

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING WARRANT
MAY 2, 2005

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 2, 2005, 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 5 to 0.

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2. To hear reports of all Town Officers and Committees for the year 2004.

The Finance Committee recommends that this article be accepted and adopted. Customary article. Vote 5 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 fiscal year commencing July 1, 2005 and ending June 30, 2006 as follows; and to act fully thereon. Estimated cost: \$63,350.00.

Selectmen (5)	\$1,500.00 (each)
Moderator.....	\$300.00
Town Clerk	\$54,050.00
Water Commissioners (3)	\$500.00 (each)

The Finance Committee recommends that this article be accepted and adopted. To set salaries of elected officials. Vote 5 to 0.

FUND NEGOTIATED CONTRACT – POLICE SUPERIOR OFFICERS

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 2006 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.

AMEND PERSONNEL BY-LAW/COMPENSATION PLAN

ARTICLE 5. 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 2006 as follows; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$80,799.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$80,795.00. To fund cost of living increase for non-union employees. Vote 5 to 0.

NON-UNION COMPENSATION PLAN

EFFECTIVE JULY 1, 2005

<i>Grade</i>	<i>Position</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>	<i>Step 9</i>	<i>Step 10</i>
M-6	Director, Highways & Maint. Town Engineer	66,436	68,097	69,799	71,544	73,333	75,166	77,045	78,972	80,946	82,970
M-5	Computer Coordinator Deputy Assessor Deputy Fire Chief Water Supt.	60,951	62,474	64,036	65,637	67,278	68,960	70,684	72,451	74,262	76,119
M-4	Asst. Town Administrator Building Commissioner Conservation Admin. Golf Director Golf Superintendent Health Director Library Director Natural Res. Director Personnel Director Town Planner Treasurer/Tax Collector	55,918	57,316	58,749	60,217	61,723	63,266	64,848	66,469	68,131	69,834
M-3	Community Center Mngr.	51,301	52,583	53,898	55,245	56,627	58,042	59,493	60,981	62,505	64,068
M-2	Ch. 18 Station Mngr. Director, CoA Recreation Director Youth Counselor	47,065	48,242	49,448	50,684	51,951	53,250	54,581	55,945	57,344	58,778
M-1	Cemetery Administrator	37,652	38,593	39,558	40,547	41,561	42,600	43,665	44,756	45,875	47,022

In Fy 2004, all employees covered by the Personnel By-law who are paid at step six of the prior plan will have their anniversary date changed to July 1 for purposes of

step increases.

All existing longevity bonuses shall be retained, and frozen at FY 2004 percentages until the incumbent

is paid one full year at step 10, at which time the percentage bonus shall increase by 1% each year to a maximum of 7%.

Longevity bonuses shall be payable on the former anniversary date.

NON-UNION
COMPENSATIO
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PLAN

EFFECTIVE JULY 1, 2005

OFFICE ADMINISTRATIVE
AND PART-TIME
POSITIONS

<i>Grade</i>		<i>MIN.</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>	<i>Step 9</i>	<i>Step 10</i>
OA-5	Admin. Assistant	21.93 767.61 39,916	22.48 786.80 40,914	23.04 806.47 41,936	23.62 826.63 42,985	24.21 847.30 44,059	24.81 868.48 45,161	25.43 890.19 46,290	26.07 912.45 47,447	26.72 935.26 48,633	27.39 958.64 49,849
OA-4	Administrative Secretary	20.07 702.30 36,519	20.57 719.85 37,432	21.08 737.85 38,368	21.61 756.30 39,327	22.15 775.20 40,311	22.70 794.58 41,318	23.27 814.45 42,351	23.85 834.81 43,410	24.45 855.68 44,495	25.06 877.07 45,608
OA-3	Office Assistant Bd of Appeals Clerk	18.28 639.91 33,275	18.74 655.90 34,107	19.21 672.30 34,960	19.69 689.11 35,834	20.18 706.34 36,729	20.69 723.99 37,648	21.20 742.09 38,589	21.73 760.65 39,554	22.28 779.66 40,542	22.83 799.15 41,556
OA-2	Board Secretary	15.36 537.74 27,962	15.75 551.18 28,661	16.14 564.96 29,378	16.55 579.08 30,112	16.96 593.56 30,865	17.38 608.40 31,637	17.82 623.61 32,428	18.26 639.20 33,238	18.72 655.18 34,069	19.19 671.56 34,921
OA-1	Board Clerk	13.36 467.60 24,315	13.69 479.29 24,923	14.04 491.27 25,546	14.39 503.55 26,185	14.75 516.14 26,839	15.12 529.04 27,510	15.49 542.27 28,198	15.88 555.82 28,903	16.28 569.72 29,625	16.68 583.96 30,366

BUDGET

ARTICLE 6. 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 Fiscal Year 2006; and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$43,652,980.00.

The Finance Committee recommends that this article be accepted and adopted. To fund town government. Estimated cost: \$43,477,980.00.

CAPITAL PLAN ADOPTION

ARTICLE 7. 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 2012 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. To provide for orderly capital improvements. Vote 5 to 0.

FY 2005 - FY 2012 RECOMMENDED CAPITAL OUTLAY PLAN

Item	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12
Construction Projects							
Golf Bunkers & Range Upgrade		735,000					
Golf Course Land Acquisition		500,000					
Police New Building Plans			350,000				
Build New Police Station				7,000,000			
Rec. & Youth Sand Pond Bathroom					100,000		
High School Roof		1,000,000					
High School Heating System			1,000,000				
WQTF Planning			100,000	100,000	100,000		
WQTF Design						1,000,000	
WQTF Construction							3,125,000
Wychmere Harbor Town Wooden Bulkhead							200,000
Saquatucket Harbor Piling Replacement							120,000
Total Construction	0	2,235,000	1,450,000	7,100,000	200,000	1,000,000	3,445,000
Recurring Items & Maintenance							
Highway Roads & Sidewalks Maintenance		500,000	500,000	500,000	750,000	750,000	750,000
Town Hall Computer Upgrades		150,000					
Total Recurring/Maintenance	0	650,000	500,000	500,000	750,000	750,000	750,000
Total Construction & Recurring	0	2,885,000	1,950,000	7,600,000	950,000	1,750,000	4,195,000
Vehicle Replacement							
Fire Rescue Vehicle		150,000		150,000		150,000	
Fire Engine							467,000
Highway Sweeper		160,000					175,000
Landfill Tractor			110,000				
Highway Loader					150,000		
Landfill Loader				150,000			
Landfill Refuse Trailer					110,000		
Highway Dump Truck							125,000
Total Vehicle Replacement	0	310,000	110,000	300,000	260,000	150,000	767,000
Total Plan	0	3,195,000	2,060,000	7,900,000	1,210,000	1,900,000	4,962,000
Water Department							
Decommission Brooks Park Water Tank		175,000	175,000				
Water Main Projects	300,000		300,000	200,000	300,000	300,000	300,000
Water Storage Tank Rehabilitation			1,000,000				
Water New Well Source Investigation		100,000					
Repaint Lothrop Water Tank				300,000	300,000		
Water Department Total	300,000	275,000	1,475,000	500,000	600,000	300,000	300,000

Total Plan Plus Water	300,000	3,470,000	3,535,000	8,400,000	1,810,000	2,200,000	5,262,000
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FY 2006 - 2011 CAPITAL OUTLAY PLAN

Item	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
Construction Projects						
Water Tank & Mains						
Decommission Brooks Park Water Tank		250,000	250,000			
Water Main Projects	300,000	200,000	100,000	100,000	100,000	200,000
Water Storage Tank Rehabilitation			900,000			
Golf Bunkers & Range Upgrade		735,000				
Golf Course Land Acquisition		500,000				
Police New Building Plans			350,000			
Build New Police Station				4,150,000		
Rec & Youth Sand Pond Bathroom					100,000	
High School Roof		1,000,000				
High School Heating System			1,000,000			
High School Science & Technology Design				250,000		
High School Science & Technology Build					3,000,000	
High School Improvement Plans					100,000	
High School Improvements						1,500,000
Total Construction	300,000	2,685,000	2,600,000	4,500,000	3,300,000	1,700,000
	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
Recurring Items & Maintenance						
Highway Roads Maintenance		500,000	500,000	500,000	500,000	
Highway Sidewalk Construction				250,000	250,000	
Town Hall Computer Upgrades		150,000				
Water New Well Source Investigation	200,000	100,000	100,000	100,000	100,000	200,000
Water Remote Meter Reading Program	100,000	100,000	100,000	100,000	100,000	100,000
Water Emergency Station Generators						
Repaint Lothrop Water Tank				300,000	300,000	
Water Pump Station Rehabilitation					70,000	70,000

Total Recurring/Maintenance	300,000	850,000	700,000	1,250,000	1,320,000	370,000
Total Construction & Recurring	600,000	3,535,000	3,300,000	5,750,000	4,620,000	2,070,000
Vehicle Replacement						
Fire Rescue Vehicle	150,000		150,000		150,000	
Highway Sweeper		135,000				
Landfill Tractor			110,000			
Highway Loader					150,000	
Landfill Loader				150,000		
Landfill Refuse Trailer					110,000	
Total Vehicle Replacement	150,000	135,000	260,000	150,000	410,000	0
Total Plan	750,000	3,670,000	3,560,000	5,900,000	5,030,000	2,070,000

CHANGE SENIOR EXEMPTION INCOME & ASSET LIMIT

ARTICLE 8. To see if the Town will vote to accept certain provisions of Chapter 184 Section 51 of the acts of 2002 amending General Laws Chapter 59 Section 5 Clause 41-C as follows: Change the Senior Exemption Income Limit if single from \$13,000 to \$20,000; Income Limit if married from \$15,000 to \$30,000; also to change the amounts of Asset Limit if single from \$28,000 to \$40,000; Asset Limit if married from \$30,000 to \$55,000. Senior exemption amount to remain \$1,000. This change to take effect for FY 2006; and to act fully thereon. By request of the Board of Assessors. Estimated cost: from Overlay Account.

The Finance Committee recommends that this article be accepted and adopted. To give seniors more of a tax benefit. Vote 5 to 0.

MAINTAIN, UPDATE, AND/OR CERTIFY REAL/PERSONAL PROPERTY VALUATIONS

ARTICLE 9. To see if the Town will vote to raise and appropriate 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: \$59,000.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$59,000.00. State requirement. Vote 5 to 0.

FIX POWER SUPPLY AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to install a new electrical supply at Cranberry Valley Golf Course, and to act fully thereon. By request of the Golf Commission. Estimated cost: \$25,000.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$25,000.00. To bring up to code and maintain revenue source. Vote 5 to 0.

DISBURSE STATE FUNDS FOR AID TO HARWICH LIBRARIES

ARTICLE 11. 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 5 to 0.

PROJECT CONTEMPORARY COMPETITIVENESS

ARTICLE 12. 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 and Board of Selectmen. Estimated cost: \$11,250.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$11,250.00. To take advantage of educational opportunity. Vote 4 to 1.

DEFRAY EXPENSES – CHASE AND HARWICH PORT LIBRARIES

ARTICLE 13. 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 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: \$22,730.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$22,730.00. Customary article. Vote 5 to 0.

CELL TOWER LEASE PAYMENTS FOR AFFORDABLE HOUSING TRUST FUND

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money no greater than the amount received to date for cell tower lease payments from the tower at Route 137 and Route 39 into an Affordable Housing Trust 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 assist town in meeting need for affordable housing. Vote 4 to 1.

LEASE OF ALLEN HARBOR PARKING LOT

ARTICLE 15. To see if the Town will vote to authorize the Selectmen to lease a portion of the Allen Harbor Parking Lot in Harwich Port for use during the off-season for boat storage purposes. Said lease to be for a term of up to three (3) years, and on such other terms and conditions as the Selectmen deem appropriate, and to act fully thereon. By request of the Board of Selectmen and Harbormaster.

The Finance Committee recommends that this article be accepted and adopted. To generate income. Vote 5 to 0.

LEASE OF FUEL DOCK FACILITY AT SAQUATUCKET MARINA

ARTICLE 16. To see if the Town will vote to authorize the Selectmen to enter into a three (3) year contract to operate the fuel dock facility and associated pumpout system at Saquatucket Marina, and to act fully thereon. By request of the Board of Selectmen and Harbormaster.

The Finance Committee recommends that this article be accepted and adopted. To generate income. Vote 5 to 0.

GOLF COURSE SAND TRAP/BUNKER RENOVATIONS
& DRIVING RANGE EXPANSION

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to design plans to renovate sand traps/bunkers and driving range expansion at Cranberry Valley Golf Course, and to act fully thereon. By request of the Golf Commission. Estimated cost: \$30,000.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$30,000.00. Ongoing capital improvement to golf course. Vote 5 to 0.

LEASE OR PURCHASE AND EQUIP VEHICLES

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to lease or purchase and equip the following vehicles:

<u>Golf Department</u>	<u>Estimated Purchase Cost</u>
One (1) F350 w/plow	\$38,000.00
<u>Police Department</u>	
One (1) Ford F250 diesel powered Pickup Truck	\$29,826.00

and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$67,826.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$67,826.00. Necessary vehicle replacement. Vote 5 to 0.

PURCHASE/EQUIP NEW EQUIPMENT

ARTICLE 19. To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following equipment:

One (1) new 3.5 c.y. Front End Loader	\$150,000.00
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and to further authorize trade-in or sale of the following old equipment toward the purchase price, where the Board of Selectmen find that it cannot be utilized elsewhere in Town:

One (1) 1994 Volvo Loader

and to act fully thereon. By request of the Director of Highways & Maintenance. Estimated cost: \$150,000.00.

The Finance Committee recommends that this article be indefinitely postponed. Estimated cost: \$150,000.00. Current vehicle can be kept another year. Vote 3 to 2.

APPROVE 5-YEAR SCHOOL BUS CONTRACT

ARTICLE 20. To see if the Town will vote to approve the award of a five (5) year school bus transportation contract by the School Committee, and to act fully thereon. By request of the School Committee.

The Finance Committee recommends that this article be accepted and adopted. A contract for greater than 3 years must be approved by town meeting. Vote 5 to 0.

PART-TIME SCHOOL DEPARTMENT MEDICAID BILLING CLERK

ARTICLE 21. 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: \$22,478.00. To continue ongoing Medicaid reimbursement. Vote 5 to 0.

ESTABLISH A PRIVATE ROAD BETTERMENT FUND

ARTICLE 22. To see if the Town will vote to authorize the Board of Selectmen to file legislation for the purpose of establishing a Private Road Betterment 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 provide funding source for improving private ways. Vote 5 to 0.

RECONSTRUCT COVE ROAD, OLD POST ROAD & WAYSIDE ROAD

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to reconstruct Cove Road, Old Post Road and Wayside Road, subject to repayment through the use of a betterment program and an inter-municipal agreement with the Town of Brewster to recover from Brewster residents who abut Wayside Road, and to act fully thereon. By request of the Board of Selectmen.

The Finance Committee recommends that this article be indefinitely postponed. Estimated cost: \$160,000.00. Not enough funds at this time. Vote 5 to 0.

AMEND COMMUNITY PRESERVATION COMMITTEE BY-LAW

ARTICLE 24. To see if the Town will vote to amend the Community Preservation Committee By-law, by inserting the following new paragraph at the end of Section 2.3:
In every fiscal year, the Community Preservation Committee must recommend either that Town Meeting spend, or set aside for future spending, and subject to expenditures for the operation of the Community Preservation Committee, not less than an amount of the annual revenues in the Community Preservation Fund for open space that would be equivalent to the amount that would have been available through the Cape Cod Open Space Land Acquisition Program, provided, that such amount does not exceed 80% of the annual revenues, except as authorized by Section 298 of the Acts of 2004, as amended by Sections 129-133 of Chapter 352 of the Acts of 2004; and not less than 10% of the annual revenues in the Community Preservation Fund for historic purposes; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing; provided, however, if the expenditures for open space exceed 80% of the annual revenues, the remaining funds will be expended pursuant to the provisions of Section 298 of Chapter 149 of the Acts of 2004, as amended, as follows: one-half for historic resources and one-half for community housing. Provided, however, that in every fiscal year after fiscal year 2020, the Community Preservation Committee must recommend either that Town Meeting spend or set aside for future spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenue for historic purposes; and, not less than 10% of the annual revenues for community housing, and to act fully thereon. By request of the Real Estate and Open Space Committee.

The Finance Committee recommends that this article be indefinitely postponed. It unduly restricts the distribution of CPA funds. Vote 5 to 0.

REPLACE POWER CENTERS AT SAQUATUCKET HARBOR MARINA

ARTICLE 25. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to replace 40 power centers at Saquatucket Harbor Municipal Marina, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$20,000.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$20,000.00. To finish multi-year project to improve electrical service at the harbor. Vote 5 to 0.

AMEND GENERAL BY-LAWS – PARKING FOR PEOPLE WITH DISABILITIES

ARTICLE 26. To see if the Town will vote to amend the General By-Laws Article IV, Part 13 – Parking for People with Disabilities, as follows; and to act fully thereon. By request of the Disability Rights Committee.

Under Section 4-13-01 (Unauthorized Parking in Parking for People with Disabilities Spaces Prohibited) delete “or cross hatch area next to this parking space”.

Further,

Under Section 4-13-03 (Sign Requirements For and Location of Parking Spaces for People with Disabilities), in the second sentence delete “or have two (2) eight (8) foot wide areas” and “between them”, so that sentence reads “Such parking spaces shall be as near as possible to the building entrance or walkway and adjacent to curb ramps or other unobstructed methods which permit sidewalk access to a person with a disability, shall be eleven (11) feet wide with five (5) feet of cross hatch and contain the International Symbol of Accessibility on their surface.

Further,

Delete in its entirety Section 4-13-04 (Van Parking Space Requirements) and replace with 4-13-04 (Reserved)

Further,

Delete 4-13-08 (Effective Date) in its entirety.

No recommendation pending further information.

AMEND GENERAL BY-LAW – NOTICE OF INTENT REQUIREMENT

ARTICLE 27. To see if the Town will vote to amend the General By-Law ARTICLE V PART 2, entitled Historically Significant Buildings; Demolition Purpose and Scope, by amending Section 5-202, Historically Significant Buildings Defined as follows:

Delete “prior to 1900 A.D.”, and insert “prior to 50 years before the present calendar year.” The new section to read:

“For the purpose of this By-law, historically significant buildings are buildings constructed prior to 50 years before the present calendar year which (a) are listed either on the National Registry of Historic Places or the Massachusetts Register of Historic Places; or (b) are directly associated with one or more historically noteworthy persons or events or with the political, cultural, economic or social history of the Town; or (c) possess particular architectural value or significance as representative of a recognized architectural style or period, or due to the method of construction, or materials used or by virtue of association with an historically noteworthy architect; or (d) are listed on a register of historically significant buildings developed in accordance with these standards and maintained by the Historical Commission.”

And further to amend the General By-Law ARTICLE V PART 2, entitled Historically Significant Buildings; Demolition Purpose and Scope, by amending Section 5-203, Notice of Intent requirements as follows:

Delete “prior to 1900 A.D.”, and insert “prior to 50 years before the present calendar year.” The new section to read:

“Before any building constructed prior to fifty (50) years before the present calendar year is demolished in whole, or in part, a Notice of Intent to do so will be filed with the Commission.” And to act fully thereon. By request of the Harwich Historical Commission.

The Finance Committee recommends that this article be indefinitely postponed. Overly expansive definition of historic. Vote 5 to 0.

AMEND GENERAL BY-LAW
DETERMINATION OF APPLICABILITY AND DEMOLITION DELAY

ARTICLE 28. To see if the Town will vote to amend the General By-Law ARTICLE V PART 2, entitled Historically Significant Buildings; Demolition Purpose and Scope, by amending Section 5-208, Determination of Applicability and Demolition Delay as follows; and to act fully thereon. By request of the Harwich Historical Commission.

Delete the phrase “up to thirty (30) days” and replace it with the phrase “up to ninety (90) days.” The new section to read:

“If after hearing the Commission determines that the building in question is historically significant, and the proposed work would destroy or substantially diminish its historic value, it is empowered to impose a demolition delay of up to ninety (90) days from the date of said determination and may schedule additional hearings during any such delay period to allow an opportunity to develop alternatives to demolition.”

The Finance Committee recommends that this article be indefinitely postponed. Unduly restrictive. Vote 5 to 0.

TRANSFER LAND IN NORTH HARWICH TO HOUSING AUTHORITY
FOR AFFORDABLE HOUSING DEVELOPMENT

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to take by eminent domain for the purpose of clearing title thereto the following Town-owned property:

2.9 acres more or less on Main Street Extension, North Harwich, as described in a deed recorded at the Barnstable County Registry of Deeds in Book 8625, Page 273 and shown on Harwich Assessor’s Map 55 as Parcel G-9

And the Selectmen be authorized to take said land or interest therein on such terms and conditions and with such limitations as they deem appropriate to protect the Town’s interest and to raise and appropriate a sufficient sum of money for this purpose; and further to transfer the care, custody, management and control of the land from the Board of Selectmen which currently holds the land for general municipal purposes to the Board of Selectmen for the purpose of transferring the land to the Harwich Housing Authority for the construction of affordable

housing pursuant to the Town's Comprehensive Plan, and further to authorize the Harwich Housing Authority to negotiate a land disposition agreement with a qualified builder or developer, which agreement shall provide for the construction of affordable rental and/or ownership housing on the land, with the overall development not to exceed four (4) units per acre, and which land disposition agreement shall be subject to the approval of the Board of Selectmen; said land to be transferred in fee simple determinable, subject to the condition that should five years elapse from the date of transfer without commencement of construction of the units pursuant to a valid building permit therefore, title to the land will revert to the Town; and further such transfer shall be subject to such additional terms and conditions as the Board of Selectmen deem necessary and appropriate to insure that the land so transferred will continue to be used for affordable housing purposes and to carry out the purpose of this article, and to act fully thereon. By request of the Harwich Housing Authority.

The Finance Committee recommends that this article be accepted and adopted. To provide land for additional housing. Vote 5 to 0.

FIRE DEPARTMENT PAGER SYSTEM

ARTICLE 30. 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 pager system consisting of one UHF Base Radio System and 40 UHF voice pagers, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$20,100.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$20,100.00. To improve department communications. Vote 4 to 1.

CREATE WATERWAYS IMPROVEMENT AND MAINTENANCE FUND

ARTICLE 31. To see if the Town will vote to create a Municipal Waterways Improvement and Maintenance Fund and that all mooring fees collected by the Town and one-half the boating excise taxes collected shall be deposited into said fund annually and used in accordance with the purposes of the Municipal Waterways Improvement and Maintenance Fund, pursuant to MGL section 5G of chapter 40 and MGL section 10A of chapter 91, and to act fully thereon. By request of the Harbormaster and Board of Selectmen.

The Finance Committee recommends that this article be accepted and adopted. To comply with state law. Vote 5 to 0.

ACCEPT STATE FUNDS UNDER THE 2004-2005 TRANSPORTATION BOND ISSUE

ARTICLE 32. To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the 2004-2005 Transportation Bond Issue for maintenance, repair, and construction of primary roads; said funds to be available in Fiscal Years 2005 and 2006, subject to approval by the legislature; or to take any action relative thereto. By request of the Director of Highways & Maintenance.

The Finance Committee recommends that this article be accepted and adopted. Better accounting of Chapter 90 funds. Vote 5 to 0.

NITROGEN MANAGEMENT PLANNING

ARTICLE 33. 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 conducting the second year of a three year study of acceptable nitrogen loading in Allen's, Wychmere and Saquatucket Harbors and Herring River under the Massachusetts Estuaries Project and to conduct critical interim wastewater management planning steps and to authorize the Board of Selectmen to accept any state or other grants available and further enter into an agreement with qualified consultants to assist the Town with said interim steps, and to act fully thereon. By request of the Water Quality Task Force. Estimated cost: \$95,000.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$80,000.00. To fund second year of 3 year project only. Vote 5 to 0.

ACCEPT PROVISIONS OF MASSACHUSETTS GENERAL LAWS
TO ESTABLISH AN ENTERPRISE FUND

ARTICLE 34. 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. By request of the Board of Water Commissioners and the Water Superintendent.

No recommendation pending further information.

ESTABLISH WATER DEPARTMENT AS AN ENTERPRISE FUND

ARTICLE 35. 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 and the Water Superintendent.

No recommendation pending further information.

ACQUIRE LAND OF KEELER
BAY ROAD, EAST HARWICH

ARTICLE 36. 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 now or formerly by Robert Wayne Keeler Jr. and Patricia O. Keeler, located on Bay Road and being Lots 5, 6, 7, 8, 9, 10 and 11 and the fee in the proposed road, as shown on a plan entitled "Conceptual Subdivision Plan" dated 12-01-2004, prepared by Eldredge Surveying, a copy of which is on file in the

Harwich Town Clerk's office, said land containing 8.36 acres, more or less, and being a portion of Parcel H-1 on the Town of Harwich Assessor's Map 98, and being further described in the Barnstable Registry of Deeds Book 2468 Page 256 and Book 13510 Page 184; 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 reimbursement 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, including the grant of a conservation restriction, if required, and to act fully thereon. By request of the Real Estate and Open Space Committee. Estimated cost: \$_____.

No recommendation pending further information.

ESTABLISH A COUNCIL ON AGING REVOLVING FUND

ARTICLE 37. To see if the Town will vote to request annual authorization 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 request of the Council on Aging.

The Finance Committee recommends that this article be accepted and adopted. This must be approved annually by town meeting. Vote 5 to 0.

CHANGE NAME OF A PORTION OF ROUTE 28 THAT BORDERS PLEASANT BAY
TO HEAD OF THE BAY ROAD

ARTICLE 38. To see if the Town will vote to change the name of the road that borders Pleasant Bay that is currently known as Route 28 to "Head of the Bay Road", and to act fully thereon. By Petition.

The Finance Committee recommends that this article be indefinitely postponed. Improved wording of same article is in special warrant. Vote 5 to 0.

PROMOTE TOWN OF HARWICH

ARTICLE 39. To see if the Town will vote to raise and appropriate 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 promoting 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 accepted and adopted. Cost: \$12,000.00. Beneficial to the town. Vote 5 to 0.

FUND HUMAN SERVICES

ARTICLE 40. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money, to be expended under the direction of the Board of Selectmen, to help defray the expenses of certain Human Services Agencies, and to act fully thereon. By Petition. Estimated cost: \$76,500.00.

The Finance Committee recommends that this article be accepted and adopted. Estimated cost: \$76,500.00. Customary article. Vote 5 to 0.

ESTABLISH A MUNICIPAL UTILITY

ARTICLE 41. To see if the Town will vote to adopt the following resolution to establish a municipal utility for producing electric power from renewable energy sources, such as, but not limited to, wind and solar to provide a local source of power, to the extent possible, for the benefit of the residents, of businesses, and of town government operations; and to act fully thereon. By Petition.

Whereas, The Town of Harwich is positioned in a region of favorable supplies of wind which can be harnessed to generate electricity; and

Whereas, A local, town owned and operated supplier of power, essential for the operation of the community and the safety and health of its people is consistent with the proud history of our people's self reliance and independent strivings from Colonial days; and

Whereas, A local, town owned and operated supplier of power can reduce the community's total dependence for essential power on centralized, distant, faceless systems out of reach for communication and accountability with us the consumers; and

Whereas, Centralized power operators place private interests above the public good; and

Whereas, The record of system maintenance in the private nuclear and fossil energy source utilities contains a pattern of neglect, indifference, and postponement of essential fixes; and

Whereas, It is common knowledge that our current, mainstream sources of energy are limited and subject to exhaustion, have limits to containment in the air, water, or earth for disposal of their waste and pollute the planet we need for life; and

Whereas, The development of sustainable sources of energy generation are technically and economically feasible and offer a potentially inexhaustible supply;

therefore, be it

RESOLVED, that the Town of Harwich establish a municipal utility for producing electric power from renewable energy sources.

The Finance Committee recommends that this article be indefinitely postponed. Not enough information to make positive recommendation. Vote 5 to 0.

DEFRAY COSTS OF THE HARWICH ATHLETIC ASSOCIATION

ARTICLE 42. To see if the Town will vote to raise and appropriate the sum of Three Thousand (\$3,000.00) Dollars to help defray the cost of the Harwich Athletic Association, Inc. in sponsoring the Harwich Town Baseball Team (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.

The Finance Committee recommends that this article be accepted and adopted. Cost: \$3,000.00. To provide summer entertainment and support the Mariners. Vote 5 to 0.

COMPENSATING BALANCE AGREEMENT

ARTICLE 43. 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 2006 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 5 to 0.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 44. To see if the Town will assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws as amended by Chapter 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 5 to 0.

HERRING FISHERIES

ARTICLE 45. 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 5 to 0.

UNPAID BILLS

ARTICLE 46. 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 47. 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 and \$325,000.00 be transferred to the Stabilization Fund. To refund Chapter 90 funds paid from this account last year. Vote 5 to 0.

SURPLUS REVENUE

ARTICLE 48. 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.

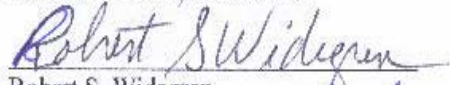
No recommendation pending further information.

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 21st day of March, 2005.



Donald F. Howell, Chairman



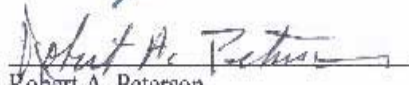
Robert S. Widegren



Bruce Wm. Gibson



Edward J. McManus



Robert A. Peterson

BOARD OF SELECTMEN

A true copy Attest:

Constable

COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING WARRANT
MAY 3, 2005

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 3, 2005 at 8:00 P.M., then and there to act on the following articles:

CHANGE NAME OF PORTION OF ROUTE 28

ARTICLE 1. To see if the Town will vote to change the name of the road that borders Pleasant Bay, that is currently known as Route 28 to “Route 28 – Head of the Bay Road”, and to act fully thereon. By request of the Board of Selectmen.

The Finance Committee recommends that this article be accepted and adopted. To eliminate confusion. Vote 5 to 0.

SUPPLEMENT FINANCE COMMITTEE RESERVE FUND ACCOUNT

ARTICLE 2. 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’ 05 Finance Committee Reserve Fund Account and to act fully thereon. By request of the Finance Committee. Estimated cost: \$_____.

No recommendation pending further information.

AMEND ZONING BY-LAW - DEFINITIONS

ARTICLE 3. To see if the Town will vote to amend the Zoning By-law, Section II, Definitions, “Accessory Building – Residential”, by amending as follows (deleted text is shown as ~~strike out~~ and new text is shown as **bold underline**); and to act fully thereon. By request of the Planning Board.

Accessory Building – Residential: A detached structure located on the same lot with the principal structure to which it is accessory, ~~and not used for either seasonal or year round living.~~ Such structures include, but are not limited to, tool shed, boathouse, playhouse, shelter for domestic

pets, private swimming pool and one private garage for not more than three automobiles. **A residential accessory building may contain bedrooms.**

No recommendation pending further information.

AMEND ZONING BY-LAW – FLOODPLAIN REGULATIONS

ARTICLE 4. To see if the Town will vote to amend the Zoning By-law by adding a new Section XVIII – Floodplain Regulations, as follows; and to act fully thereon. By request of the Planning Board.

SECTION XVIII FLOODPLAIN REGULATIONS

1.0 PURPOSE

The purposes of the Flood Plain Regulations are to ensure public safety through reducing the threats to life and personal injury, to eliminate new hazards to emergency response officials, to prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding, to avoid the loss of utility services which if damaged by flood would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding, to eliminate costs associated with the response and cleanup of flooding conditions and to reduce damage to public and private property resulting from flooding waters.

2.0 FLOODPLAIN AREAS

The areas in which these regulations apply (Floodplain) are designated on the Town of Harwich Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated July 3, 1986 and July 12, 1992 as zones A, AE, AH, AO, A1-A30, A99, V, V1-30, which indicates the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated July 3, 1986. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Department and Building Inspector.

3.0 USE REGULATIONS

3.1 Existing Regulations

All development in the Floodplain, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- A. Section of the State Building Code which address floodplain and coastal high hazard areas (currently 780 CMR 3107.0, "Flood Resistant Construction").
- B. Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
- C. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00)
- D. Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00)

- E. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)
- F. Minimum Requirements for the Subsurface Disposal of Sewage Regulations Town of Harwich
- G. Harwich Wetlands Protective Bylaw

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

3.2 Other Use Regulations

- A. Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures.
- B. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Harwich FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- C. Man-made alteration of sand dunes are prohibited within Zones V1-30, VE, and V which would increase potential flood damage.
- D. Located within the Floodplain are areas designated as coastal high hazard areas (Zones V1-30, VE, and V). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: All new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.
- E. Review all subdivision proposals to assure that: 1) such proposals minimize flood damage; 2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; 3) adequate drainage is provided to reduce exposure to flood hazards; 4) each lot will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters in the event of flooding to base elevations.
- F. In unnumbered A zones, in the absence of Federal Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data.

4.0 PERMITTED USES

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

- A. Agricultural uses such as farming, grazing, horticulture, etc.
- B. Forestry and nursery uses
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.
- D. Conservation of water, plants, wildlife
- E. Wildlife management areas, foot, bicycle, and/or horse paths

- F. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises
- G. Buildings lawfully existing prior to the adoption of these provisions

5.0 DEFINITIONS: the definitions contained herein pertain only to this section of the by-laws

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

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means the area subject to high velocity waters, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of October 6, 1976. For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective of an initial FIRM or after December 31, 1974, whichever is later.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) is administered by the Federal Emergency Management Agency (FEMA)

ONE-HUNDRED-YEAR FLOOD - see **BASE FLOOD**

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

No recommendation pending further information.

ACQUIRE LAND OF THE ESTATE OF PAUL J. ROSE

ARTICLE 5. 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 now or formerly by the Estate of Paul J. Rose and located on the northerly side of the Mid-Cape Highway in Harwich, MA and shown on the Town of Harwich Assessor's Map 67 as Parcel T-1 containing 12.87 acres, more or less, and being also shown on a plan recorded in Barnstable County Registry of Deeds in Plan Book 362 Page 5; said land being further described in Barnstable County Registry of Deeds in Book 661 Page 123; 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 reimbursement 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, including the grant of a conservation restriction, if required, and to act fully thereon. By request of the Real Estate and Open Space Committee. Estimated cost:

\$ _____.

No recommendation pending further information.

AMEND ACTION TAKEN UNDER ARTICLE 11 OF THE
MAY 4, 2004 SPECIAL TOWN MEETING

ARTICLE 6. To see if the Town will vote to amend the action taken under Article 11 of the May 4, 2004 Special Town Meeting which authorized the Board of Selectmen to purchase and/or take by eminent domain the land owned now or formerly by Antonio Marini and Barbara B. Marini located on Church Street in East Harwich, MA containing 14.22 acres, more or less, and the adjoining land located in Chatham, MA containing 1.50 acres, more or less, so as to authorize the Board of Selectmen to purchase a portion of the land described in said Article 11 and to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money for such acquisition, or to take any other action relative thereto. By request of the Real Estate and Open Space Committee.

No recommendation pending further information.

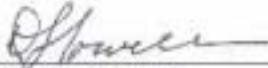
RESCIND UNUSED BONDING AUTHORIZATION

ARTICLE 7. To see if the Town will vote to rescind the action taken under Article 11 of the May 4, 2004 Special Town Meeting which authorized the borrowing of \$1,600,000.00 for the purpose of acquiring land owned now or formerly by Antonio Marini and Barbara B. Marini and located on Church Street in East Harwich, MA, and to act fully thereon. By request of the Real Estate and Open Space Committee.

No recommendation pending further information.

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 28th day of March, 2005



Donald F. Howell



Robert S. Widegren



Bruce Wm. Gibson



Edward J. McManus



Robert A. Peterson

BOARD OF SELECTMEN

A true copy Attest:

Constable

**BALLOT
COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL ELECTION BALLOT**

BARNSTABLE , ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 17, 2005, then and there to act on the following ballot:

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

To choose on one (1) ballot the following Town Officers and Committees: two (2) Selectmen for three (3) years; two (2) School Committee Members for three (3) years; one (1) Water Commissioner for three (3) years; two (2) Library Trustees for three (3) years; one (1) Housing Authority Member to fill an unexpired term for two (2) years; one (1) Housing Authority Member for five (5) years.

BALLOT QUESTIONS

1. "Shall the Town of Harwich be allowed to assess an additional **\$3,216,828** in real estate and personal property taxes for the purpose of fully funding the operating budget of the Town, as outlined in Article 6 of the May, 2005 Annual Town Meeting warrant, for which monies from this assessment will be used for the fiscal year beginning July 1, 2005?"

YES _____ NO _____

2. Shall the Town of Harwich adopt Section 298 of Chapter 149 of the Acts of 2004, as approved by town meeting, a summary of which appears below?

Acceptance of Section 298 of Chapter 149 of the Acts of 2004 means the Community Preservation Act shall effectively replace the Cape Cod Open Space Land Acquisition Program. There shall be no additional excise on real property levied other than the 3 per cent levied for the provision of the Cape Cod Open Space Land Acquisition Program. Acceptance of this section shall allow the community to access state matching funds up to 100 per cent of the excise on real property currently levied, which was previously unavailable to the Town.

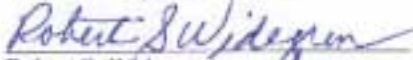
YES _____ NO _____

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

Given under our hands this 21st day of March, 2005



Donald F. Howell, Chairman



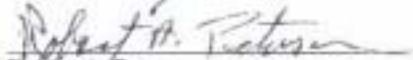
Robert S. Widegren



Bruce Wm. Gibson



Edward J. McManus



Robert A. Peterson

BOARD OF SELECTMEN

A true copy Attest:

Constable