES-5, NO-0.**

FUND NEGOTIATED CONTRACT – HARWICH FIRE FIGHTERS ASSOCIATION

ARTICLE 3. To see if the Town will vote to transfer a sufficient sum of money to be added to the Fire Department FY 2008 budget to implement the new contractual agreement between the Harwich Fire Fighters Association and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$70,736.

FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$70,736 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.

VOTE: YES-5, NO-0.

FUND NEGOTIATED CONTRACT – HARWICH EMPLOYEES ASSOCIATION

ARTICLE 4. To see if the Town will vote to transfer a sufficient sum of money to be added to various department FY 2008 budgets 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: \$75,382.

FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$75,382 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.

VOTE: YES-5, NO-0.

**FUND NEGOTIATED CONTRACT – HIGHWAYS AND MAINTENANCE
EMPLOYEES ASSOCIATION**

ARTICLE 5. To see if the Town will vote to transfer a sufficient sum of money to be added to the Harwich DPW's FY 2008 budget to implement the new contractual agreement between the Highway and Maintenance Employees Association and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$53,206.

FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$53,206 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.

VOTE: YES-5, NO-0.

**FUND NEGOTIATED CONTRACT – INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS**

ARTICLE 6. To see if the Town will vote to transfer a sufficient sum of money to be added to the Water Department FY 2008 budget to implement the new contractual agreement between the International Association of Machinists And Aerospace Workers and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$5,933.

FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$5,933 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.

VOTE : YES-5, NO-0.

AMEND PERSONNEL BY-LAW/COMPENSATION PLAN

ARTICLE 7. To see if the Town will vote to amend the Personnel By-Law and to transfer a sufficient sum of money to amend the Personnel By-Law Compensation Plan for FY 2008 and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$50,690.

**FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$50,690 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.
VOTE: YES-5, NO-0.**

FUND COMPENSATION FOR CONTRACT EMPLOYEES

ARTICLE 8. To see if the Town will vote to transfer a sufficient sum of money to implement the new contractual agreements between contract employees and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$8,531.

**FINANCE COMMITTEE RECOMMENDS TO ACCEPT AND ADOPT AND FUNDING TO BE A TRANSFER OF \$8,531 FROM HEALTH INSURANCE ACCOUNT TO THE PROPER SALARY ACCOUNTS OF THE DEPARTMENTS INVOLVED.
VOTE: YES-5, NO-0.**

FUND PRO SHOP AT CRANBERRY VALLEY

ARTICLE 9. To see if the Town will vote to transfer a sufficient sum of money to purchase Golf Pro Shop inventory and furnishings so the Town can begin operation of the Golf Pro Shop in FY 2008 at Cranberry Valley Golf Course, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$70,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED; FUNDING FROM AVAILABLE FUNDS. VOTE: YES-4, NO-0, ABSTAIN-1.

SPECIAL LEGISLATION-AFFORDABLE HOUSING FUND

ARTICLE 10. To see if the Town will vote to petition the General Court for special legislation to establish an Affordable Housing Fund for the Town of Harwich, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, 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:

**AN ACT AUTHORIZING THE TOWN OF HARWICH TO ESTABLISH AN
AFFORDABLE HOUSING FUND.**

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

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Harwich may establish and maintain a special fund to be known as the Affordable Housing Fund. The following monies shall be deposited into the Fund: (1) the lease payments received pursuant to the terms of the lease agreement between the Town and Sprint Spectrum, L.P., for the lease of Town land located off Route 137 as authorized under Article 4 of the 2001 Special Town Meeting; (2) the proceeds from the sale of six Great Western Road parcels authorized under Article 55 of the 1999 Annual Town Meeting and approved for transfer for affordable housing purposes under Article 6 of the 2004 Special Town Meeting; (3) the proceeds from the sale of six lots authorized under Article 73 of the 2007 Annual Town Meeting; (4) the proceeds from the sale of any land and/or buildings provided that Town Meeting specifically authorizes the dedication of the sale proceeds to the Fund; (5) any monies received through private and public gifts, contributions and grants for affordable housing purposes; and (6) appropriations made to the Fund by Town Meeting.

SECTION 2. The Town Treasurer of the Town of Harwich shall be custodian of the Fund and may deposit proceeds in national banks or invest the same in securities as are legal for the investment of funds or savings banks under the laws of the Commonwealth or in Federal Savings and Loan Associations situated in the Commonwealth. Any interest earned on the fund shall be added to and become part of the final fund.

SECTION 3. To preserve, promote, and increase affordable housing within the Town of Harwich, the Board of Selectmen is authorized to expend fund monies to pay for research, acquisition, creation, construction, repair, maintenance, rehabilitation, program administration, legal and engineering costs associated with and incurred for affordable housing, and to fund grants to the Harwich Housing Authority for any low-income rental assistance program sponsored by said Housing Authority..

SECTION 4. This Act shall take effect upon passage.

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

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-0.

LEASE OR PURCHASE AND EQUIP VEHICLES

ARTICLE 11. To see if the Town will vote to raise and appropriate from the Fiscal Year 2009 tax levy a sufficient sum of money to purchase and equip one (1) new Ambulance (Capital Plan Item) and to further authorize the sale or trade-in of one 2001 Road Rescue Ultramedic Ambulance toward the purchase price where the Board of Selectmen finds it cannot be utilized elsewhere in the Town, and to act fully thereon. By request of the Fire Chief. Estimated Cost: \$192,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED; FUNDING BY CAPITAL EXCLUSION. VOTE: YES-5, NO-0.

LEASE OR PURCHASE NEW EQUIPMENT

ARTICLE 12. To see if the Town will vote to transfer and/or borrow a sufficient sum of money to purchase and equip the following equipment:

One (1) new Holder Tractor with Boom Flail Mower	\$ 98,859
less first payment of Forestry Grant	<u>(\$18,750)</u>

Estimated Cost: \$80,109

and to act fully thereon. By request of the DPW Director

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED FOR THE AMOUNT OF \$73,859; FUNDED BY AVAILABLE FUNDS. VOTE: YES-5, NO-0.

AMEND ARTICLE 59 AND ARTICLE 60 OF THE 2006 ANNUAL TOWN MEETING

ARTICLE 13. To see if the Town will vote to amend Article 59 – Lease Property for Multi-Purpose Use in Harwich Center, and Article 60 – Lease Property for Multi-Purpose Use in West Harwich of the May 2006 Annual Town Meeting and delete the following requirement: “Any such market rate housing units will be changed over to affordable housing units no more than 10 years from the date of occupancy” and to act fully thereon. By request of the Housing Committee.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-4, NO-1.

MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES

ARTICLE 14. To see if the Town will vote to accept M.G.L. Ch. 32B Section 18 that requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING.

GRANT OF EASEMENT - RIPPLE WAY

ARTICLE 15. To see if the Town will authorize the Board of Selectmen to grant an easement for the purpose of allowing a portion of an existing building located at number 9 Ripple Way to remain in the street right of way as shown on “Easement Plan of Land Over Ripple Way in Harwich, MA Scale: 1”=20’ Dated: January 7, 2008 by Soule Land Surveying, 103 Vesper Pond Drive, Brewster, MA 02631” further shown as Parcel L-194 on Assessors Map 73, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-0.

APPROVE RADIO TOWER FOR POLICE / FIRE DEPARTMENTS

ARTICLE 16. To see if the Town will vote to transfer and/or borrow a sum of money to construct a new Police and Fire radio tower at the Police and Fire Central Stations on Sisson Road, and to act fully thereon. By request of the Police Chief and Fire Chief.
Estimated Cost: \$80,766.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED; FUNDED FROM AVAILABLE FUNDS IN THE AMOUNT OF \$80,766. VOTE: YES-4, NO-1.

ACCEPT ROAD LAYOUTS

ARTICLE 17. To see if the Town will vote to accept the layouts of the following roads as laid-out by the Board of Selectmen:

Walker Woods Road
Courtney Road Extension
Old Carriage Drive

and to authorize the Selectmen to purchase or take by eminent domain the land or interest in the land within said layouts for use as public 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.

THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING.

TRANSFER CUSTODY OF PARCELS TO CONSERVATION COMMISSION

ARTICLE 18. To see if the Town will vote to approve the transfer of the following two (2) parcels from the care and custody of the Board of Selectmen to the care and custody of the Conservation Commission for open space and conservation purposes:

Parcel R7-A; 2.48 acres; Assessor's Map 32
Parcel C2; 4.5 acres; Assessor's Map 23

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

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.

HOUSING NEEDS ANALYSIS

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund a current Housing Needs Analysis. The last Town Needs Analysis is dated July 24, 1992. A current Housing Needs Analysis will enable the Town to reinforce the past and current housing strategy that rental units have priority over home ownership, make available current data regarding the sizes of units(one bedroom etc.) required, clarify other current housing data regarding special and/or senior housing needs, and provide a key component of a future Plan Production Program to be presented and certified by the Department of Housing and Community Development, and to act fully thereon. By request of the Harwich Housing Committee. Estimated cost \$7,500.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.

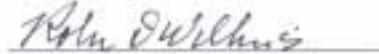
CONSTRUCT MEMORIAL GARDEN FOR CREMATED REMAINS

ARTICLE 20. To see if the Town, pursuant to Massachusetts General Laws, Chapter 114, Section 34, will grant permission to Pilgrim Congregational Church to construct a memorial garden for cremated remains on the church property located at 533 Route 28, Harwich Port, Massachusetts, and to act fully thereon. By request of the Board of Health. No cost to the Town.

THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING.

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

Given under our hands this 7th day of January, 2008.



Robin D. Wilkins, Chairman



David W. Marsland

Peter J. Plekarski



Edward J. McMahon



Laurence P. Cole

HARWICH BOARD OF SELECTMEN

A True Copy Attest

Constable