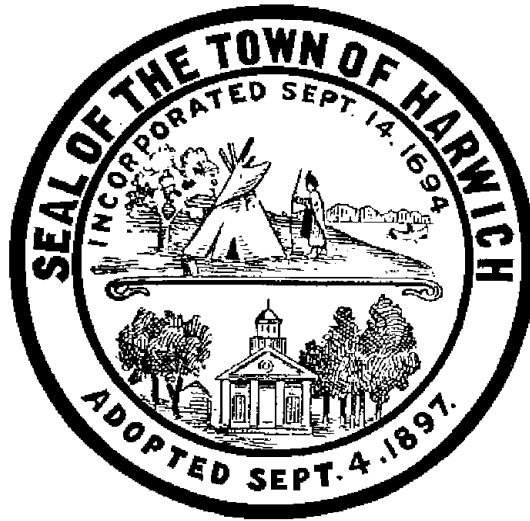


**COMPLETE**  
**ANNUAL TOWN MEETING  
WARRANT**



**MAY 4, 2009**



**SPECIAL TOWN MEETING  
WARRANT**



**MAY 5, 2009**

**with  
RECOMMENDATIONS**



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**ANNUAL TOWN MEETING WARRANT**

**MAY 4, 2009**

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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 –  $\frac{3}{4}$  majority (this motion must be made prior to the next adjournment of the meeting).
  - B. To consider articles in an order other than as appears on the warrant –  $\frac{3}{4}$  majority.
  - C. To pay unpaid bills –  $\frac{4}{5}$  majority at the Annual Town Meeting,  $\frac{9}{10}$  majority at a Special Town Meeting.
  - D. To move the previous question (terminate debate) –  $\frac{3}{4}$  majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	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 <sup>1</sup>			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider <sup>2</sup>	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 2009 TAX RATE.

TAX RATE CHANGE IN \$/1000	DOLLARS REQUIRED
\$ 0.01	\$52,393
\$ 0.05	\$261,966
\$ 0.10	\$523,932
\$ 0.15	\$785,898
\$ 0.20	\$1,047,863
\$ 0.25	\$1,309,829
\$ 0.30	\$1,571,795
\$ 0.35	\$1,833,761
\$ 0.40	\$2,095,727
\$ 0.45	\$2,357,693
\$ 0.50	\$2,619,659
\$ 0.55	\$2,881,624
\$ 0.60	\$3,143,590
\$ 0.65	\$3,405,556
\$ 0.70	\$3,667,522
\$ 0.75	\$3,929,488
\$ 0.80	\$4,191,454
\$ 0.85	\$4,453,420
\$ 0.90	\$4,715,385
\$ 0.95	\$4,977,351
\$ 1.00	\$5,239,317

## **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  
ANNUAL TOWN MEETING  
MAY 4, 2009**

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 4, 2009 at 7:00 P.M., then and there to act on the following articles:

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 16<sup>th</sup> day of March, 2009

s/Robin D. Wilkins, Chairman

s/David W. Marsland

s/Lawrence P. Cole

s/Edward J. McManus

s/Angelo S. La Mantia

BOARD OF SELECTMEN

A true copy Attest:

s/David A. Robinson

Constable

April 16, 2009

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Monday, the 4<sup>th</sup> day of May, 2009 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

On Monday, May 4, 2009, the Moderator, Michael D. Ford, Esq., called the meeting to order at 7:00 PM when a quorum of 150 was met, having 368 registered voters in attendance. Before town business began, Town Clerk, Anita N. Doucette read the Warrant and Return of Warrant. The Harwich Annual Town Meeting was held in the Community Center on 100 Oak Street, the Town Meeting began with:

## **TOWN OFFICERS AND COMMITTEES**

**ARTICLE 1.** To choose various Town Officers and Committees. Customary article.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted. Duly seconded

**ACTION:** So voted

At this time the Moderator, Michael D. Ford, Esq. reserved the right to make the  
appointments at a later time.

## **REPORTS OF TOWN OFFICERS AND COMMITTEES**

**ARTICLE 2.** To hear reports of all Town Officers and Committees for the year 2008.  
Customary article.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted. Duly seconded

**ACTION:** So voted

## **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, 2009 and ending June 30, 2010 as follows,  
and to act fully thereon. Estimated cost: \$78,954.22.

Selectmen (5) .....	\$1,500.00 (each)
Moderator.....	\$300.00
Town Clerk .....	\$ 69,654.22
Water Commissioners (3) .....	\$500.00 (each)

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE  
ACCEPTED AND ADOPTED TO SET SALARIES OF ELECTED OFFICIALS.  
CUSTOMARY ARTICLE. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted as follows:

Selectmen (5) \$1,500.00 (each)	
Moderator.....	\$300.00
Town Clerk .....	\$69,655.00
Water Commissioners (3) .....	\$500.00 (each)

Duly seconded

**ACTION:** So voted

## **BUDGET**

**ARTICLE 4** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2010, and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$45,939,612.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant under the column voted BOARD of SELECTMEN FY 2010, except Line item # 35 Repairs to Public Buildings to restore / repair and preserve the exterior of the mid-1800's era school house on Sisson Road change to \$50,000; Line item #49a Emergency Telecommunications Salaries and wages change to \$511,104; Line item #60 Harwich Public Schools to \$14,509,519; Line item #63 Highways and Maintenance Salaries and wages change to \$1,784,582; Line item #79 Community Center Commission Salary and wages change to \$209,165; Line #82 Council on Aging expense to \$49,309; Line item #88 Brooks Library Salary and wages \$418,625; Line item #109 General Insurance changed to \$494,255 and the sum of \$46,078,695 be appropriated for this purpose. That to raise this appropriation, the sum of \$44,029,402 be raised and appropriated, and that \$641,296 be transferred from the Water Enterprise Fund, and that \$839,872 be transferred from the CPC Fund, undesignated fund balance to pay for current Land Bank debt service, and the sum of \$50,000 be transferred from the Community Preservation Act (Historic) undesignated fund balance, and that \$183,000 be transferred from the Cable Fund, and that \$17,250 be transferred from the Septic Loan Betterment Fund, and that \$75,000 be transferred from the Library Grant, and that \$125,000 be transferred from the Waterways Management Fund, and that \$100,000 be transferred from Overlay Surplus, and that \$17,875 be transferred from the FEMA Fund.

Duly seconded

At this time, Robin Wilkins, Chairman-Board of Selectmen read the Board of Selectmen report to Town Meeting.

**ACTION:** It was a unanimous vote, so declared.

## **WATER BUDGET**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Water Department Operating Budget for Fiscal Year 2010, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$2,321,953.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND \$2,321,953 BE FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$2,321,953 be appropriated from the Water Enterprise Fund for this purpose. Duly seconded

**ACTION:** It was so voted.

#### **CAPITAL PLAN ADOPTION**

**ARTICLE 6.** 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 2016 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 THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS IS A PLAN OF PROJECTED CAPITAL EXPENDITURES FOR THE FUTURE. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted. Duly seconded

**ACTION:** It was so voted.

<b>FY 2010-2016 CAPITAL PLAN</b>							
<b>ITEM</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 16</b>
<b>Construction Projects</b>							
New Police Station Construction							
Rec & Youth bathroom @ Long Pond	100,000						
New High School Plans			1,000,000				
New High School Construction				15,000,000			
Waste Water Management Design				1,000,000			
Waste Water Management Construction					5,000,000	5,000,000	5,000,000
Golf Course Tee Box/Paving/building Maintenance				300,000			
New DPW Maintenance Garage	600,000						
Various Harbor Maintenance/Replacements			416,000	250,000	1,300,000		3,829,200
Engineering Study of Harbor Needs							
Various Bulkhead Replacement	2,129,200	300,000	300,000				
Main Station Roof Replacement							200,000
<b>Total Construction Projects</b>	<b>2,829,200</b>	<b>300,000</b>	<b>1,716,000</b>	<b>16,550,000</b>	<b>6,300,000</b>	<b>5,000,000</b>	<b>9,029,200</b>
<b>Recurring Items and Maintenance</b>							
Highway Roads & Sidewalks Maintenance	750,000	750,000	750,000	700,000	700,000		50,000
Various Channel Dredging	150,000	88,000	215,000	262,000		40,000	
Basin Dredging		2,000,000				1,500,000	
<b>Total Construction &amp; Recurring</b>	<b>3,729,200</b>	<b>3,138,000</b>	<b>2,681,000</b>	<b>17,512,000</b>	<b>7,000,000</b>	<b>6,540,000</b>	<b>9,079,200</b>
<b>Vehicle Replacement</b>							
Fire Rescue Vehicle		185,000		185,000		185,000	
Breathing apparatus	80,000	80,000					
Fire Engine						500,000	
Ladder Truck			550,000				
Refurbish ladder truck	250,000						
Highway Sweeper			175,000				
Roll-off Truck							
Landfill Loader			150,000				
Landfill Road Tractor					130,000		
Highway Dump truck		125,000		125,000			
Highway Loader						150,000	
<b>Total Vehicle Replacement</b>	<b>330,000</b>	<b>390,000</b>	<b>875,000</b>	<b>310,000</b>	<b>130,000</b>	<b>835,000</b>	
<b>TOTAL PLAN</b>	<b>4,059,200</b>	<b>3,528,000</b>	<b>3,556,000</b>	<b>17,822,000</b>	<b>7,130,000</b>	<b>7,375,000</b>	<b>9,079,200</b>
<b>Water Department</b>	<b>FY 10</b>	<b>FY 11</b>	<b>FY 12</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 2015</b>	
Water Main Project	300,000	300,000	300,000	300,000	300,000	300,000	
New Well Source Investigation	200,000	200,000	100,000	100,000			1,000,000
Repaint Lothrop and route #39 water tanks	400,000	2,100,000					
New Water Treatment Plant				9,000,000			
Iron/manganese treatment at Chatham Rd Wells	4,000,000						
<b>Water Department Total</b>	<b>4,900,000</b>	<b>2,600,000</b>	<b>400,000</b>	<b>9,400,000</b>	<b>300,000</b>	<b>300,000</b>	<b>1,000,000</b>
<b>TOTAL PLAN PLUS WATER</b>	<b>8,959,200</b>	<b>7,128,000</b>	<b>3,956,000</b>	<b>22,222,000</b>	<b>7,430,000</b>	<b>7,675,000</b>	<b>10,079,200</b>

\*All cost estimates are approximate in out years and subject to change. These are local estimate cost only.



PROPOSED AMENDMENTS TO							
CAPITAL PLAN 2010 – 2016	RECOMMEND						
	FY10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
<b>GENERAL GOVERNMENT</b>							
Town Hall HVAC- Phase 2 (duct/ controls)	125,800						
Town Hall HVAC- Phase 3 (boiler)		120,000					
<b>Total General Government</b>	<b>125,800</b>	<b>120,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FIRE</b>							
Fire Rescue Vehicle		185,000		185,000		185,000	
Breathing apparatus	80,000	80,000					
Fire Engine			550,000			500,000	
Expansion of fire station #2			2,000,000				
Main Station Roof Replacement							200,000
Refurbish ladder truck	200,000						
<b>Total Fire Department</b>	<b>280,000</b>	<b>265,000</b>	<b>2,550,000</b>	<b>185,000</b>	<b>-</b>	<b>685,000</b>	<b>200,000</b>
<b>SCHOOLS</b>							
New High School Plans			2,000,000				
New High School Construction				40,000,000			
<b>Total Schools</b>	<b>-</b>	<b>-</b>	<b>2,000,000</b>	<b>40,000,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>PUBLIC WORKS</b>							
Highway Paving	125,000	750,000	750,000	700,000	700,000		
New Sidewalks	-	100,000	50,000	50,000	50,000	50,000	50,000
Vehicle Maintenance garage		600,000					
Vehicle replacements	139,000	219,000	325,000	172,000	280,000	250,000	302,000
Route # 137 road improvement plans	327,800						
<b>Total Public Works</b>	<b>591,800</b>	<b>1,669,000</b>	<b>1,125,000</b>	<b>922,000</b>	<b>1,030,000</b>	<b>300,000</b>	<b>352,000</b>
<b>RECREATION</b>							
Bathroom / paving @ Long Pond		100,000					
Multi- purpose Fields- Com. Ctr	250,000						
Bathroom @ Pleasant Rd		50,000					
Bathroom @ Sand Pond				50,000			
Bathroom @ Wychmere Harbor					50,000		
Bathroom @ Bank Street						50,000	
<b>Total Recreation</b>	<b>250,000</b>	<b>150,000</b>	<b>-</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>-</b>
<b>CRANBERRY VALLEY GOLF</b>							
Golf Course Tee Box Upgrade	25,000						
Cart path paving	0	400,000					
Parking lot paving							
Maintenance Building improvements	-				300,000		
Replace Golf cart storage building	-					400,000	
<b>Total Cranberry Valley Golf</b>	<b>25,000</b>	<b>400,000</b>	<b>-</b>	<b>-</b>	<b>300,000</b>	<b>400,000</b>	<b>-</b>
<b>WATERWAYS/ HARBORS</b>							
Bathroom @ Allen Harbor			50,000				
Various Dredging	150,000	88,000	2,175,000	302,000	160,000	1,300,000	
Infrastructure Maint/Replacement	-	212,625	567,000	100,000	410,000	250,000	3,829,200
<b>Total Waterways/ Harbors</b>	<b>150,000</b>	<b>300,625</b>	<b>2,792,000</b>	<b>402,000</b>	<b>570,000</b>	<b>1,550,000</b>	<b>3,829,200</b>

PROPOSED AMENDMENTS TO CAPITAL PLAN 2010 – 2016	RECOMMEND						
	FY10	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16
WASTE WATER MGMT.							
Waste Water Management Design		200,000		1,000,000			
Waste Water Management Construction					5,000,000	5,000,000	5,000,000
Total Wastewater Management	-	200,000	-	1,000,000	5,000,000	5,000,000	5,000,000
Total Plan w/o Water Department	1,422,600	2,904,625	8,467,000	41,559,000	1,950,000	2,985,000	4,381,200
WATER DEPARTMENT							
Water Main Project		600,000	300,000	300,000	300,000	1,000,000	1,000,000
New Well Source Investigation		300,000	-	-			
Rehab/repaint Route #39 Tank		1,310,900					
Repaint Lothrop and route #39 water tanks		1,251,000					
New Wells Site #10			2,000,000				
Construct Transmission Main	1,000,000						
design/engineering Chatham Rd Treatment	500,000						
Iron/manganese treatment at Chatham Rd Wells		4,000,000					
Connecting to treatment plant phase #1				3,000,000			
Connecting to treatment plant phase #2					4,000,000		
Total water Department	1,500,000	7,451,900	2,300,000	3,300,000	4,300,000	1,000,000	1,000,000
Total Plan (including Water)	2,922,600	10,356,525	10,767,000	45,859,000	11,250,000	8,985,000	10,381,200

SMALLER CAPITAL REQUESTS							
ITEM	FY10	FY 11	FY 12	FY 13	FY 14	FY 2015	FY 2016
WATER DEPARTMENT	Cap Outlay						
Pick up Truck		40,000			45,000		80,000
Backhoe						80,000	
Total Water Department		40,000	-	-	45,000	80,000	80,000
FIRE DEPARTMENT							
Fire Protection Clothing	52,700						
Hose nozzles etc.	-	9,200	9,200	9,200	9,200		
Replace boiler at #2 Station	30,000						
Total Fire Department	82,700	9,200	9,200	9,200	9,200	-	-
Highway (see Vehicle Replacement Plan)							
Rolloff Pup Trailer	23,350						
Total Small Capital	106,050	49,200	9,200	9,200	54,200	80,000	80,000

### **FUND THE ROAD MAINTENANCE PROGRAM**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in accordance with Chapter 44 of the M.G.L. or any other authorizing authority, the sum of \$750,000 to fund the "Road Maintenance Program" and Phase II Stormwater Compliance, as requested in the Capital Plan for FY 2010. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the DPW Director. Estimated Cost: \$750,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED WITH \$350,000 AS A CAPITAL EXPENDITURE. VOTE: YES-3, NO-2**

**MOTION:** (Edward McManus, Selectman) I move that this article be accepted and adopted to fund the Road Maintenance Program as in the Capital Plan for Fiscal Year 2010 and the sum of \$350,000 be raised and appropriated for this purpose; provided, however, that the appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 ½ ) the amount required to pay for the capital outlay expenditure authorized by this vote in Fiscal Year 2010. Duly seconded

**AMEND THE MAIN MOTION:** (Pete Watson, Finance Committee) I move to amend the main motion by striking the amount of \$350,000.00 and inserting in its place thereof the amount of \$1.00. Duly seconded

**ACTION ON THE AMENDMENT:** The amendment did not carry.

**ACTION:** Motion carried

### **REFURBISHING OF 1993 E-ONE AERIAL LADDER TRUCK**

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to fund the maintenance and refurbishing of the Harwich Fire Department's 1993 E-One Hurricane, Aerial Ladder Truck . The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the Fire Chief. Estimated Cost: \$200,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-4, NO-1.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted to refurbish a 1993 E-One aerial ladder truck as in the Capital Plan for Fiscal Year 2010 and the sum of \$200,000 be transferred from the Stabilization Fund for this purpose.

Duly seconded

**ACTION:** This article required a 2/3 majority vote to pass, it was declared to have received the necessary 2/3 vote, the article passed.

### **LEASE OR PURCHASE AND EQUIP VEHICLES**

**ARTICLE 9.** To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, and/or borrow a sufficient sum of money to lease or purchase and equip the following vehicles, and further to authorize the Town to enter into a lease/purchase agreement or agreements for a term of up to five years. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article.

<u>DPW</u>	<u>Estimated Purchase Cost</u>
One (1) new one-ton dump truck with plow (highway)	\$48,616
One (1) new one-ton pickup truck with plow (cemetery)	\$40,598

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

One (1) 1996 F-250 pickup truck  
One (1) 1996 F-350 dump truck

and to act fully thereon. By request of the DPW Director. Estimated Cost: \$89,214.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$89,214 be transferred from Free Cash for the following:

#### Highway and Maintenance

One (1) new one ton dump truck with plow (Highway) \$48,616

One (1) new one ton pickup truck with plow (Cemetery) \$40,598

And to authorize the Board of Selectmen to trade-in or sell:

One (1) 1996 F-250 pickup truck and

One (1) 1996 F-350 dump truck.

Duly seconded

**ACTION:** This article required a 2/3 majority vote to pass, it was declared to have received the necessary 2/3 vote, the article passed.

### **PURCHASE/EQUIP NEW EQUIPMENT**

**ARTICLE 10** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to purchase and equip the following equipment:

<u>DPW</u>	<u>Estimated Purchase Cost</u>
One (1) new Rolloff Pup Trailer (disposal)	\$24,000
One (1) new 15 inch industrial wood chipper (highway)	\$45,000

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

One (1) 1991 Eager Beaver Wood Chipper

and to act fully thereon. By request of the DPW Director. Estimated Cost: \$69,000

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$69,000 be transferred from Free Cash for the following:

Highway and Maintenance

One (1) new rolloff pup trailer (Disposal) \$24,000

One (1) new 15 inch industrial chipper (Highway) \$45,000

And to authorize the Board of Selectmen to trade-in or sell:

One (1) 1991 Eager Beaver Wood Chipper Duly seconded

**ACTION:** It was a unanimous vote, so declared.

**REPLACE A PORTION OF THE ROOF OF THE DPW MAINTENANCE BUILDING**

**ARTICLE 11** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to replace a portion of the roof of the DPW Maintenance building. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the DPW Director. Estimated cost: \$24,500.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$24,500 FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$24,500 be transferred from Free Cash for this purpose.

Duly seconded

**ACTION:** It was a unanimous vote, so declared.

**DESIGN AND ENGINEER GREENSAND WATER TREATMENT FACILITY**

**ARTICLE 12.** To see if the Town will vote to transfer from available funds and/or borrow funds, under M.G.L. Ch. 44 and/or from the State Revolving Loan Program, Ch. 29c of the M.G.L., as most recently amended by st. 1998, 1.78 to engineer and design plans for a Greensand Treatment Facility at the T-2 site and to install a 16" transmission water main between T-2 and the Chatham Rd facilities. This debt is to be paid from the Water Enterprise Fund, and to act fully thereon. By request of the Board of Water Commissioners and the Superintendent. Estimated Cost: \$ 1,500,000.

Explanation:

*The Town's two wellfields in the vicinity of Chatham Road are the largest water supplies operated by the Town, providing 60% of the water used to meet our demands. Over the last several years the water from these wells has had progressively increasing levels of iron and manganese, a common problem with Cape Cod water supplies. These compounds aren't harmful, but they impart color into the water and degrade its aesthetics by turning it brown or black. The iron and manganese concentrations have now reached levels where treatment is required to remove these compounds. One of the largest wells within the wellfield that has a capacity of 1 Million Gallons per Day is currently not being used for this reason.*

*This treatment facility will treat 10 of our 14 wells, which would ensure us to provide the highest quality water possible to our customers. The treatment system will consist of a green sand filtration plant that has the ability to remove upwards of 95% of the iron and manganese and will have a capacity of up to 6 Million Gallons per Day. The Water Department has completed an initial study for this plant, which is to be located at the Town's well field off of Depot Road. The overall cost for this project will likely be in the vicinity of \$4.5 Million.*

*Under this Article the design, permitting and bidding of the treatment plant will be completed, and the water transmission main connecting both well fields will be constructed. All of these activities will be performed during FY 2009. This will be a 20 year bond request.*

*This project will be funded through the Water Department enterprise fund by water rate revenues. With a firm construction price received, the Water Commissioners intend to request funding for construction at the FY 2011 Town Meeting. Because the design will be completed and the project "shovel ready", the project will be eligible for any public funding that may become available through either the President's Economic Stimulus package or State-level grant and loan opportunities such as the State Revolving Fund.*

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$1,500,000 FUNDED FROM THE WATER ENTERPRISE FUND. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$1,500,000 be appropriated for the purpose of financing engineering costs of to construct a new Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$ 1,500,000 and issue bonds or notes therefore under Chapter 44 of the General laws and/or Chapter 29C of the General laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the board of Water Commissioners determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with

the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Water Commissioners is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Duly seconded

**ACTION:** This article required a 2/3 majority vote to pass, it was declared to have received the necessary 2/3 vote, the article passed.

**FUND INSTRUCTIONAL TECHNOLOGY HARDWARE  
AND SOFTWARE FOR THE SCHOOL DEPARTMENT**

**ARTICLE 13.** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to fund instructional technology hardware and software for the School Department, and to act fully thereon. By request of the School Committee. Estimated Cost: \$34,122.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$34,122 be transferred from Article 36 of the 2006 Annual Town Meeting for this purpose.

Duly seconded

**ACTION:** It was so voted.

**FUND PHASE II OF THE REPLACEMENT OF TOWN HALL HVAC UNITS**

**ARTICLE 14.** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money for Phase II of the replacement of the Town Hall HVAC systems. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ 125,800.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$125,800 be appropriated from Free Cash for this purpose.

Duly seconded

**ACTION:** It was so voted.

**PROGRAM TO REPLACE SELF-CONTAINED BREATHING APPARATUS**

**ARTICLE 15.** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to fund Phase-2 of a three phase program to replace 37 SELF-CONTAINED BREATHING APPARATUS units and associated compressors

and mounting brackets and to act fully thereon. By request of the Fire Chief. Estimated Cost: \$80,000.

*Total cost is \$240,000; Phase two is \$80,000.*

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$80,000 be transferred from Free Cash for this purpose.

Duly seconded

**ACTION:** It was a unanimous vote, so declared.

#### **ADD TO DREDGING RESERVE FUND**

**ARTICLE 16.** To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to dredge various harbors and transfer \$50,000 from the Waterways Management Fund, and to apply for and accept any State, Federal or private grant monies available for this purpose, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$150,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$100,000 be transferred from Free Cash and the sum of \$50,000 be transferred from the Waterways Management Fund for this purpose.

Duly seconded

**ACTION:** It was so voted.

#### **FUND CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELDS**

**ARTICLE 17.** To see if the Town will vote to transfer from Community Preservation Act funds (Recreation) a sum of money for initial site preparation and initial construction of multi-purpose recreation fields behind the Harwich Community Center. This is the final phase of this project, and to act fully thereon. By request of the Community Preservation Committee and the Recreation and Youth Commission. Estimated Cost: \$266,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND \$266,000 FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.**

**MOTION:** (Larry Cole, Selectman) I move that this article be accepted and adopted and the sum of \$266,000 be transferred from the CPC Fund, (Recreation), undesignated fund balance, to the Harwich Recreation and Youth Commission for this purpose.

Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was declared to have received the necessary 2/3 vote, the motion passed.



### **PRESERVATION OF TOWN RECORDS**

**ARTICLE 18** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for the restoration, preservation, and codification/digitization of certain Town records maintained by the Town Clerk. This is phase three, of a projected four phases of this project, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Town Clerk.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$23,905 FUNDED FROM COMMUNITY PRESERVATION FUNDS AS REQUESTED. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$24,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **RESTORATION, PRESERVATION AND STORAGE OF TOWN RECORDS**

**ARTICLE 19** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for the restoration, preservation, and codification/digitization of certain town records maintained by the Board of Assessors and a storage system therefore. This is the second and final phase of this project, and to act fully thereon. By request of the Community Preservation Committee, the Harwich Tax Assessor, and Harwich Board of Assessors.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$65,000 FUNDED FROM COMMUNITY PRESERVATION FUNDS AS REQUESTED. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$65,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **ALBRO HOUSE HISTORIC RESTORATION PROJECT-PHASE I**

**ARTICLE 20** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to preserve and restore, using historically appropriate materials, and/or historically appropriate replacement as necessary, window panes, screens, and storm windows at the Albro House, and to act fully thereon. By request of the Community Preservation Committee and the Youth Counselor.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND THE SUM OF \$8,280 FOR UNNECESSARY REPAIRS FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.**

**MOTION:** (Edward McManus, Selectman) I move that this article be accepted and adopted and the sum of \$8,500 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Board of Selectmen for this purpose. Duly seconded

**ACTION:** It was so voted.

### **PRESERVATION OF HISTORIC BUILDINGS**

**ARTICLE 21** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to preserve threatened historic buildings via identifying and moving those selected historic buildings to an appropriate site in Harwich and to act fully thereon. By request of the Community Preservation Committee, and the Harwich Historical Commission.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND THE SUM OF \$45,000 FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.**

**MOTION:** (Larry Cole, Selectman) I move that this article be accepted and adopted and the sum of \$45,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Historical Commission for this purpose. Duly seconded

**ACTION:** It was so voted

### **SOUTH HARWICH MEETING HOUSE RESTORATION PROJECTS**

**ARTICLE 22** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for certain preservation and restoration projects at the South Harwich Meeting House, and to act fully thereon. By request of the Community Preservation Committee and the Friends of the South Harwich Meeting House, Inc.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND THE SUM OF \$200,000 FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.**

**MOTION:** (Robin Wilkins, Chairman-Selectman) I move that this article be accepted and adopted and the sum of \$200,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Friends of South Meeting House Inc. for this purpose. Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was declared to have received the necessary 2/3 vote, the motion passed.

### **PURCHASE AND INSTALL INTERPRETATIVE SIGNAGE AND AT THE BROOKS ACADEMY SITE**

**ARTICLE 23** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for the purchase and installation of interpretative signage at three historic buildings located on the Brooks Academy site, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Society.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$1,000 BE EXPENDED FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$1,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Harwich Historical Society for this purpose.

Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **HARWICH HISTORIC CENTER INITIATIVE**

**ARTICLE 24** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for a baseline land survey of the Harwich Historic District (a National Register District), and to act fully thereon. This is Phase I of a three-phase project. By request of the Community Preservation Committee, the Harwich Town Planner and the Harwich Center Initiative Committee.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND THE SUM OF \$50,000 FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0**

**MOTION:** (Larry Cole, Selectman) I move that this article be accepted and adopted and the sum of \$50,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance to the Board of Selectmen for this purpose.

Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary vote, the motion passed.

### **SOUTH HARWICH CEMETERY PRESERVATION AND IMPROVEMENTS**

**ARTICLE 25** To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to preserve and restore portions of the South Harwich Cemetery, including driveway and parking area relocation, granite post and repair/restoration/replacement of rails (or other historical appropriate materials), ADA-compliant bathroom addition to the South Meetinghouse exterior at the building's rear, and to act fully thereon. By request of the Community Preservation Committee and Harwich Cemetery Commission.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE TO EXPEND THE SUM OF \$159,000 FROM COMMUNITY PRESERVATION FUNDS BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0**

**MOTION:** (Paul Doane, Cemetery Commissioner) "The Article be accepted and adopted and the sum of One Hundred Thirty Four Thousand Dollars (\$134,000.00) be transferred from the Community Preservation Fund (historic), to improve and restore portions of the south Harwich Cemetery, under the direction of the Harwich Cemetery Commission, including providing new driveway access and parking area, repair/restore/replacement of galvanized rails, installation of additional granite posts and other historically appropriate materials and to act fully thereon."

Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary vote, the motion passed.

**HECH WEST HARWICH RENTAL HOUSING PRE-DEVELOPMENT FUNDS**

**ARTICLE 26** To see if the Town will vote to transfer from Community Preservation Act funds (Housing) a sum of money to provide pre-development funds for a HECH West Harwich Affordable Rental Housing project at 93 and 97 Route 28, and to act fully thereon. By request of the Community Preservation Committee and Harwich Ecumenical Council for the Homeless, Inc. (HECH).

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$90,000 BE FUNDED FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-4, NO-1.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$90,000 be transferred from the CPC Fund, (Housing) undesignated fund balance, to the Harwich Ecumenical Council for the Homeless, Inc. for this purpose.

Duly seconded

A motion was made and seconded to withdraw this motion.

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$90,000.00 be transferred from the CPC Fund, (Housing) undesignated fund balance, to the Harwich Ecumenical Council for the Homeless, Inc. for this purpose, and to authorize the Board of Selectmen to accept and affordable housing restriction in said property.

Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary vote, the motion passed.

**FUND AFFORDABLE HOUSING PROJECTS ON TOWN PROPERTIES  
DESIGNATED FOR AFFORDABLE HOUSING-PHASE I (Continued)**

**ARTICLE 27** To see if the Town will vote to transfer from Community Preservation Act funds (Housing) a sum of money to be used to assist in the development of affordable housing on certain town properties designated for affordable housing, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Housing Committee.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$20,000 be transferred from the CPC Fund, (Housing), undesignated fund balance, to the Harwich Housing Committee for this purpose.

Duly seconded

**ACTION:** It was so voted.

### **FUND HARWICH AFFORDABLE HOUSING BUY-DOWN PROGRAM**

**ARTICLE 28** To see if the Town will vote to transfer from Community Preservation Act funds (Housing) a sum of money for the funding of an affordable housing “Buy-Down” program and to authorize the Board of Selectmen to acquire a permanent deed restriction on any affordable housing units created under this program, and to act fully thereon. By request of the Community Preservation Committee, the Harwich Housing Committee, and the Harwich Housing Authority.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$220,000 BE FUNDED FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-4, NO-1.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$220,000 be transferred from the CPC Fund, (Housing), undesignated fund balance, to the Harwich Housing Committee for this purpose. Duly seconded  
**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled not to have received the necessary vote, the motion did not pass.

At 11:05pm on Monday May 4, 2009 a motion was made and seconded to adjourn until Tuesday, May 5, 2009 at 7:00pm.

On Tuesday, May 5, 2009, the Moderator, Michael D. Ford, Esq. called the Annual Town Meeting to order at 7:00pm after a quorum of 150 voters had been reached, having 235 registered voters in attendance, and the Annual Town Meeting was opened and began with:

### **FUND TOWN TRAIL SYSTEM IMPROVEMENTS**

**ARTICLE 29** To see if the Town will vote to transfer from Community Preservation Act funds (Recreation) a sum of money for walking trail improvements that will sustain and preserve existing trails, establish and/or improve trails’ signage, and enhance parking accessibility, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Trails Committee.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$2,000 BE FUNDED FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$2,000 be transferred from the CPC Fund, undesignated fund balance, to the Harwich Trails Committee for this purpose. Duly seconded  
**ACTION:** It was so voted.

### **FUND PURCHASE OF LAND FOR OPEN SPACE PURPOSES**

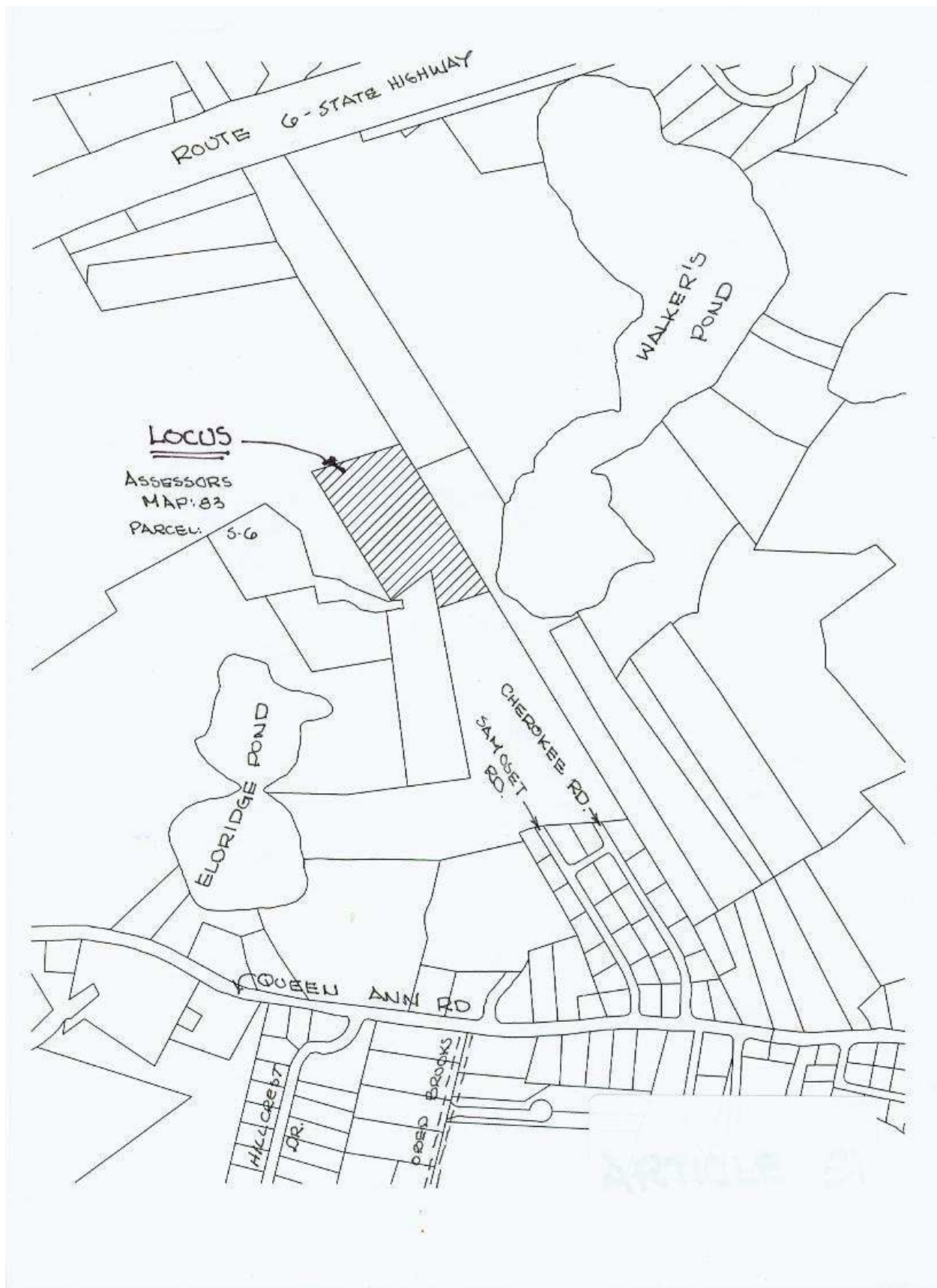
**ARTICLE 30.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or take by eminent domain for open space purposes under the provisions of Massachusetts General Law (MGL), Ch. 40, §8C, land situated in the Town of Harwich, Massachusetts, consisting of 7.34 acres more or less, which is identified on Assessor’s Map 83, Lot S6. The parcel is described in a deed recorded on May 19,1955 in Book 908, Page 242 and,

further, to appropriate a sum of money from the Community Preservation Act Open Space Reserve, and from the estimated annual revenues of the Community Preservation Fund Budgeted Reserve, or any other sum, for said acquisition, appraisals, and closing costs, including all expenses incidental and related thereto, receipts pursuant to the provisions of ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; to authorize the Board of Selectmen to grant to the Harwich Conservation Trust, for no consideration, a perpetual Deed Restriction, pursuant to the provisions of General Laws, ch.184, §31 through 33, allowing the aforementioned uses, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding to be returned to the open space reserve; and to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$75,000 be transferred from the CPC Fund, (Open Space), undesignated fund balance, for this purpose. Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary vote, the motion passed.



## **FUND PURCHASE OF LAND FOR OPEN SPACE PURPOSES**

**ARTICLE 31.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or take by eminent domain for open space purposes under the provisions of Massachusetts General Law (MGL), Ch. 40, §8C, land situated in the Town of Harwich, Massachusetts, consisting of 2.90 acres more or less, together with a right of way over Island Pond Trail in Harwich, Massachusetts together with all rights and easements and subject to rights and easements of record, which is identified on Assessor's Map 49, Lot A2-2. The parcel is described in a deed recorded on September 24, 1999 in Book 12560, Page 347 and, further, to appropriate a sum of money from the Community Preservation Act Open Space Reserve and from the estimated annual revenues of the Community Preservation Fund Budgeted Reserve, or any other sum, for said acquisition, appraisals, and closing costs, including all expenses incidental and related thereto, receipts pursuant to the provisions of ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; to authorize the Board of Selectmen to grant to the Harwich Conservation Trust, for no consideration, a perpetual Deed Restriction, pursuant to the provisions of General Laws, ch.184, §31 through 33, allowing the aforementioned uses, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding to be returned to the open space reserve; and to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$370,000 be transferred from the CPC Fund, (Open Space), undesignated fund balance, for this purpose. Duly seconded

**ACTION:** This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary vote, the motion passed.





ARTICLE 52

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

**ARTICLE 32.** To see if the Town will vote to raise and appropriate and/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 and the Deputy Assessor. Estimated cost: \$50,000.

*Explanation – To provide a sufficient sum of money for the FY 2010 Revaluation as required by the Massachusetts Department of Revenue.*

*To see if the Town will vote to transfer \$25,000 from Article 7 of the May 2, 2000 Special Town Meeting and \$25,000 from available funds for this purpose and to act fully thereon.*

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
ACCEPTED AND ADOPTED AND FUNDED FROM AVAILABLE FUNDS.  
VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$25,000 be transferred from Free Cash and \$25,000 be transferred from Article 7 of the May 2, 2000 Special Town Meeting for this purpose.  
Duly seconded

**ACTION:** It was so voted.

**FUND SCHOLARSHIP AWARDS FOR PROJECT CONTEMPORARY  
COMPETITIVENESS**

**ARTICLE 33** To see if the Town will vote to raise and appropriate and/or transfer from available funds for the Board of Selectmen and School Committee to award scholarships which will defray the cost of tuitions and related expenses to seventh, eighth and ninth grade students residing in Harwich to participate in Project Contemporary Competitiveness at Bridgewater State College and the Advanced Studies and Leadership program at Mass Maritime Academy, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$15,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
INDEFINITELY POSTPONED. VOTE: YES-4, NO-1.**

**MOTION:** (Edward McManus, Selectman) I move that this article be accepted and adopted and the sum of **\$15,000** be transferred from Free Cash for this purpose.  
Duly seconded

**ACTION:** It was so voted

**LARGE SCALE WIND GENERATION**

**ARTICLE 34.** To see if the Town will vote to amend the Zoning By-law by moving the current Regulations For Wind Energy Systems to Section XIX and adding a new Section XX – Large Scale Wind Generation and to act fully thereon. By request of the Planning Board.

*Explanation: This article will allow Harwich to advance toward the objective of becoming a 'green' community by increasing its capacity for alternative energy systems. Once the by-law is in place the Town can pursue construction & operation of large scale wind turbines by the Cape & Vineyard Electric COOP on municipal land, with Harwich obtaining long term power purchase agreements with no capital investment at approximately 1/3 reduced cost per kilowatt hour. Town could also pursue Federal/State grants to offset part of construction costs to build construct Large Scale Wind Towers and begin reducing its reliance upon energy from fossil fuel sources. Large scale wind towers are proven to be the most efficient and cost-effective source of alternative energy. The feasibility study done for Harwich by Weston and Sampson reports that a majority of the Town's annual demand for electricity can be generated through large-scale wind. This bylaw also provides opportunity for private sector investment in Large Scale Wind towers.*

## **Section XX**

(move current wind by-law to Section XIX)

### **Large Scale Wind Generation**

#### **1.0 Purpose**

The purpose of this by-law is to provide for the construction and operation of large scale wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of such wind facilities that address public safety, minimize impacts on scenic, natural and historic resources and provide adequate financial assurance for decommissioning.

#### **1.1 Applicability**

This section applies to all large-scale and on-site wind facilities proposed to be constructed after the effective date of this section. It does not apply to single stand-alone wind turbines under 25 kilowatts of rated nameplate capacity.

Any physical modifications to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

#### **2.0 Definitions**

**Height:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

**Meteorological or Wind Monitoring Tower:** A temporary tower equipped with devices to measure wind speeds and direction, typically used to determine how much wind is available to generate power from a wind turbine at a site.

**Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer in Kilowatts or Megawatts with a "nameplate" on the equipment.

**Special Permit Granting Authority (SPGA):** The SPGA shall be the Planning Board for the issuance of special permits to construct and operate wind facilities.

**Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.

**Wind Facility:** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, support structure, foundations, generation equipment, substations, transformers, service and access roads, and one or more wind turbines.

**Wind Facility, Large Scale:** A wind facility with a rated nameplate capacity of over 25 kilowatts.

**Wind Facility, Municipal:** A wind facility located on town owned property which is designed to provide some portion of its electrical output for the use or benefit of the town and without regard to the ownership of the structure or equipment. A third party may own and operate such facility. The Town may benefit by utilizing a portion or all of the energy generated by the facility and/or the sale of energy and RECS (Renewable Energy Certificates).

**Wind Facility, On-Site:** A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the project on-site or at other community-owned facilities through virtual net metering in accordance with the Green Communities Act of 2008.

**Wind Facility, Utility-Scale:** A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale or retail electricity markets.

**Wind turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

### **3.0 General Requirements**

#### **3.1 Special Permit Granting Authority (SPGA)**

No wind facility over 25 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the SPGA. The construction of a wind facility shall be permitted in any zoning district subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in sections 3, 4, 5 and 6. All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the SPGA finds in writing that:

- (a) the specific site is an appropriate location for such use;

- (b) the use is not expected to adversely affect the neighborhood;
- (c) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (d) no nuisance is expected to be created by the use; and
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

Meteorological or wind monitoring towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space, parking, and building coverage requirements

### **3.2 Compliance with Laws, Ordinances and Regulations**

The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

### **3.3 Proof of Liability Insurance**

The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover personal injury to the public and loss of facilities and structures occasioned by the failure of the facility.

### **3.4 Site Control**

At the time of its application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

## **4.0 General Siting Standards**

### **4.1 Height**

Wind energy conversion facilities shall be no higher than 300 feet above the natural grade. The height of all wind turbines shall be measured to the highest point reached by the rotor blades. The SPGA may allow this height to be exceeded to a maximum of 400 feet as part of the special permit process if the project proponent can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts, and satisfies all requirements of this by-law. Monopole towers are the preferred type of support for wind turbines.

### **4.2 Setbacks**

Wind turbines shall be set back from the property line a minimum distance equal to the overall height of the proposed wind turbine.

#### **4.2.1 Setback Waiver**

The SPGA may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

The SPGA may reduce minimum setback distances as appropriate based on site-specific conditions, and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to a reasonable extent. A request for a waiver from the setback requirements should be supported by a letter from the abutting property owner(s) whose land would be encroached on by the setback indicating their acknowledgement and agreement to waive the setback requirement.

As part of a waiver request, the applicant shall be required to provide evidence of liability insurance in an amount and for duration sufficient to cover loss or damage to persons, structures, or property occasioned by the failure of the facility, including but without limitation coverage for adjacent properties.

### **5.0 Design Standards**

#### **5.1 Color and Finish**

The SPGA shall have discretion over the wind facility color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

#### **5.2 Lighting and Signage**

##### **5.2.1 Lighting**

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

##### **5.2.2 Signage**

Signs on the wind facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

- (a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- (b) Educational signs providing information about the facility and the benefits of renewable energy.

##### **5.2.3 Advertising**

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

#### **5.2.4 Utility Connections**

Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### **5.3 Appurtenant Structures**

All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or equipment located in an underground vault or within the base of the support monopole. Structures shall be joined or clustered to avoid adverse visual impacts.

#### **5.4 Support Towers**

Monopole towers are the preferred type of support for the Wind Facilities.

### **6.0 Safety, Aesthetic and Environmental Standards**

#### **6.1 Emergency Services**

The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the SPGA. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

##### **6.1.1 Unauthorized Access**

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

#### **6.2 Shadow/Flicker**

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

#### **6.3 Noise**

The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the SPGA agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- (a) Increases the broadband sound level by more than 10 Db(A) above ambient, or

(b) Produces a “pure tone” condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

The SPGA, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

#### **6.4 Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

### **7.0 Monitoring and Maintenance**

#### **7.1 Facility Conditions**

The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

#### **7.2 Modifications**

All material modifications to a wind facility made after issuance of the special permit shall require approval by the SPGA as provided in this section.

### **8.0 Abandonment and Decommissioning**

#### **8.1 Removal Requirements**

Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.



(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

## **8.2 Abandonment**

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the SPGA. The SPGA shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to decommission and dismantle the wind energy facility at the owner's expense.

## **8.3 Financial Surety**

The SPGA may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the SPGA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

## **9.0 Term of Special Permit**

A special permit issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the SPGA upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the SPGA acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

## **10.0 Application Process and Requirements**

### **10.1 Application Procedures**

#### **10.1.1 General**

The application for a wind facility shall be filed in accordance with the rules and regulations of the SPGA concerning special permits.

#### **10.1.2 Application**

Each application for a special permit shall be filed by the applicant with the city or town clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

## **10.2 Required Documents**

### **10.2.1 General**

The applicant shall provide the SPGA with 12 copies of the application. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

10.2.2 Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any.

10.2.3 The name, contact information and signature of any agents representing the applicant.

10.2.4 Documentation of the legal right to use the wind facility site, including the requirements set forth in 10.3.2(a) of this section

## **10.3 Siting and Design**

The applicant shall provide the SPGA with a description of the property which shall include:

### **10.3.1 Location Map**

Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

### **10.3.2 Site Plan**

A one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:

- (a) Property lines for the site parcel and adjacent parcels within 300 feet.
- (b) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown.
- (c) Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent.
- (d) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
- (e) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- (f) Location of viewpoints referenced below in 10.3.3 of this section.

### 10.3.3 Visualizations

The SPGA shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) All view representations will include existing, or proposed, buildings or tree coverage.
- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc...).

### 10.4 Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

### 10.5 Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

### 10.6 Compliance Documents

If required under previous sections of this by-law, the applicant will provide with the application:

- (a) a description of financial surety that satisfies 8.3 of this section,
- (b) proof of liability insurance that satisfies Section 3.3 of this section,
- (c) certification of height approval from the FAA,
- (d) a statement that satisfies Section 6.3, listing existing and maximum projected noise levels from the wind facility.

### 10.7 Independent Consultants

Upon submission of an application for a special permit, the SPGA will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws. As necessary, the applicant may be required to pay not more than 50% of the independent consultant's costs.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant. Duly seconded

At this time Joseph MacParland read the Planning Board Report as follows:

April 13, 2009

To: Board of Selectmen  
From: Planning Board  
Re: Planning Board Report to Town Meeting  
Article 34-Large Scale Wind Generation

On March 10, 2009, the Planning Board held a public hearing on the proposed article to amend the Zoning by-law by moving the current Regulations for Wind Energy Systems to Section XIX and adding a new Section XX – Large Scale Wind Generation and act fully thereon. The Board voted in favor (4-2) to recommend this article to the Town Meeting as printed in the warrant.

**ACTION:** It was ruled to have received the necessary 2/3 vote, the article passed.

At 8:15pm a motion was made, seconded and so moved to adjourn the Annual Town Meeting until the conclusion of the Special Town Meeting.

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
SPECIAL TOWN MEETING WARRANT  
MAY 5, 2009**

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 5, 2009 at 8:00 P.M., then and there to act on the following articles:

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 30<sup>th</sup> day of March, 2009

s/Robin D. Wilkins, Chairman  
s/David W. Marsland  
s/Lawrence P. Cole  
s/Edward J. McManus  
s/Angelo S. La Mantia  
BOARD OF SELECTMEN

A true copy Attest:  
s/David A. Robinson  
Constable

April 16, 2009

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Monday, the 5<sup>th</sup> day of May, 2009 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

The Moderator, Michael D. Ford, Esq. convened the Special Town Meeting, the Town Clerk, Anita N. Doucette read the Warrant and the return of the Warrant, The Special Town Meeting began with:

**ACCEPTANCE OF THE CODIFICATION OF THE GENERAL BY-LAWS**

**ARTICLE 1** To see if the Town shall accept the renumbering and reorganization of the various bylaws of the Town from their original numbering or their numbering in the General Bylaws, as amended through May 2006, to the numbering or codification, arrangement, sequence and captions and the comprehensive reorganization to the text of the General Bylaws as set forth in the Final Draft of the code of the Town of Harwich, dated January 2009 said codification having been done under the direction of the Board of Selectmen and Town Attorney, and said Code being a compilation and comprehensive reorganization of the present bylaws of the Town. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except any such repeal shall not affect any suit or proceeding pending as the result of an existing law, except that such repeal shall not apply to or affect any bylaw, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth. These bylaws shall be referred to as the "Code of the Town of Harwich, Massachusetts" and on file with the Town Clerk; and to act fully thereon. By request of the Town Clerk.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted, and further that limited substantive amendments to the General Bylaws be adopted as set forth in a document entitled, “Town of Harwich Changes to General Bylaws” and as reflected in the Final Draft of the code of the Town of Harwich, dated January 2009, as on file with the Town Clerk. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **ACCEPTANCE OF THE CODIFICATION OF THE ZONING BY-LAWS**

**ARTICLE 2** To see if the Town shall accept the renumbering and reorganization/revision of the Zoning Bylaws of the Town from its original numbering, as amended through May 16, 2006, to the numbering or codification, arrangement, sequence and captions and the comprehensive reorganization/revisions to the text of the Zoning Bylaws as set forth in the Final Draft of the Code of the Town of Harwich, dated May 2006, said codification of the Zoning Bylaws having been done under the direction of the Planning Board, and being a compilation and comprehensive reorganization/revision of the present Zoning Bylaws, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. The Zoning Bylaws shall be codified as Part II Chapter 325 of the “Code of the Town of Harwich, Massachusetts” and on file with the Town Clerk; and to act fully thereon. By request of the Town Clerk.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted, and further that limited substantive amendments to the Zoning Bylaws be adopted as set forth in a document entitled, “Town of Harwich Changes to Zoning Bylaws” and as reflected in the Final Draft of the code of the Town of Harwich, dated January 2009, as on file with the Town Clerk. Duly seconded

At this time Allan Peterson read the Planning Board Report as follows:

To: Board of Selectmen  
From: Planning Board  
Date: May 1, 2009  
RE: Planning Board Report to Town Meeting  
2009 Special Town Meeting Article 2-Codification of the Zoning By-Laws

On April 28, 2009, the Planning Board held a public hearing to vote on the proposed zoning amendment for Article 2 – Codification of the Zoning By-laws. The Board voted unanimously to recommend the Article as presented by the By-Law Charter Review Committee’s Temporary Acting Chair, Mr. Ray Jefferson. Mr. Jefferson made assurance that no substantive changes to the By-Laws were made.

**ACTION:** It was a unanimous vote, so declared.

A  
**MEND TOWN BY-LAWS – KENNEL LICENSES**

**ARTICLE 3** To see if the Town will vote to amend the Animal Control By-Law by deleting in its entirety under section 10-106:

**10-106 KENNEL LICENSES**

“A kennel maintained as a business for the boarding and/or grooming of dogs shall obtain a Commercial Kennel License upon written application and the payment of fifty (50) dollars. Each kennel shall be available for inspection by the Animal Control Officer, a Police Officer, or the Board of Health.

Any owner or keeper of more than three (3) dogs but less than seven (7) shall obtain a kennel license for a Multiple Pet Household upon payment of twenty five (25) dollars. The owner or keeper shall present to the Town Clerk verification that all dogs six (6) months old or older have been currently immunized against rabies.

A veterinary hospital within the Town of Harwich shall not be considered a kennel unless it contains an area for grooming and/or boarding in which case it shall obtain a Commercial Kennel License.

The clerk shall issue without a charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse.”

**Inserting in its place the following:**

**10-106 KENNEL LICENSES**

A kennel maintained as a business for the boarding and/or grooming of dogs shall obtain a Commercial Kennel License. The fee for each Commercial Kennel License shall be determined annually by a committee of the Town Administrator, The Town Clerk and The Animal Control Officer and approved by the Board of Selectmen. Each kennel shall be available for inspection during normal business hours by the Animal Control Officer, a Police Officer, or the Board of Health.

Any owner or keeper of more than three (3) dogs but less than seven (7) dogs shall obtain a Kennel License for a Multiple Pet Household upon written application and payment of the currant license fee for each dog. The owner or keeper shall present to the Town Clerk verification that all dogs six (6) months or older have been immunized against rabies.

A veterinary hospital within the Town of Harwich shall not considered a kennel unless it contains an area for grooming and/or boarding in which case it shall obtain a Commercial Kennel License.

The Clerk shall issue without a charge a Kennel License to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse.”

and to act fully thereon. By request of the Town Clerk and the Animal Control Officer

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
ACCEPTED AND ADOPTED. VOTE: YES-3, NO-2.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted. Duly seconded

**ACTION:** So voted.

**FUND POLICE AND FIRE CLAIMS TRUST FUND**

**ARTICLE 4** To see if the Town will vote to raise and appropriate or transfer from  
available funds a sufficient sum of money to supplement the Police and Fire Claims Trust  
Fund Account for Fiscal Year 2010 and to act fully thereon. By request of the Board of  
Selectmen. Estimated cost: \$16,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
ACCEPTED AND ADOPTED AND THE SUM OF \$16,000 FUNDED FROM  
AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted and the sum of \$16,000.00 be transferred from Free Cash for this  
purpose. Duly seconded

**ACTION:** It was so voted.

**SNOW AND ICE DEFICIT**

**ARTICLE 5** To see if the Town will vote to raise and appropriate or transfer from  
available funds to supplement the Fiscal Year 2009 Highway Department Snow and Ice  
Account, and to act fully thereon. By request of the Board of Selectmen.  
Estimated cost: \$ 265,000.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
ACCEPTED AND ADOPTED AND THE SUM OF \$265,000 FUNDED FROM  
AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted and the sum of \$265,000.00 transferred to FY09 Budget Items as  
follows:

Snow and Ice Line items #66,#67 and #68: \$265,000.00 from Free Cash for this purpose.

Duly seconded

**ACTION:** It was so voted.

**RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2009  
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES**

**ARTICLE 6** To see if the Town will vote to hear and act on the report of the  
Community Preservation Committee on the Fiscal Year 2010 Community Preservation  
budget and to appropriate from the Community Preservation Fund a sum of money not



exceeding 5% of the FY2010 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010; and further to reserve for future appropriation a sum of money from the Community Preservation Fund FY 2010 estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2010 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes, including acquisition of interests in land, all as recommended by the Community Preservation Committee, and to act fully thereon. By request of the Community Preservation Committee.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that the Town transfer from FY2010 Community Preservation Fund estimated annual revenues the following sums:

\$ 119,266 for the Open Space Reserve (332000);  
\$ 119,266 for the Historic Resources Reserve (332100);  
\$ 119,266 for the Community Housing Reserve (332200); and  
\$ 834,865 for the FY2010 Budgeted Reserve. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

#### **AMEND THE PERSONNEL BY-LAW**

**ARTICLE 7** To see if the Town will vote to amend the Personnel By-Law, last amended February 2008, by adding a new paragraph 2 in Part 8 VACATIONS:

In order to recruit experienced managers to Harwich, as stated below in **BOLD**:

**After one year of full-time service to Harwich, a full-time By-Law employee may be granted by the Town Administrator one (1) week additional vacation in recognition of five years or more of prior municipal experience in calculating the vacation benefit.**

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

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be indefinitely postponed. Duly seconded

**ACTION:** This article was indefinitely postponed.

#### **AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR PAID ELECTED OFFICIALS IN THE TOWN OF HARWICH**

**ARTICLE 8** To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court as set forth below; 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:

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

**SECTION 1.** Notwithstanding Chapter 32B of the General Laws, part-time elected officials of the Town of Harwich who receive a salary or a stipend shall not be eligible for participation in the town's contributory health and life insurance plan, except that those part-time officials who participate in that plan as of the effective date of this act shall be eligible to continue to participate until the end of their current and any continuous future terms of service in the elected position held at the time this act takes effect. Retired elected officials that receive benefits by virtue of their previous service, shall not be affected by this act. Part-time elected officials who receive a salary or a stipend, who are first elected after the effective date of this act, may elect to pay 100 per cent of the cost of the official's participation in the town's health and life insurance benefit plan, plus any administrative costs that may be assessed by the board of selectmen, may be considered eligible to participate.

**SECTION 2.** This act shall take effect upon passage; and to act fully thereon. By request of the Board of Selectmen.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-4, NO-0, ABSTAIN-1.**

**MOTION:** (Linda Cebula, Finance Committee) I move that this article be accepted and adopted. Duly seconded

**ACTION:** This motion did not pass.

#### **FUND TWO FIRE FIGHTER / PARAMEDIC OR EMT-B DAY POSITIONS**

**ARTICLE 9** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund, train and equip two Fire Fighter / Paramedic or EMT-B Day Positions and related expenses. Provided however that this vote shall not take effect until the Town, at a regular or special election, votes pursuant to General Laws, Chapter 59, Section 21C (g), to exempt the amounts herein appropriated from the limitations imposed on the total amount of taxes to be raised for FY 2010 by the provisions of general laws, Chapter 59, Section 21, Proposition 2 ½ so called, and to act fully thereon. By request of the Board of Selectmen and Fire Chief. Estimated Cost: \$214,006.

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman, Finance Committee) I move that this article be accepted and adopted and that the following amount be added to the Fiscal Year 2010 operating budget of the Town:

Line # 45-b    Fire S&W       \$214,006

And the sum of \$214,006 be raised and appropriated from taxes for this purpose, provided, that this appropriation shall not take effect until the Town, at a regular, or special election, votes pursuant to General Laws, Chapter 59, Section 21C (g), to exempt the amounts herein appropriated from the limitations imposed upon the total amount of taxes to be raised for Fiscal Year 2010 by the provisions of General Laws, Chapter 59, Section 21C, proposition 2 ½, so-called, for this purpose.                      Duly seconded

A motion was made and seconded to terminate debate, this required a ¾ majority vote to pass, and it was a unanimous vote, so declared.

**ACTION:** The motion carried

**LEASE SPACE AT SAQUATUCKET PARKING LOT  
FOR WINTER BOAT STORAGE**

**ARTICLE 10**    To see if the Town will vote to authorize the Selectmen to lease a portion of the Saquatucket Harbor Parking Lot in Harwich Port shown as Assessor's Map 15, Parcel T3 for use during the off-season for boat storage purposes. Said lease to be for a term of up to five (5) 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.

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

**MOTION:** (Dana DeCosta-Chairman-Finance Committee) I move that this article be accepted and adopted.                      Duly seconded

**ACTION:** This motion did not carry.



**AUTHORIZE USE OF TEXEIRA PROPERTY  
FOR AGRICULTURAL PURPOSES**

**ARTICLE 11** To see if the Town will authorize the Board of Selectmen to file a home rule petition in the following form, 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 USE CERTAIN  
LAND FOR AGRICULTURAL PURPOSES.**

**Section 1.** Notwithstanding the provisions of Section 7 of Chapter 293 of the Acts of 1998 entitled "An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program," the Town of Harwich is hereby authorized to use the parcel of land described in section 3 of this act for agricultural purposes.

**Section 2.** Pursuant to Article 97 of the Amendments to the Massachusetts Constitution, agricultural use of said land is hereby authorized.

**Section 3.** The land subject to the act is described as follows: the property situated at 525 and 527 Queen Anne Road and shown on Harwich Assessors Map 71 as Parcels A1-1, containing 7.61 acres more or less, and A1-2, containing 9.02 acres more or less, being formerly owned by Arthur J. Texeira, and having been acquired by the Town as authorized by Article 10 of the Special Town Meeting held May 2, 2000 for the purposes of preservation, open space, conservation and passive recreation. The proposed garden area is described as approximately 2 acres located in the northwest corner of said parcels.

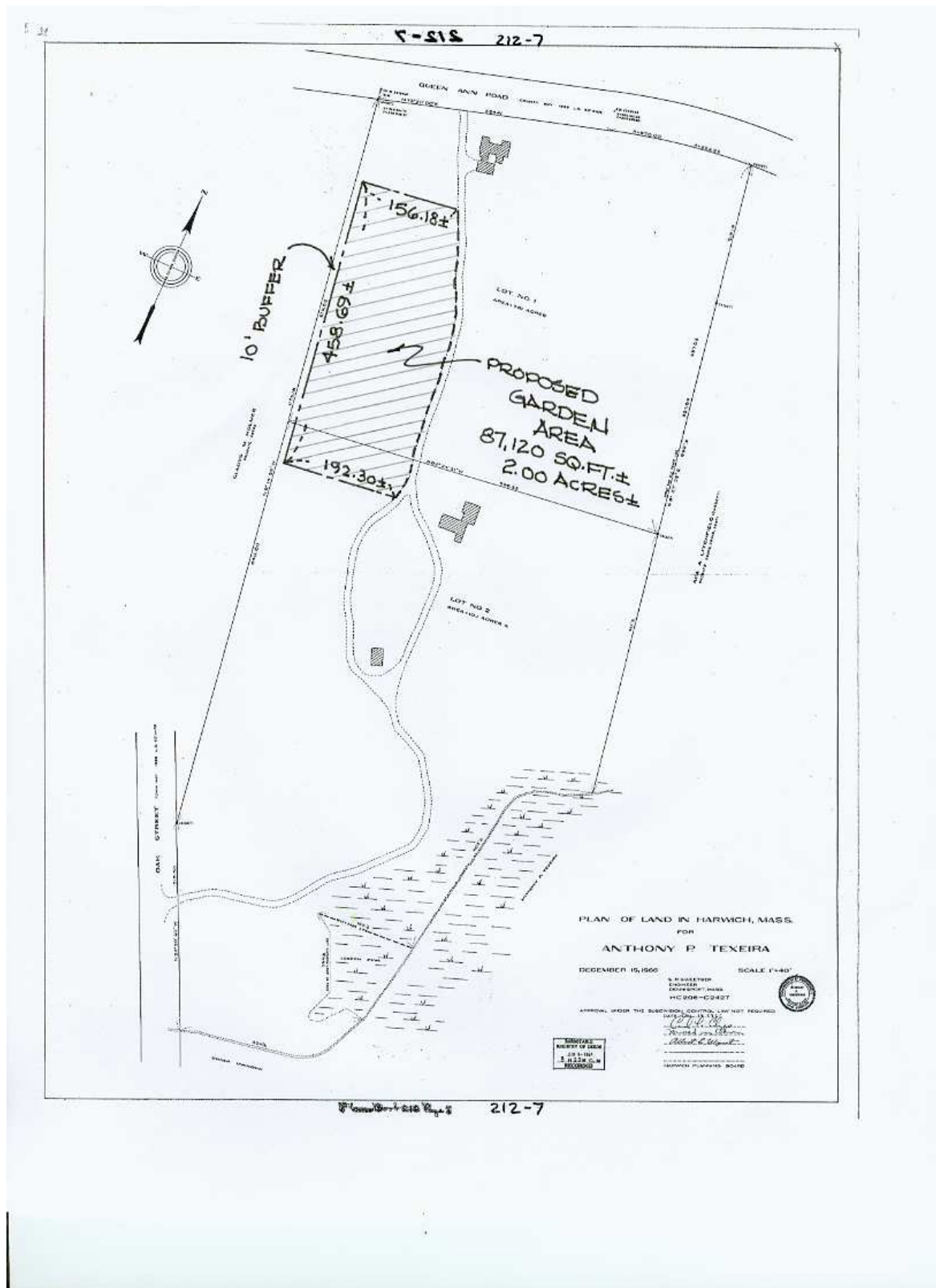
**Section 4.** This act shall take effect upon passage.

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

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE  
INDEFINITELY POSTPONED. VOTE: YES-4, NO-1.**

**MOTION:** Dana DeCosta, Chairman-Finance Committee) I move that this article be indefinitely postponed. Duly seconded

**ACTION:** This article was indefinitely postponed.



**ACCEPT PROVISIONS OF M.G.L. CHAPTER 60 SECTION 15**

**ARTICLE 12** To see if town will vote to accept M.G.L. Chapter 60, Section 15 regarding the setting of demand fees for delinquent local taxes and to act fully thereon. By request of the Board of Selectmen.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that the Town set the Demand Fee for Delinquent local taxes in the amount of \$30.00. Duly seconded

**ACTION:** It was so voted.

**REPLACE CATCH BASINS IN HARWICH CENTER**

**ARTICLE 13** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to replace ten (10) catch basins in Harwich Center, and to act fully thereon. By request of the DPW Director. Estimated cost: \$49,600.

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

**MOTION:** (Edward McManus, Selectman) I move that this article be accepted and adopted and the sum of \$49,600.00 be transferred from Chapter 90 for this purpose. Duly seconded

**ACTION:** It was so voted.

**CREATE A REGIONAL SCHOOL DISTRICT PLANNING COMMITTEE**

**ARTICLE 14** To see if the Town will vote to create a special unpaid committee to be known as a regional school district planning committee, to consist of three members, including one member of the school committee, to be appointed by the moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended; and further to see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for use by said committee, and to act fully thereon. By request of the School Committee and the School Superintendent. Estimated cost: \$5,000

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$5,000 FUNDED FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$5,000.00 be transferred from Free Cash for this purpose. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

## **LAND FOR AFFORDABLE HOUSING – AMERICAN DREAM II**

**ARTICLE 15** To see if the Town will vote to transfer the care, custody, control, and management of the following parcels of land from the board or officer that currently has custody of the land for the purpose for which it is currently held to the Board of Selectmen to be held for the purpose of conveyance; and to further authorize the Board of Selectmen to convey the fee or a lesser interest in said parcel pursuant to the public bidding requirements of the Uniform Procurement Act, Chapter 30B of the General Laws, if applicable, provided that the Board of Selectmen is authorized to negotiate the terms and conditions of the conveyance determined to be in the best interests of the Town including retaining a permanent affordable housing deed restriction in perpetuity in the name of the Town, and to act fully thereon. By request of the Harwich Housing Committee

<u>Address</u>	<u>Map/Parcel</u>	<u>Acreage</u>	
A) 759 Queen Anne Road	72/L262	.23 Acres	Art. 73 ATM 2007
B) 215 Pleasant Bay Road	113/X5	.61 Acres	
C) 138 Depot Road	53/F15	.17 Acres	
D) 5 Dexter Road*	49/X1-4	.31 Acres	
E) 3 Dexter Road*	49/X1-6	.29 Acres	

\*combine into one (1) lot

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted.

Duly seconded

**AMENDMENT TO THE MAIN MOTION:** That this article be accepted and adopted as printed in the warrant and that Parcel A) be deleted.

Duly seconded

**AMENDMENT TO THE AMENDMENT:** That this article be accepted and adopted as printed in the warrant and that Parcels B), D), & E). also be deleted. Duly seconded

**ACTION ON THE AMENDMENT TO THE AMENDMENT:** The amendment did not carry.

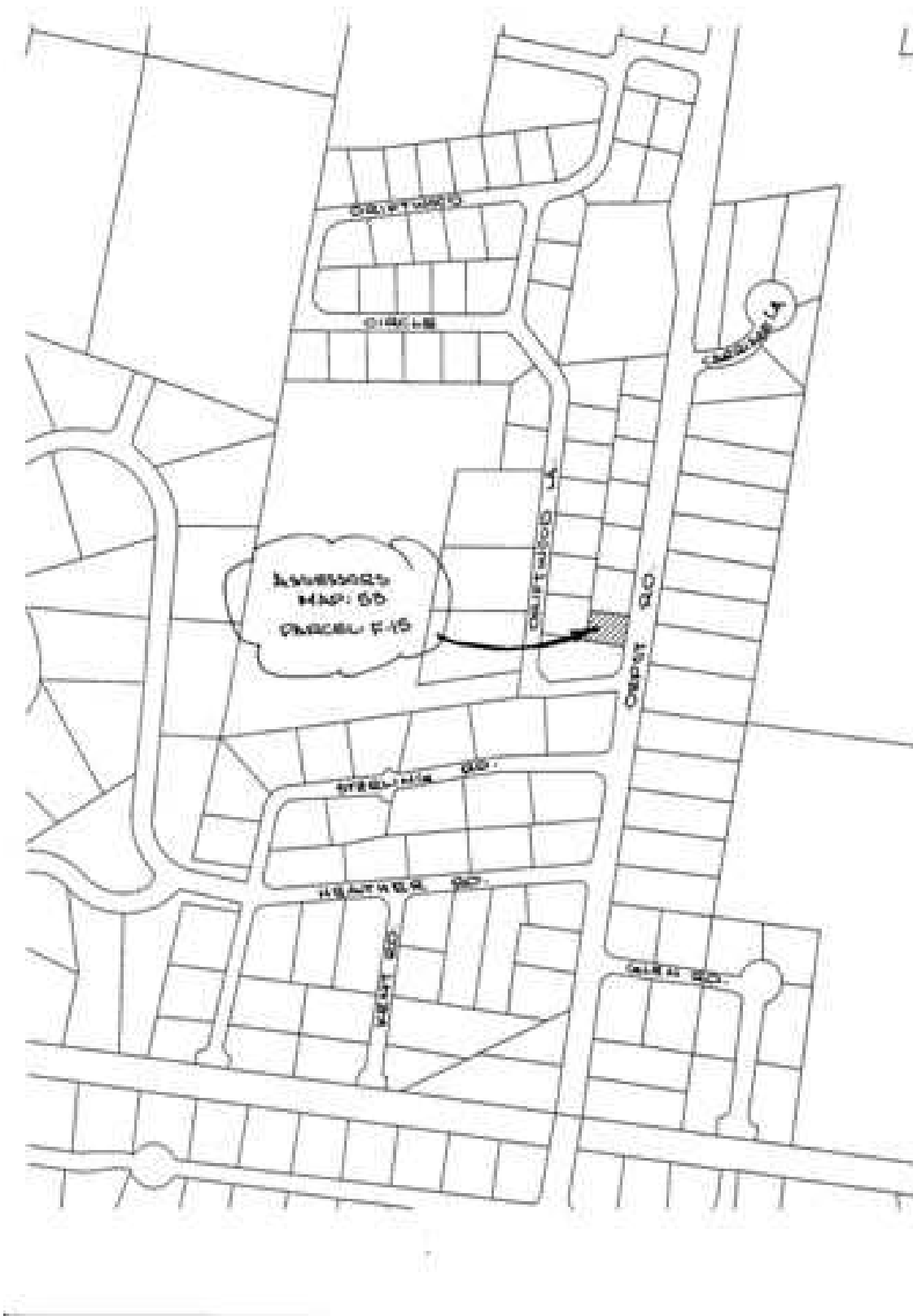
**ACTION ON THE AMENDMENT TO THE MAIN MOTION:** This amendment did not carry.

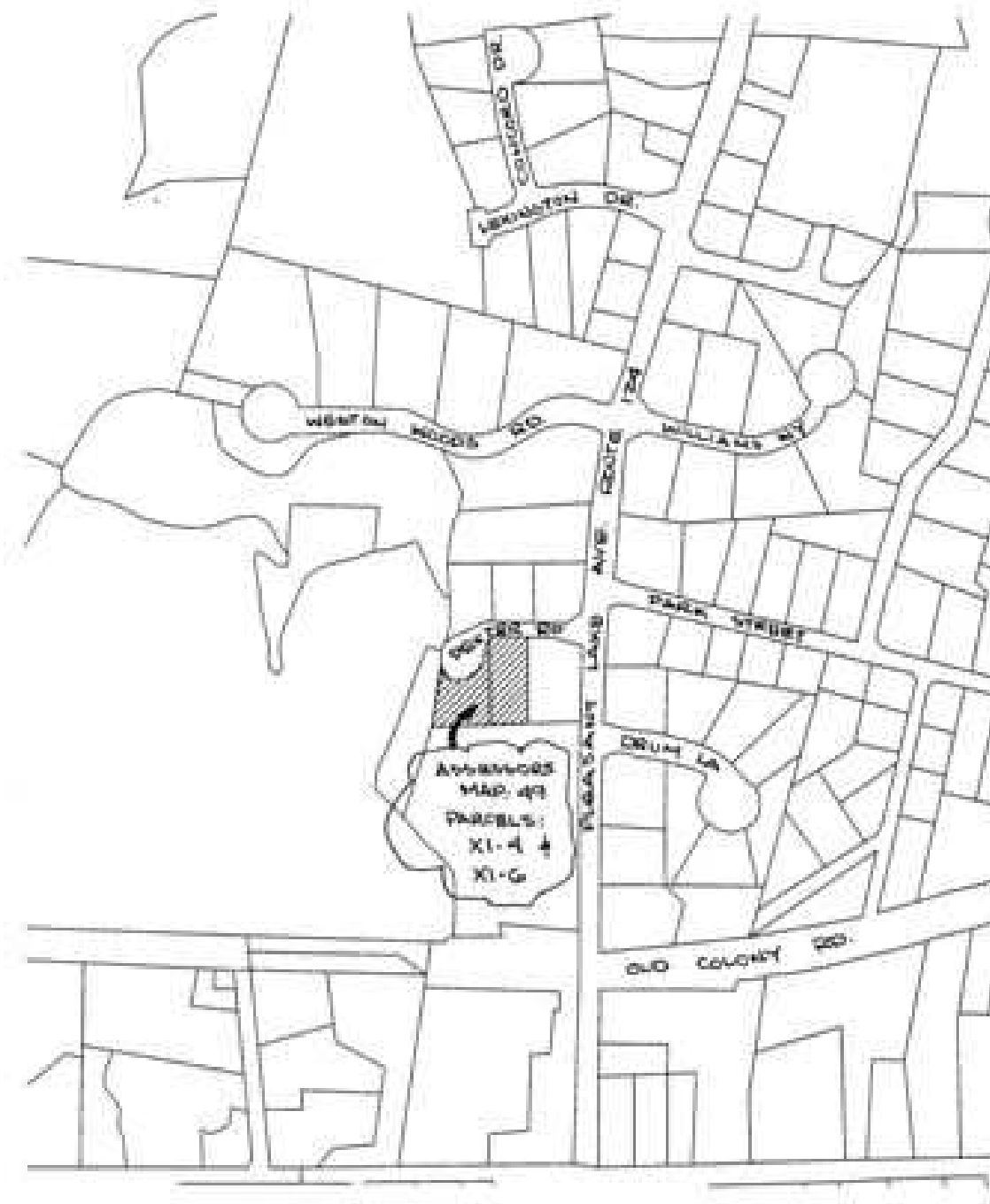
**ACTION ON MAIN MOTION:** A standing count was taken, a 2/3 majority vote was required to pass, YES 84 - NO 37, it was ruled to have received the necessary 2/3 majority vote, motion passed.











### **SELL PARCEL OF TOWN-OWNED LAND**

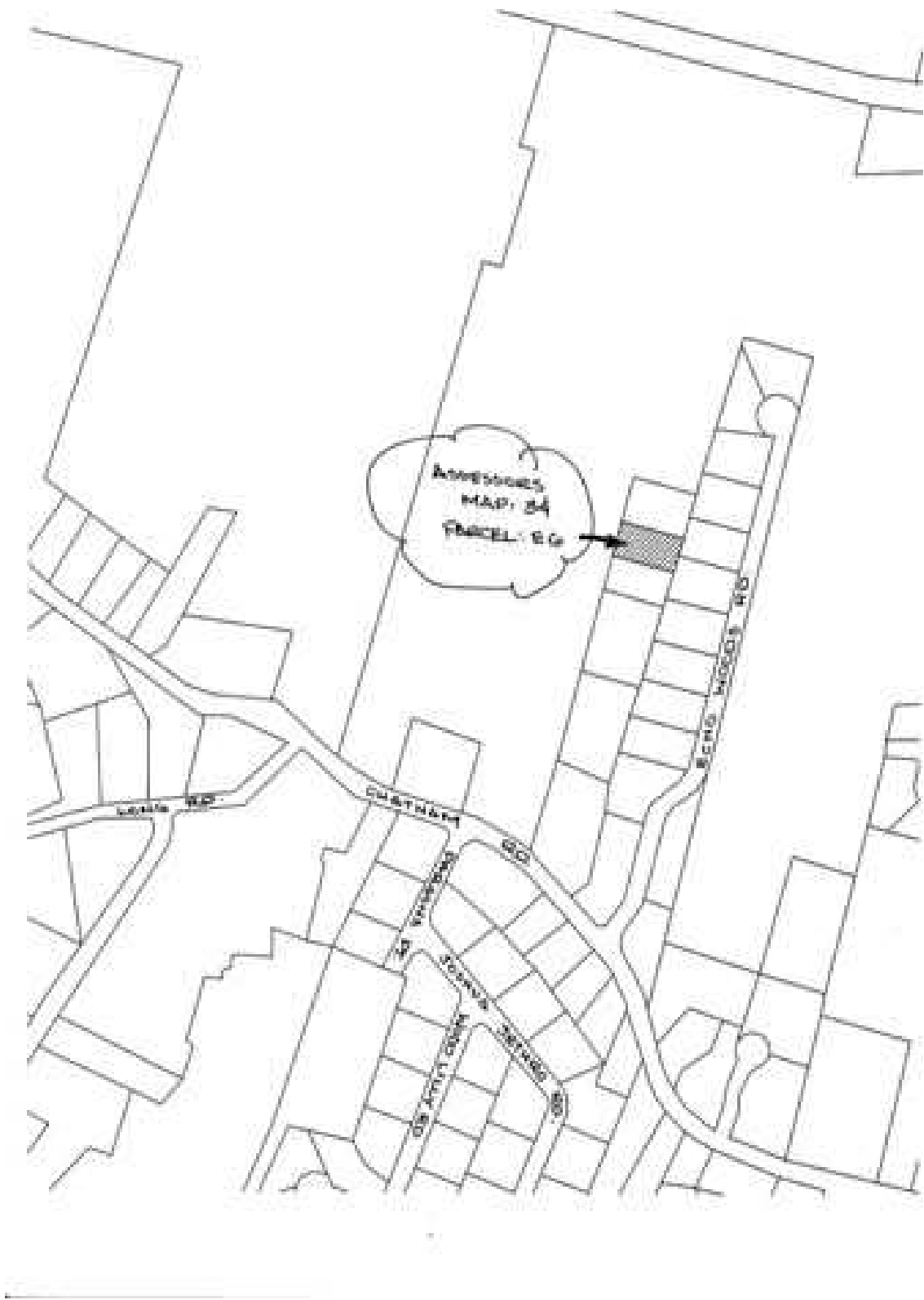
**ARTICLE 16** To see if the Town will vote to transfer the care, custody, control and management of the following parcel of land from the board or officer that currently has custody of the land for the purpose for which it is currently held to the Board of Selectmen to be held for the purpose of conveyance; and to authorize the Board of Selectmen to take such parcel by eminent domain for the purpose for which it was originally acquired and for the purpose of clearing title to such parcel; and to authorize the Board of Selectmen to convey the fee or a lesser interest in said parcel on such terms and conditions as the Selectmen deem to be in the best interest of the Town, and to deposit the proceeds from said sale in the Affordable Housing Fund established by Chapter 476 of the Acts of 2008, and to act fully thereon. By request of the Harwich Housing Committee.

<u>Address</u>	<u>Map/Parcel</u>	<u>Acreage</u>	
Chatham Road	34/E6	0.28 Acres	Landlocked

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted. Duly seconded

**ACTION:** This motion needed a 2/3 majority vote to pass, it was ruled to have received the necessary 2/3 vote, this motion passed.



## **SURPLUS REVENUES**

**ARTICLE 17** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the purchase of police cruisers for the Harwich Police Department, and further for the Town Accountant to transfer surplus revenues from the following articles to pay for said cruisers, and to act fully thereon. By Request of the Police Chief. Estimated cost: \$58,999.

<b>Surplus Revenue Accounts:</b>	<b>Articles:</b>	
Technology Assessment	#36 2006 ATM	20,878
Harwich Employees Association Comp Plan & Job Descr.	#56 2007 ATM	2,500
Vehicle Replacement	#13 2006 ATM	192
Vehicle Replacement	#13 2006 ATM	518
Fire Station 2 Floor	#17 2006 ATM	287
Ambulance	#11 2008 STM	7,701
Fire/Pol Radio Tower	#16 2008 STM	2,919
Condemnd/Abnd Structurs	#54 1999 ATM	225
Water Proj Skinqt Pond	#33 1999 ATM	726
Modular Classrooms	#26 2007 ATM	3,797
Bldg Maint School	#27 2007 ATM	-
Contemp Competitive	#28 2007 ATM	2,852
School Reading Series	#3 1999 STM	62
Ford Escape Engineering	#8 2008 STM	200
Vehicle Replacement	#13 2006 ATM	1,527
Equipment Replacement	#14 2006 ATM	75
Roof Hwy Maint Bldg	#31 2007 ATM	500
Roll Off Truck Disposal	#8 2008 ATM	141
Dump Truck W/Plow Hwy	#8 2008 ATM	25
Dump Truck W/Plow Parks	#8 2008 ATM	25
Cem Pond Management	#55 2000 ATM	631
Flu Clinic Expenses	#60 2007 ATM	2,063
Weight Rm Equip	#22 2007 ATM	149
Install Well Whitehse Fld.	#26 2003 ATM	9
Restroom Red River Bch	#12 2004 STM	432
Playground Equip Brooks Pk	#47 2006 ATM	1,207
Reconst Tennis Courts	#36 2007 ATM	840
Bocce Court Brooks Park	#38 2007 ATM	66
Sand Pond Floats	#8 1992 ATM	385
Hockey,Baskball Cts	#22 1996 ATM	1
Upgrade Skateboard Park	#40 1998 ATM	7
Pilings Wych & Saq Harbors	#5 2007 STM	225
Allen Harbor Boat Ramp	#10 2007 STM	509
Water Testing Equipment	#2 1997 STM	164
Sandtrap/Drive Range Golf	#17 2005 ATM	3,109
Pro Shop Golf	#9 2007 STM	4,053
<b>TOTAL</b>		<b>\$58,999</b>

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THE SUM OF \$58,999 BE FUNDED FROM THE TRANSFER-SURPLUS REVENUES FROM PRINTED ARTICLE TO PAY FOR SAID CRUISERS. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted, except for the deletion of the following three article transfers:

Playground equipment Brooks Park \$1207

Reconstruct Tennis Courts \$ 840

Bocce Court Brooks Park \$ 66

For an article total of \$56,886.

Duly seconded

**ACTION:** It was so voted.

At 10:30pm a motion was made and seconded to adjourn the Special Town Meeting and resume the Annual Town Meeting, the Meeting began with:

### **AMEND SECTION VII – SIGN REGULATIONS**

**ARTICLE 35** To see if the Town will vote to amend the Harwich Zoning By-law be deleting Section VII (Sign Regulations) and substituting a new Section VII (Sign Regulations) as set forth below, and to act fully thereon.

*Explanation: The revised sign code has been adapted to improve the permitting process for private business owners and groups and to clarify the difference between municipal and non-municipal signage for enforcement purposes. New opportunity has been created for the legal placement of non-commercial, non-Town owned signs on approved Town owned sites. It is the intention of the Section VII (Sign Regulations) to provide support to the local economy while managing the impacts of sign placement on our community's character. This revision also seeks to reduce the cost of administrative overhead and eliminate duplicate tasks by redirecting the review of sign permits from multiple boards to professional staff and Historic District approval as necessary. Further, this by-law incorporates the policy accepted by the Board of Selectmen on December 8, 2008.*

## **SECTION VII SIGN REGULATIONS**

### **1.00 PURPOSE AND SCOPE:**

The purpose of this section is to regulate signs which facilitate communication, promote the safety of motorists and pedestrians by preventing distractions and obstructions of public ways and walks that may be caused by signage, prevent visual clutter, and encourage economic development by allowing the siting of signage that identifies businesses and other land uses in ways that complement and enhance our community's character.

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 BY-LAWS:**

Nothing in this bylaw shall be construed as exempting an applicant from any other applicable town, county, state, or federal bylaws.

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. All signs erected within the Historic District shall conform to all Historic District requirements.

## **1.02 DEFINITIONS:**

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

**BUSINESS OPERATIONS SIGNS:** Any on-premise sign used in the day-to-day operations of a business such as:

**Business Hour Signs:** “Open/closed” and related hours-of-operation signs which do not exceed one (1) square foot.

**Directional Signs:** 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.

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

**CAUTIONARY SIGNS:** Signs warning of prohibited activities such as trespassing, hunting, fishing, or swimming. For regulations, see 1.06 A.

**CLUSTER SIGN:** Any sign which provides space for identifying multiple tenants or uses within a project or premise having more than one (1) tenant or use such as a business, commercial or industrial development.

**ELECTION/TOWN MEETING SIGN:** Any sign erected by the Town of Harwich to alert the public to an election or a Town Meeting.

**HOME OCCUPATION SIGNS:** Signs identifying any home occupation as defined by the Harwich Zoning Bylaw. For regulations, see 1.06 B.

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

**MUNICIPAL PROPERTY:** Any land owned and/or controlled by the Town of Harwich including public rights-of-way.

**MUNICIPAL SIGNS:** Permanent signs posted for more than 60 consecutive days by a Town entity and placed on Town property or within the Municipal property right-of-way required or authorized for a public purpose by law or statute. For regulations, see 1.07.

**MUNICIPAL SIGNS, TEMPORARY:** Signs posted for 60 or fewer days by a Town entity and placed on municipal property for the purpose of promoting a town-sponsored event or alerting the public to a public safety matter or event. For regulations, see 1.07.

**ON-PREMISE SIGN:** Signs placed on the same property where a business is located. The sum of all signage on a property shall not exceed that allowed in Sections 1.03,1.04,1.05,1.06 unless otherwise exempted.

**OFF-PREMISE SIGN:** Signs placed on property separate from where a business is located. For regulations, see 1.06 D & H

**POLITICAL SIGNS:** Any sign advertising candidates for public office, ballot initiatives or any matter subject to public vote. Political signs include, but are not limited to the

following: campaign sign for a person seeking elective office; signs regarding ballot questions; signs espousing any political issue. For regulations, see 1.06 D.

**QUARTERBOARD, RESIDENTIAL:** A decoratively carved and painted wood sign fashioned after those traditionally used on sailing vessels. For regulations, see 1.06 E.

**REAL ESTATE SIGNS:** A temporary wall or ground sign advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the signs are located. For regulations, see 1.06 G.

**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.

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

**SUBDIVISION SIGNS:** A sign placed at the street entrance to a subdivision. For regulations, see 1.06 H.

**TEMPORARY SIGNS:** Signs of more than two (2) square feet in area advertising a special event. For regulations, see 1.06 H

**TEMPORARY SIGNS – SPECIAL EVENT FLYERS:** Flyers for special events measuring not more than two (2) square feet in total area for display in non-residential uses. For regulations, see 1.06 I.

**UMBRELLA SIGNS:** Signage as part of an umbrella that advertises the name of a particular establishment or a product for sale on the premises. For regulations, see 1.06 J.

**VENDING MACHINES:** The portion of any internally illuminated vending machine which advertises a product. For regulations, see 1.06 K.

**WALL SIGN:** A sign attached to, painted on, or erected against a wall or roof of a building or structure whose display surface is either parallel or perpendicular to the face of the building. For regulations, see 1.06 L.

**WATER DEPARTMENT SIGN:** A municipal sign that includes 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.

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

### **1.03 GENERAL REQUIREMENTS**

- A. Before any sign is erected, constructed, structurally altered or moved, it shall conform to all applicable requirements contained in this bylaw, including Historic District requirements when applicable, 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 sign receives a permit from a Building Official the application shall be reviewed by Planning Department Staff.

- 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.
- D. Sign placement shall not create a hazard or interfere with snow removal, or vision or movement of motorists, pedestrians and bicyclists.
- E. Signs shall be placed so as not to obscure other signs in the area.
- F. No signs shall be located in a public right-of-way nor shall they be located so as to block a public or private sidewalk, stairway, driveway or parking lot or impair sight distances for motorist or pedestrians.
- G. No sign shall be affixed to or posted in front of any guard rails located in a public right-of-way.
- H. 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.
- I. Non-municipal developments having more than one (1) tenant or use within a project or premise, shall provide a Master Sign Plan for the entire structure or project for review and approval by the Planning Department Staff prior to any sign permit approval by a Building Official.
- J. 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.

#### **1.04 SIGN AREA MEASUREMENT:**

- A. Unless otherwise specified in the Definition, all signs shall meet the area measurement requirements of this section.
- B. 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.
- C. No ground sign may exceed twelve (12) feet in height unless otherwise specified.
- D. For single tenant, non-municipal businesses accessed directly from a street, right-of-way or parking area, the maximum permitted area of all signs shall be forty-eight (48) square feet per public entrance façade. Signs counting towards the forty-eight (48) square feet include any sign on a property at any time, including but not limited to signs put out and taken in on a daily basis, and signs in windows for sales or other promotions.
- E. Temporary signs may not exceed twenty (20) square feet in area and may not be more than three (3) feet in height.
- F. Non-municipal developments having more than one (1) tenant or use within a project or premise, may construct:

1. One (1) cluster sign containing the name of the development and/or listings of individual businesses, products or services within the development of up to sixty square feet (60 sq. ft.), plus
2. Each tenant may have signage at the location of their business of up to forty-eight square feet (48 sq. ft.) per entrance façade. Signs counting towards the forty-eight (48) square feet include any sign on a property at any time, including but not limited to signs put out and taken in on a daily basis, and signs in windows for sales or other promotions.
3. 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 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.

#### **1.05 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. Old signs and related hardware/structural supports shall be removed before any new sign is erected unless the old sign and related hardware/structural supports have been incorporated into the overall design or structural support of the new sign and approved pursuant to this section.
- C. 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.
- D. If the public safety so requires and if the Board of Selectmen so orders, the Building Official may immediately remove a sign.

#### **1.06 ADDITIONAL REQUIREMENTS FOR SPECIFIC SIGNAGE**

**A. CAUTIONARY SIGNS:** 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.

**B. HOME OCCUPATION SIGNS:** 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.

#### **C. OFF-PREMISE SIGN:**

1. Any business wishing to place a sign on property other than their own shall obtain written permission from the property owner where the sign will be posted and shall provide said written permission to the Building Official with the permit application or notification materials, except for those public locations listed in this section.
2. An off-premise business sign shall only be posted within a commercial or industrial district, except for agricultural uses as defined in Section II

(Definitions) of this by-law which may be posted within a residential district and opposite the exit ramps for Route 6 on Routes 124 and 137. Entities wishing to place off-premise signage on State-owned property or within State rights-of-way not listed above such as Route 28, the off-ramps at Route 6 on Routes 124 and 137 shall seek permission from the State, in addition to meeting local requirements.

3. An off-premise sign shall be included in the calculation of total allowable signage for the property or business it is placed upon and not in addition to allowable signage as specified in this section unless otherwise exempted.
4. No permanent, non-commercial, non-municipal sign shall be allowed on any municipal property, except in accordance with all of the requirements set forth herein.

**D. POLITICAL SIGNS:** Political signs are allowed in all zoning districts on private property only with the authorization of the owner of the property on which the sign is to be displayed. The signs must be removed within 60 days of posting or one week following the date of the election for which it is posted.

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

**F. REAL ESTATE SIGN:** One sign of not more than eight (8) square feet shall be allowed per street frontage, shall not be illuminated, shall not be located within the public right-of-way, and shall be removed immediately once the property is rented, leased or sale is completed.

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

**H. TEMPORARY SIGNS:**

A temporary, non-commercial, non-municipal off-premise sign may be located on municipal property if all of the requirements set forth herein are satisfied:

1. The sponsoring organization of any temporary on or off-premise signs shall be required to file a notice with a Building Official prior to display. Such notice will provide listing of proposed locations, duration of posting, and drawing of sign with dimensions.
2. Temporary signs shall be erected for no more than 60 days and removed within 72 hours after the event.
3. Temporary signs shall conform to all applicable requirements. Temporary signs erected within the Historic District shall conform to all Historic District requirements.
4. Temporary off-premise signs may be posted in the following municipal areas after notice has been filed with the Building Official. Approved locations for siting a temporary, non-commercial, non-municipal sign on municipal property shall include only those specifically and physically designated five-foot by twenty-foot rectangles at the following locations:

**HARWICH CENTER**

The Water Tank on Route 39, on the west side of the driveway entrance (closest to Thompsons Field).

**EAST HARWICH**

The intersection of Routes 39/137, at the Fire Station 2, on the corner at the so-called “flagpole parcel.”

**NORTH HARWICH**

The Transfer Station, at the right side of the entrance on the grass strip.

5. The Town shall not be responsible to maintain or safeguard any non-municipal sign on municipal property and such placement shall be entirely at the sign owner’s risk.
6. Any sign placed on any municipal property, other than as specified herein, may be removed by the Building Official and disposed of without any prior notice to the sign owner or liability for damages by the Town.
7. No temporary, non-commercial, non-municipal sign shall be allowed at the above-specified locations, unless it satisfies the following requirements:
  - a. It shall not exceed 3’ x 3’ feet in size and not exceed 6 feet in height.
  - b. It shall not be in place for more than 60 days.
  - c. It shall not be chained, locked or permanently affixed to any surface, structure or landscape feature.
  - d. It shall not block a public sidewalk, stairway, driveway or parking lot, nor shall it impair sight distances for motorists.
  - e. It shall not be placed so as to block any other sign already in place.
8. Entities wishing to place off-premise signage on municipal property not listed above shall seek permission from the Board of Selectmen during a scheduled public hearing.
9. No political signs as defined in 1.02 shall be displayed on any municipal property including those listed above.

**I. TEMPORARY SIGNS – SPECIAL EVENT FLYERS:** For those flyers not displayed in windows, they shall not be attached to trees, utility poles or be located within a public right-of-way. Such flyers may be posted for no more than 45 days and must be removed within 72 hours after the event. Flyers posted in violation of this by-law shall be subject to removal by the Building Official without liability to the Town.

**J. UMBRELLA SIGNS:** Umbrellas containing the name of a particular establishment shall count against the establishment’s total signage. Umbrellas containing the name of a product for sale on the premises shall not count against the establishment’s total signage.

**K. VENDING MACHINES:** Vending machines shall be counted against the total allowable signage unless it is completely shielded from public view by a fence or other barrier.

**L. WALL SIGN:** Projecting wall signs shall extend no more than thirty-six (36) inches from the surface upon which it is attached, shall not exceed the height of the building on which it is mounted and must have at least eight (8) feet of ground clearance.

### **1.07 ADDITIONAL REQUIREMENTS FOR MUNICIPAL SIGNS**

- A. A temporary or permanent municipal sign may be placed on municipal property, provided all of the requirements set forth herein are satisfied.
- B. Municipal signs that announce upcoming Town meetings, elections, water system information, including flushing schedules and conservation restrictions, shall be permitted in a public right-of-way as a matter of right, provided that they do not obstruct traffic or otherwise pose a public safety hazard.
- C. Municipal traffic signs, as approved by the Harwich Police and Harwich Department of Highways and Maintenance, shall be permitted in a public right-of-way as a matter of right.
- D. Permanent municipal signs shall not exceed 60 square feet for ground signs or 48 square feet for wall signs.
- E. Town departments shall have authority over any sign placed on the land and/or buildings under their control, including signs placed by other municipal entities. Signs may remain in place as needed, at the discretion of the entity with authority over the property. Notice of such signs shall be required to be filed by the Town entity with a Building Official prior to display. Note that this does not apply to the following: Election/Town Meeting Sign, Water Department Sign, which may be located on Municipal property land or within a public right-of-way as a matter of right.

### **1.08 EXEMPTIONS FROM PERMIT REQUIREMENTS:**

The following signs do not count towards the total permitted signage unless otherwise indicated and do not require a permit or notification to the Building Official:

- 1. Business Operations Signs
- 2. Cautionary Signs
- 3. Home Occupation Signs
- 4. Municipal Signs
- 5. Municipal Signs, Temporary
- 6. Political Campaign Signs
- 7. Real Estate Signs
- 8. Residential Quarterboard
- 9. Temporary Signs – Special Event Flyers
- 10. Umbrella Signs
- 11. Vending Machines
- 12. Water Department Signs
- 13. Town Meeting/Election Signs

### **1.09 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.

### **1.10 APPEALS:**

Any applicant, who believes a denial is not justified, has the right to appeal to the Board of Appeals, 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 of Appeals 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 of Appeals may request review of the decision of a 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 WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Angelo LaMantia, Selectman) I move that this article be accepted and adopted as amended from the printed warrant by the Planning Board and the Town vote to amend the Harwich Zoning By-law by deleting Section VII (Sign Regulations) and substituting a new Section VII (Sign Regulations) as set forth below, and to act fully thereon.  
Duly seconded

At this time Matthew F. McCaffery, Chairman read the Planning Board Report as follows:

April 15, 2009

To: Board of Selectmen

From: Matthew McCaffery, Chair  
Planning Board

RE: Article 35 – Amend the Sign By-Law

On April 14, 2009, the Planning Board held a public hearing to amend Section VII of the Sign Regulations. During the public discussion a request was made to amend sections 1.02, 1.04, 1.06 and 1.08 and the Board voted unanimously to refer the article to Town Meeting. Town Counsel determined these changes were still within the scope of the article.



**AMENDMENT TO MAIN MOTION:** (Matthew F. McCaffery, Chairman-Planning Board) I move to amend Article 35 with the following:

1.04 D : INSERTION OF THE WORD “RESPECTIVE”

“For single tenant, non-municipal business accessed directly from a street, right-of-way or parking area, the maximum permitted area of all non exempt signs shall be forty-eight (48) square feet per **respective** public entrance façade.”

1.04 F : INSERTION OF PHRASE

“Additional cluster signs may be allowed by special permit from the Planning Board. Signage in excess of (48) square feet, **and/or allocation of total allowed square footage over entry and non-entry facades**, as referenced above in D and E.2 may also be allowed by special permit from the Planning Board.”

1.06. A. : INSERTION OF NEW ITEM (1.06.A.8):

**“8. PARKING SIGNS: Shall be limited to one (1) square foot per parking space.”**

Duly seconded

**ACTION ON AMENDMENT:** The amendment carried unanimously

**AMENDMENT TO MAIN MOTION AS AMENED:** (Geoffrey Wiegman, Tax Payers Association) I move that Article 35 be amended as follows: Section 1.06B 4: Add the following:

**HARWICHPORT CENTER**

Doane Park on Route 28 on the north side of the park along Rt. 28

Duly seconded

**ACTION ON THE AMENDMENT:** The amendment carried.

**ACTION ON MAIN MOTION AS AMENDED:** This needed a 2/3 majority vote to pass, it was a unanimous vote so declared.

**SUPPLEMENT ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL  
FOR LOCAL CULTURAL COUNCIL GRANTS**

**ARTICLE 36.** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for grant awards to artists, performers and interpretive scientists who bring events to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Estimated Cost: \$2,500.

*Explanation: Please note that State Budget cuts have affected funding levels. Our schools have benefited greatly from this source of funding.*

**THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT  
TOWN MEETING. VOTE: YES-5, NO-0.**

**MOTION:** (Edward McManus, Selectmen) I move that this article be accepted and adopted and the sum of \$2,500 be transferred from Free Cash to the Harwich Cultural Council for this purpose. Duly seconded

**ACTION:** It was so voted

**ANNUAL AUTHORIZATION TO ESTABLISH REVOLVING FUND FOR  
COUNCIL ON AGING**

**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. Estimated cost: \$10,000

*Explanation: The programs include health, recreational and educational programs and services such as: Bridge classes, Better Bones Osteoporosis exercise classes, Seniorfit classes, Pedicare Clinics, Young at Heart Exercise classes, Stroke Prevention of New England, etc. as approved by the Council on Aging. A member of the Council on Aging Board and the Director of the Council on Aging would be responsible for the accounting of the expenditures in the revolving account. Monies generated from fees for programs and services will be placed into this fund and the limit on total expenditures shall not exceed \$10, 000.00.*

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

**CRANBERRY VALLEY GOLF COURSE RESTAURANT LEASE**

**ARTICLE 38.** To see if the Town will vote to authorize the Board of Selectmen to issue a Request For Proposals from prospective lessees and subsequently to enter into a long term lease to operate the restaurant at Cranberry Valley Golf Course for a term up to ten (10) years, and to act fully thereon. By request of the Harwich Golf Committee.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

**CONSTRUCT MEMORIAL GARDEN FOR CREMATED REMAINS**

**ARTICLE 39.** To see if the Town, pursuant to Massachusetts General Laws, Chapter 114, Section 34, will grant permission to St. Peter's Lutheran Church to construct a memorial garden for cremated remains on the church property located at 310 Route 137,

Harwich, Massachusetts, and to act fully thereon. By request of the Board of Health. No cost to the Town.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted. Duly seconded

**ACTION:** It was so voted.

**TOWN BY-LAW – PUBLIC DISPLAY AND/OR  
CONSUMPTION OF MARIJUANA**

**ARTICLE 40.** To see if the Town will vote to approve the addition of a new Town By-Law regarding the public display and/or consumption of marijuana or any derivatives thereof:

No person shall display, roll, smoke, ingest, or otherwise use or consume marijuana or any form of tetrahydrocannabinol (as defined in G.L.c.94C,1, as amended) while in or upon any street, sidewalk, public way, footway, passage, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through non-criminal disposition pursuant to G.L.c. 40, 21D, by any police officer with enforcement authority in the Town. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L.c. 94C, 32L.

and to act fully thereon. By request of the Chief of Police.

**\*Note:** Towns may choose one of three enforcement mechanisms: non-criminal disposition pursuant to G.L. c.40, 21D; by criminal indictment or complaint pursuant to G.L.c. 40, 21; or both as set forth above.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted. Duly seconded

**AMENDMENT TO MAIN MOTION:** To amend the article by striking the amount of (\$300.00) and in its place thereof the amount of (\$50.00). Duly seconded

**ACTION ON AMENDMENT:** This amendment did not carry

**ACTION ON MAIN MOTION:** The article carried.

### **PROMOTE THE TOWN OF HARWICH**

**ARTICLE 41.** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and within the Town of Harwich. Said monies to be used to manage visitor/resident information services, to support the town with promotional pieces and activities, and to encourage the establishment and sustainability of business in Harwich through a partnership of economic development activities with the Town, and to act fully thereon. By Petition. Estimated Cost: \$15,000.

**THE FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and the sum of \$15,000.00 be transferred from Free Cash for this purpose.

Duly seconded

**ACTION:** It was so voted.

### **DEFRAY EXPENSES OF THE CHASE LIBRARY AND THE HARWICH PORT LIBRARY**

**ARTICLE 42.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$22,630 to help defray the expenses of the Chase Library and Harwich Port Library; said funds to be expended under the direction of the Chase Library and the Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated Cost: \$22,630.

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

**MOTION:** (Edward McManus, Selectmen) I move that this article be accepted and the sum of \$22,000.00 be transferred from Free Cash for this purpose. Duly seconded

**ACTION:** It was so voted.

### **9-HOLE MEMBERSHIP TO CRANBERRY VALLEY GOLF COURSE**

**ARTICLE 43.** To see if the Town will vote to instruct the Cranberry Valley Golf Course to immediately offer a 9-hole membership to town resident taxpayers. This membership will cost one half of the regular 18-hole membership. Play will be restricted to the first 80 minutes on the back nine and after 2:00 PM during high season, as determined by the Golf Committee, and to act fully thereon. By Petition.

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

**MOTION:** (Hank Janson) I move that this article be accepted as printed in the warrant.

Duly seconded

**ACTION:** This motion did not carry.

## **REPEAL SECTION VII OF THE TOWN OF HARWICH BY-LAWS**

**ARTICLE 44** To see if the Town will vote to repeal Section VII of the Town of Harwich By-Laws dated December 13, 2004 (as amended) and substitute the attached proposed new Section VII, and to act fully thereon. By Petition.

## **PROPOSED SECTION VII – SIGN REGULATIONS**

### **1.00 PURPOSE AND SCOPE:**

The purpose of this regulation is to permit permanent and temporary signs on private property that facilitate communication and encourage economic development by identifying businesses and other land uses in ways that complement and enhances the environment. This regulation does not apply to signs located on town-owned property.

Signs located on town-owned property are regulated by the policies set forth by the Board of Selectmen.

Signs located on private non-commercial property are subject to this bylaw only with respect to the size and content of such sign.

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

A. Nothing in this bylaw shall be construed as exempting an applicant from any other applicable town, county, state, or federal bylaws or policies.

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 that provides one space per business entity within the development.

**COMMERCIAL PROPERTY:** Property that is located in a C-V, C-H-1, C-H-2 or I-L zone as shown on a map entitled “Zoning Map of the Town of Harwich Massachusetts, dated August, 1972.”

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

**PRIVATE PROPERTY:** Property that is not owned by either the town, county or state.

**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 meant to be examples of signs, but are not all-inclusive:

**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.

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

**TEMPORARY SIGNS:** A sign that is displayed for a limited period of time and is not permanently anchored to either the ground or a structure.

**TOWN-OWNED PROPERTY:** Town-owned property, for purposes of this regulation and the Town of Harwich Sign Policy for Town Owned Properties, shall be determined by the road layout as maintained by the DPW with the assumption that the road is properly located. For ease of determination, any property located between the edge of a town-owned road surface and the greater distance to any of the following: street sign, utility pole, fire hydrant and/or sidewalk shall be considered town-owned or controlled.

**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 permanent sign is erected, constructed, enlarged, altered, repaired, improved 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 permanent 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.

**CONSTRUCTION SIGNS:** A temporary wall or ground sign on either commercial or non-commercial property 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. Such signs shall not be illuminated and shall be removed immediately upon final inspection or within forty eight (48) hours of the completion of the work not requiring a permit.

**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.

**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.

**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-commercial uses. 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.

**TEMPORARY SIGNS:** Temporary signs not exceeding eight (8) square feet located on commercial property

**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.

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

Business, commercial, or industrial developments may construct cluster signs 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 permanent 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 A-FRAME/EASEL/SANDWICH SIGNS:**

A-frame/easel/sandwich signs shall not be allowed in the following areas:

- A. Along Route 28 in Harwich Port between Gorham Road to the East and Sisson Road to the West
- B. Along Route 39 in Harwich Center between Chatham Road to the East and Sisson road to the West

#### **1.08 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 commercial Ground Sign may exceed twelve (12) feet in height.

D. No sign shall be allowed that is not in good taste.

#### **1.09 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.

#### **1.10 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. For office buildings, shopping plazas and shopping centers having road frontage on more than one street, one sign shall be allowed for each street frontage so long as the total square footage of all such cluster signs does not exceed sixty (60) square feet.

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 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.

E. Non-commercial signs located on private property cannot exceed thirty two (32) square feet.

### **1.11 ENFORCEMENT**

The Building Official shall enforce this regulation and the Board of Selectmen Sign Policy for Town-Owned Properties. Such enforcement shall include the removal, without notice, of signs that are in violation of either this regulation or the Sign Policy for Town-Owned properties. If the Building Official fails to strictly enforce either this bylaw or the Sign Policy for Town-Owned Properties any citizen upon notification to the Building Official shall have the right to act on behalf of the Building Official without liability.

### **1.12 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.

### **1.14 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 THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-4, NO-1.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be indefinitely postponed. Duly seconded

**ACTION:** This article is indefinitely postponed.

### **FUND RECONSTRUCTION OF OLD POST ROAD**

**ARTICLE 45.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to repair Old Post Road, subject to repayment through the use of a private way betterment assessment program, and to act fully thereon. By Petition. Estimated cost: \$ 92,125.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that \$92,125 is appropriated to repair Old Post Road, subject to repayment through the use of a private way betterment assessment program; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$92,125 under G.L. c.44 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **COMPENSATING BALANCE AGREEMENT**

**ARTICLE 46.** 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 2008 pursuant to Chapter 44, Section 53F of the General Laws and to act fully thereon. Customary Article.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted. Duly seconded

**ACTION:** It was so voted.

A motion was made to reconsider, this required a  $\frac{3}{4}$  vote to pass, and it was a unanimous vote, so declared.

**MOTION:** Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted except that 2008 should be 2010. Duly seconded

**ACTION:** It was a unanimous vote, so declared.

### **LIABILITY TIDAL/NON-TIDAL RIVERS**

**ARTICLE 47.** 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, and to act fully thereon. Customary Article.

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

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be accepted and adopted. Duly seconded

**ACTION:** It was so voted.

At this time the Moderator, Michael D. Ford, Esq. made the following appointments:

### **FINANCE COMMITTEE**

I thereby appoint the following people to the Finance Committee

1. Peter Hughes to a three year term.
2. Albert Patterson to a three year term.
3. Richard Larios to a three year term.
4. William Greenwood to a two year term.
5. William Baldwin to a two year term.

### **SUVEYOR OF WOOD AND LUMBER**

I hereby appoint the Building Inspector as the Surveyor of Wood and Lumber.

### **TRUSTEE, CALEB CHASE FUND**

I hereby appoint William H. Doherty, Jr. to a three year term.

I reserve the right to make all other appointment at a later time

Dated: June 17, 2009.

s/Michael D. Ford, Esq.  
Town Moderator

### **HERRING FISHERIES**

**ARTICLE 48.** 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 THIS ARTICLE BE  
ACCEPTED AND ADOPTED. VOTE: YES-5, NO-0.**

**MOTION:** (Dana DeCosta, Chairman-Finance Committee) I move that this article be  
accepted and adopted. Duly seconded

**ACTION:** It was so voted.

At 11:20 PM on May 5, 2009 a motion was made to adjourn the Annual Town Meeting,  
it was duly seconded and so voted.

### **THE FOLLOWING ARTICLE WERE PASSED AT THE ANNUAL TOWN MEETING MAY 4, 2009**

#### **CUSTOMARY ARTICLES**

ARTICLE 1	TOWN OFFICERS AND COMMITTEES
ARTICLE 2	REPORTS OF TOWN OFFICERS AND COMMITTEES
ARTICLE 3	ELECTED OFFICIALS SALRIES
ARTICLE 46	COMPENSATION BALANCE AGREEMENT
ARTICLE 47	LIABILITY TIDAL/NON TIDAL RIVERS
ARTICLE 48	HERRING FISHERIES

#### **CAPITAL PLAN**

ARTICLE 6	CAPTIAL PLAN - ADOPTION
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#### **AMEND GENERAL BY-LAWS**

ARTICLE 40	TOWN BY-LAW – PUBLIC DISPLAY AND/OR CONSUMPTION OF MARIJUANA
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#### **AMEND ZONING BY-LAWS**

ARTICLE 34	LARGE SCALE WIND GENERATION
ARTICLE 35	AMEND SIGN BY-LAW

#### **MISCELLANEOUS**

ARTICLE 37	ANNUAL AUTHORIZATION TO ESTABLISH REVOLVING FUND FOR THE COUNCIL ON AGING
ARTICLE 38	CRANBERRY VALLEY GOLF COURSE RESTAURANT LEASE
ARTICLE 39	CONSTRUCT MEMORIAL GARDEN FOR CREMATION REMAINS

**APPROPRIATIONS VOTED UNDER ARTICLES  
ANNUAL TOWN MEETING  
MAY 4, 2009**

	<b><u>FROM TAX LEVY</u></b>	
ARTICLE 4	BUDGET	\$ 44,029,402.00

<b><u>TRANSFERRED FROM FREE CASH</u></b>		
ARTICLE 9	LEASE OR PURCHASE AND EQUIP VEHICLES	89,214.00
ARTICLE 10	PURCHASE NEW EQUIPMENT	69,000.00
ARTICLE 11	REPLACE PORTION OF ROOF OF THE DPW MAINTENANCE BUILDING	24,500.00
ARTICLE 14	FUND PHASE II OF THE REPLACEMENT OF TOWN HVAC UNITS	125,800.00
ARTICLE 15	FUND PHASE II TO REPLACE SELF CONTAINED BREATHING APPARATUS	80,000.00
ARTICLE 16	ADD TO DREDGING RESERVE FUND	100,000.00
ARTICLE 32	MAINTAIN, UPDATE, AND/OR CERTIFY REAL/PERSONAL PROPERTY VALUATIONS	25,000.00
ARTICLE 33	FUND SCHOLARSHIP AWARDS FOR PROJECT CONTEMPORARY COMPETITIVENESS	15,000.00
ARTICLE 36	SUPPLEMENT ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR LOCAL GRANTS	2,500.00
ARTICLE 41	PROMOTE THE TOWN OF HARWICH	15,000.00
ARTICLE 42	DEFRAY EXPENSES OF THE CHASE LIBRARY AND THE HARWICH PORT LIBRARY	22,000.00

<b><u>FROM OTHER AVAILABLE FUNDS</u></b>		
ARTICLE 4	BUDGET	
	CPC FUND	839,872.00
	CPCA (HISTORIC)	50,000.00
	CABLE FUND	183,000.00
	SEPTIC BETTERMENT FUND	17,250.00
	LIBRARY GRANT	75,000.00
	WATERWAYS MANAGEMENT FUND	125,000.00
	OVERLAY SURPLUS	100,000.00
	FEMA FUND	17,875.00
ARTICLE 8	FUND RESTORATION OF FIRE DEPT. LADDER TRUCK	200,000.00
ARTICLE 13	FUND INSTRUCTIONAL TECHNOLOGY HARDWARE AND SOFTWARE FOR THE SCHOOLS	34,122.00
ARTICLE 16	ADD TO DREDGING RESERVE FUND	50,000.00
ARTICLE 32	MAINTAIN, UPDATE, AND/OR CERTIFY REAL/PERSONAL PROPERTY VALUATIONS	25,000.00

<b><u>BALLOT QUESTION - BORROWING</u></b>		
ARTICLE 12	DESIGN AND ENGINEERING COSTS FOR GREENSAND TREATMENT FACILITY	1,500,000.00

<b><u>BORROWING</u></b>		
ARTICLE 45	FUND RECONSTRUCTION OF OLD POST ROAD	92,125.00

<b><u>BALLOT QUESTION-CAPITAL EXCLUSIONS</u></b>		
ARTICLE 7	FUND ROAD MAINTENANCE PROGRAM	350,000.00

<b><u>CPC/LAND BANK FUNDS</u></b>		
ARTICLE 17	FUND CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELD	266,000.00
ARTICLE 18	PRESERVATION OF TOWN RECORDS	24,000.00
ARTICLE 19	RESTORATION, PRESERVATION AND STORAGE OF TOWN RECORDS	65,000.00
ARTICLE 20	ALBRO HOUSE HISTORIC RESTORATION PROJECT – PHASE 1	8,500.00
ARTICLE 21	PRESERVATION OF HISTORIC BUILDINGS	45,000.00
ARTICLE 22	SOUTH HARWICH MEETING HOUSE RESTORATION PROJECTS	200,000.00
ARTICLE 23	PURCHASE AND INSTALL INTERPRETATIVE SIGNAGE AT THE BROOKS ACADEMY SITE	1,000.00
ARTICLE 24	HARWICH HISTORIC CENTER INITIATIVE	50,000.00
ARTICLE 25	SOUTH HARWICH CEMETERY PRESERVATION AND IMPROVEMENTS	134,000.00
ARTICLE 26	HECH WEST HARWICH RENTAL HOUSING PRE-DEVELOPMENT FUNDS	90,000.00
ARTICLE 27	FUND AFFORDABLE HOUSING PROJECTS ON TOWN PROPERTIES DESIGNATED FOR AFFORDABLE HOUSING PHASE 1 (CONTINUED)	20,000.00
ARTICLE 29	FUND TOWN TRAIL SYSTEM IMPROVEMENTS	2,000.00
ARTICLE 30	FUND PURCHASE OF LAND FOR OPEN SPACE	75,000.00
ARTICLE 31	FUND PURCHASE OF LAND FOR OPEN SPACE	370,000.00

<b><u>WATER ENTERPRISE FUND</u></b>		
ARTICLE 4	BUDGET	641,296.00
ARTICLE 5	WATER OPERATION BUDGET	2,321,953.00

**THE FOLLOWING ARTICLE WERE PASSED AT THE  
SPECIAL TOWN MEETING  
MAY 5, 2009**

**ACCEPT MASSACHUSETTS GENERAL LAWS**

ARTICLE 12 ACCEPT PROVISIONS OF M.G.L. CHAPTER 60, SECTION 15

**AMEND GENERAL BY-LAWS**

ARTICLE 1 ACCEPT CODIFICATION OF THE GENERAL BY-LAWS

ARTICLE 3 AMEND TOWN BY-LAW – KENNEL LICENSES

**AMEND ZONING – BY-LAWS**

ARTICLE 2 ACCEPT CODIFICATION OF THE ZONING BY-LAWS

**CPC/LAND BANK**

ARTICLE 6 RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM  
FY 2009 COMMUNITY PRESERVATION FUND ESTIMATED  
ANNUAL REVENUES

**MISCELLANEOUS**

ARTICLE 15 LAND FOR AFFORDABLE HOUSING – AMERICAN DREAM II

ARTICLE 16 SELL PARCEL OF TOWN-OWNED LAND

ARTICLE 17 SURPLUS REVENUE

**APPROPRIATIONS VOTED UNDER ARTICLES  
SPECIAL TOWN MEETING  
MAY 5, 2009**

**TRANSFERRED FROM FREE CASH**

ARTICLE 4	FUND POLICE AND FIRE CLAIMS TRUST FUND	\$ 16,000.00
ARTICLE 5	SNOW AND ICE DEFICIT	265,000.00
ARTICLE 14	CREATE A REGIONAL SCHOOL DISTRICT PLANNING COMMITTEE	5,000.00

**FROM OTHER AVAILABLE FUNDS**

ARTICLE 13	REPLACE CATCH BASINS IN HARWICH CENTER	49,600.00
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**BALLOT QUESTION – OVERRIDE**

ARTICLE 9	HIRE TWO DAY FIREFIGHTERS/PARAMEDICS	\$ 214,006.00
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**ATM MAY 2009  
FY 2010 OPERATING BUDGET**

<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>FY08 ACTUAL</u></b>	<b><u>VOTED BY TOWN MEETINGS FY 2009</u></b>	<b><u>TA REQUEST FY 2010</u></b>	<b><u>VOTED FY BOS FY 2010</u></b>	<b>Line #</b>
	<b>Article #4</b>					
<b>1</b>	Moderator S&W . . . . .	<u>\$ 300</u>	<u>\$ 300</u>	<u>\$ 300</u>	<u>\$ 300</u>	<b>1</b>
<b>2</b>	Selectmen's S&W . . . . .	7,456	7,500	7,500	7,500	<b>2</b>
<b>3</b>	Selectmen's Expense . . . . .	<u>6,418</u>	<u>6,200</u>	<u>6,200</u>	<u>6,200</u>	<b>3</b>
	<b>Sub-Total</b>	<b>13,874</b>	<b>13,700</b>	<b>13,700</b>	<b>13,700</b>	
<b>4</b>	Finance Committee S&W . . . . .	1,949	4,200	2,500	2,500	<b>4</b>
<b>5</b>	Finance Committee Expense . . . .	<u>195</u>	<u>420</u>	<u>420</u>	<u>420</u>	<b>5</b>
	<b>Sub-Total</b>	<b>2,144</b>	<b>4,620</b>	<b>2,920</b>	<b>2,920</b>	
<b>6</b>	Finance Committee Reserve Fund. .	<u>-</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>	<b>6</b>
	<b>Sub-Total</b>	<b>-</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>	
<b>7</b>	Accountant's S&W . . . . .	197,712	208,746	210,046	210,046	<b>7</b>
<b>8</b>	Accountant's Expense . . . . .	2,243	1,650	1,640	1,640	<b>8</b>
<b>9</b>	Audit . . . . .	<u>34,000</u>	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>	<b>9</b>
	<b>Sub-Total</b>	<b>233,955</b>	<b>246,396</b>	<b>247,686</b>	<b>247,686</b>	

10	Assessors' S&W . . . . .	213,356	229,125	227,719	227,719	10
11	Assessors' Expense . . . . .	<u>19,456</u>	<u>20,709</u>	<u>21,171</u>	<u>21,171</u>	11
	<b>Sub-Total</b>	<b>232,812</b>	<b>249,834</b>	<b>248,890</b>	<b>248,890</b>	
12	Postage . . . . .	<u>35,030</u>	<u>37,593</u>	<u>36,000</u>	<u>36,000</u>	12
	<b>Sub-Total</b>	<b>35,030</b>	<b>37,593</b>	<b>36,000</b>	<b>36,000</b>	
<b>ATM MAY 2009</b>		<b>VOTED BY</b>				
<b>FY 2010 OPERATING BUDGET</b>		<b>FY08</b>	<b>TOWN</b>	<b>TA REQUEST</b>	<b>VOTED FY BOS</b>	
<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTUAL</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	<b>Line #</b>
<b>Article #4</b>						
13	Treasurer/Tax Collector S&W . . .	213,107	228,282	235,737	235,737	13
14	Treasurer/Tax Collector Expense .	<u>67,404</u>	<u>89,811</u>	<u>79,381</u>	<u>79,381</u>	14
	<b>Sub-Total</b>	<b>280,511</b>	<b>318,093</b>	<b>315,118</b>	<b>315,118</b>	
16	Medicare Town Share	<u>283,289</u>	<u>320,000</u>	<u>329,588</u>	<u>329,588</u>	16
		<b>283,289</b>	<b>320,000</b>	<b>329,588</b>	<b>329,588</b>	
17	Town Hall S&W . . . . .	343,981	348,599	309,966	309,966	17
18	Town Hall Expense . . . . .	135,879	124,300	113,039	113,039	18
19	Town Hall Capital Outlay	<u>2,360</u>	<u>3,100</u>	<u>3,379</u>	<u>3,379</u>	19
	<b>Sub-Total</b>	<b>482,220</b>	<b>475,999</b>	<b>426,384</b>	<b>426,384</b>	
20	Legal Services . . . . .	151,991	130,000	140,000	140,000	20
21	Claims & Suits . . . . .	119	500	400	400	21
22	Land Transactions . . . . .	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	22
	<b>Sub-Total</b>	<b>152,110</b>	<b>130,500</b>	<b>140,400</b>	<b>140,400</b>	
23-a	Information Tech S & W	-	149,381	173,638	173,638	23-a

<b>23-b</b>	Information Tech Expenses	<u>94,139</u>	<u>142,534</u>	<u>141,312</u>	<u>141,312</u>	<b>23-b</b>
<b>23-c</b>	<b>Sub-Total</b>	<b>94,139</b>	<b>291,915</b>	<b>314,950</b>	<b>314,950</b>	<b>23-c</b>
<b>24</b>	Constable Salaries . . . . .	<u>375</u>	<u>375</u>	<u>375</u>	<u>375</u>	<b>24</b>

ATM MAY 2009 FY 2010 OPERATING BUDGET		FY08	VOTED BY TOWN MEETINGS FY 2009	TA REQUEST FY 2010	VOTED FY BOS FY 2010	Line #
Line #	DESCRIPTION	ACTUAL				
	<b>Article #4</b>					
<b>25</b>	Clerk's S&W . . . . .	143,695	161,467	164,205	164,205	<b>25</b>
<b>26</b>	Clerk's Expense . . . . .	<u>22,325</u>	<u>27,150</u>	<u>19,050</u>	<u>19,050</u>	<b>26</b>
	<b>Sub-Total</b>	<b>166,020</b>	<b>188,617</b>	<b>183,255</b>	<b>183,255</b>	
<b>27</b>	Conservation Commission S&W . . .	45,295	48,490	50,636	50,636	<b>27</b>
<b>28</b>	Conservation Commission Expense .	<u>5,161</u>	<u>5,490</u>	<u>5,192</u>	<u>5,192</u>	<b>28</b>
	<b>Sub-Total</b>	<b>50,456</b>	<b>53,980</b>	<b>55,828</b>	<b>55,828</b>	
<b>29</b>	Town Planner S&W . . . . .	117,187	123,879	104,152	104,152	<b>29</b>
<b>30</b>	Town Planner Expense . . . . .	<u>2,349</u>	<u>2,977</u>	<u>2,187</u>	<u>2,187</u>	<b>30</b>
	<b>Sub-Total</b>	<b>119,536</b>	<b>126,856</b>	<b>106,339</b>	<b>106,339</b>	
<b>31</b>	Planning Board S&W . . . . .	1,606	1,200	-	-	<b>31</b>
<b>32</b>	Planning Board Expense . . . . .	<u>178</u>	<u>560</u>	<u>560</u>	<u>560</u>	<b>32</b>
	<b>Sub-Total</b>	<b>1,784</b>	<b>1,760</b>	<b>560</b>	<b>560</b>	
<b>33</b>	Board of Appeals S&W . . . . .	271	1,000	5,100	5,100	<b>33</b>
<b>34</b>	Board of Appeals Expense. . . . .	<u>267</u>	<u>360</u>	<u>360</u>	<u>360</u>	<b>34</b>

	<b>Sub-Total</b>	<b>538</b>	<b>1,360</b>	<b>5,460</b>	<b>5,460</b>	
<b>35</b>	Repairs to Public Buildings . . .	-	-	-	-	<b>35</b>
<b>36</b>	Town & Finance Committee Reports	12,152	16,000	13,000	13,000	<b>36</b>
<b>37</b>	Miscellaneous Printing. . . . .	-	-	-	-	<b>37</b>

**ATM MAY 2009**

**FY 2010 OPERATING BUDGET**

**VOTED BY  
TOWN  
MEETINGS**

**TA REQUEST**

**VOTED FY BOS**

<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>FY08 ACTUAL</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	<b>Line #</b>
	<b>Article #4</b>					
<b>38</b>	Advertising . . . . .	3,893	3,500	3,500	3,500	<b>38</b>
<b>39</b>	Telephone . . . . .	63,793	65,000	54,340	54,340	<b>39</b>
<b>40</b>	Gasoline . . . . .	406,371	-	-	-	<b>40</b>
<b>41</b>	Out of State Travel . . . . .	122	-	-	-	<b>41</b>
	<b>Sub-Total</b>	<b>486,331</b>	<b>84,500</b>	<b>70,840</b>	<b>70,840</b>	
<b>42</b>	Police Dept S&W . . . . .	2,684,343	2,679,606	2,681,854	2,681,854	<b>42</b>
<b>43</b>	Police Dept Expense . . . . .	289,558	336,001	245,186	245,186	<b>43</b>
<b>44</b>	Police Dept Capital Outlay . . .	81,000	56,698	-	-	<b>44</b>
	<b>Sub-Total</b>	<b>3,054,901</b>	<b>3,072,305</b>	<b>2,927,040</b>	<b>2,927,040</b>	
<b>45a</b>	Cranberry Fest- Public Safety	-	-	-	-	<b>45a</b>
<b>45b</b>	Fire Dept S&W . . . . .	2,691,016	2,574,744	2,574,334	2,574,334	<b>45b</b>
<b>46</b>	Fire Dept Expense . . . . .	196,055	233,088	221,311	221,311	<b>46</b>
<b>47</b>	Fire Capitol Outlay	-	-	-	-	<b>47</b>
<b>48</b>	Emergency Medical Services Expense	75,505	100,000	108,001	108,001	<b>48</b>
<b>49</b>	Emergency Medical Services S&W . . .	53,606	73,234	75,058	75,058	<b>49</b>

<b>Sub-Total</b>		<b>3,016,182</b>	<b>2,981,066</b>	<b>2,978,704</b>	<b>2,978,704</b>	
<b>49a</b>	Emer. Telecom. S&W	-	470,836	471,104	471,104	<b>49a</b>
<b>49b</b>	Emer. Telecom.Expenses	<u>-</u>	<u>10,432</u>	<u>10,163</u>	<u>10,163</u>	<b>49b</b>
<b>Sub-Total</b>		<b>-</b>	<b>481,268</b>	<b>481,267</b>	<b>481,267</b>	
<b>ATM MAY 2009</b>			<b>VOTED BY</b>			
<b>FY 2010 OPERATING BUDGET</b>		<b>FY08</b>	<b>TOWN</b>	<b>TA REQUEST</b>	<b>VOTED FY BOS</b>	
<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTUAL</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	<b>Line #</b>
<b>Article #4</b>						
<b>50</b>	Building Inspection S&W . . . .	226,555	232,805	220,986	220,986	<b>50</b>
<b>51</b>	Building Inspection Expense . . .	9,541	11,124	8,200	8,200	<b>51</b>
<b>52</b>	Building Capital Outlay	<u>7,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<b>52</b>
<b>Sub-Total</b>		<b>243,096</b>	<b>243,929</b>	<b>229,186</b>	<b>229,186</b>	
<b>53-a</b>	Emergency Management S&W . . . . .	-	-	8,960	8,960	
<b>53-b</b>	Emergency Management Expense . . . . .	<u>4,706</u>	<u>4,954</u>	<u>8,080</u>	<u>8,080</u>	
<b>53-c</b>	<b>Sub-Total</b>	<b>4,706</b>	<b>4,954</b>	<b>17,875</b>	<b>17,875</b>	<b>53</b>
<b>54</b>	Animal Control S&W . . . . .	-	-	51,370	51,370	<b>54</b>
<b>55</b>	Animal Control Expense . . . . .	-	-	14,530	14,530	<b>55</b>
<b>56</b>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<b>56</b>
<b>Sub-Total</b>		<b>-</b>	<b>-</b>	<b>65,900</b>	<b>65,900</b>	
<b>57a</b>	Natural Resources S&W . . . .	-	-	81,274	81,274	
<b>57b</b>	Natural Resources Expense . . . .	<u>23,501</u>	<u>27,700</u>	<u>27,650</u>	<u>27,650</u>	<b>57</b>

	<b>Sub-Total</b>	<b>23,501</b>	<b>27,700</b>	<b>108,924</b>	<b>108,924</b>	
<b>58</b>	Pleasant Bay Alliance Expense	<u><b>16,825</b></u>	<u><b>17,323</b></u>	<u><b>17,040</b></u>	<u><b>17,040</b></u>	<b>58</b>

<b>ATM MAY 2009 FY 2010 OPERATING BUDGET</b>		<b>FY08</b>	<b>VOTED BY TOWN MEETINGS FY 2009</b>	<b>TA REQUEST FY 2010</b>	<b>VOTED FY BOS FY 2010</b>	<b>Line #</b>
<b>Line #</b>	<b>DESCRIPTION</b>	<b><u>ACTUAL</u></b>		<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	
	<b>Article #4</b>					
<b>59</b>	Cape Cod Reg Tech High School . . . . .	814,660	841,453	789,972	789,972	<b>59</b>
<b>60</b>	Harwich Public Schools	<u>13,390,967</u>	<u>14,423,616</u>	<u>14,453,519</u>	<u>14,453,519</u>	<b>60</b>
	<b>Sub-Total</b>	<b>14,205,627</b>	<b>15,265,069</b>	<b>15,243,491</b>	<b>15,243,491</b>	
<b>61</b>	Town Engineer's Dept S&W . . . .	142,064	148,613	148,633	148,633	<b>61</b>
<b>62</b>	Town Engineer's Dept Expense . .	<u>2,716</u>	<u>5,243</u>	<u>5,243</u>	<u>5,243</u>	<b>62</b>
	<b>Sub-Total</b>	<b>144,780</b>	<b>153,856</b>	<b>153,876</b>	<b>153,876</b>	
<b>63</b>	Highways and Maintenance S&W	1,577,628	1,743,719	1,768,462	1,768,462	<b>63</b>
<b>64</b>	Highways and Maintenance Expense	1,283,332	1,525,959	1,449,211	1,449,211	<b>64</b>
<b>65</b>	Hot Mix,Oil,& Improve Town Rds. .	-	-	-	-	<b>65</b>
<b>66</b>	Hwy Snow Removal Wages . . . . .	58,897	25,000	25,000	25,000	<b>66</b>
<b>67</b>	Hwy Snow Removal Materials . . .	55,863	30,000	30,000	30,000	<b>67</b>
<b>68</b>	Hwy Snow Removal Equipment . . .	<u>95,000</u>	<u>45,000</u>	<u>45,000</u>	<u>45,000</u>	<b>68</b>
	<b>Sub-Total</b>	<b>3,070,720</b>	<b>3,369,678</b>	<b>3,317,673</b>	<b>3,317,673</b>	
<b>69</b>	Street Lights . . . . .	<u><b>82,846</b></u>	<u><b>83,947</b></u>	<u><b>85,000</b></u>	<u><b>85,000</b></u>	<b>69</b>
<b>70</b>	Cemetery S&W . . . . .	41,063	39,402	40,679	40,679	<b>70</b>

<b>71</b>	Cemetery Expense . . . . .	<u>3,109</u>	<u>2,850</u>	<u>1,650</u>	<u>1,650</u>	<b>71</b>
	<b>Sub-Total</b>	<b>44,172</b>	<b>42,252</b>	<b>42,329</b>	<b>42,329</b>	

**ATM MAY 2009  
FY 2010 OPERATING BUDGET**

**VOTED BY  
TOWN  
MEETINGS  
FY 2009**

**TA REQUEST  
FY 2010**

**VOTED FY BOS  
FY 2010**

<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>FY08 ACTUAL</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	<b>Line #</b>
	<b>Article #4</b>					
<b>73</b>	Board of Health S&W . . . . .	241,498	256,894	256,931	256,931	<b>73</b>
<b>74</b>	Board of Health Expense . . . . .	21,299	24,554	16,320	16,320	<b>74</b>
<b>75</b>	Flax Pond Monitoring . . . . .	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<b>75</b>
	<b>Sub-Total</b>	<b>262,797</b>	<b>281,448</b>	<b>273,251</b>	<b>273,251</b>	
<b>76</b>	Channel 18 S&W	61,741	-	-	-	<b>76</b>
<b>77</b>	Channel 18 Expense	18,218	-	-	-	<b>77</b>
<b>78</b>	Channel 18 Capital Outlay	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<b>78</b>
	<b>Sub-Total</b>	<b>79,959</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>79</b>	Community Center Commission S&W	246,486	214,155	215,285	215,285	<b>79</b>
<b>80</b>	Community Center Commission Exp.	<u>131,125</u>	<u>145,496</u>	<u>144,496</u>	<u>144,496</u>	<b>80</b>
	<b>Sub-Total</b>	<b>377,611</b>	<b>359,651</b>	<b>359,781</b>	<b>359,781</b>	
<b>81</b>	Council on Aging S&W . . . . .	204,991	222,589	226,213	226,213	<b>81</b>
<b>82</b>	Council on Aging Expense . . . . .	<u>38,764</u>	<u>37,940</u>	<u>34,309</u>	<u>34,309</u>	<b>82</b>
	<b>Sub-Total</b>	<b>243,755</b>	<b>260,529</b>	<b>260,522</b>	<b>260,522</b>	

<b>83</b>	Youth Counselor S&W . . . . .	59,599	62,897	65,003	65,003	<b>83</b>
<b>84</b>	Youth Counselor Expense . . .	<u>4,280</u>	<u>3,940</u>	<u>3,740</u>	<u>3,740</u>	<b>84</b>
	<b>Sub-Total</b>	<b>63,879</b>	<b>66,837</b>	<b>68,743</b>	<b>68,743</b>	

**ATM MAY 2009**

**FY 2010 OPERATING BUDGET**

**VOTED BY**

**TOWN  
MEETINGS  
FY 2009**

**TA REQUEST**

**VOTED FY BOS**

<b>Line #</b>	<b><u>DESCRIPTION</u></b>	<b><u>FY08 ACTUAL</u></b>	<b><u>FY 2009</u></b>	<b><u>FY 2010</u></b>	<b><u>FY 2010</u></b>	<b>Line #</b>
	<b>Article #4</b>					
<b>85</b>	Veterans' Services Expense . . .	25,831	27,719	30,000	30,000	<b>85</b>
<b>86</b>	Veterans' Benefits . . . . .	<u>11,788</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<b>86</b>
	<b>Sub-Total</b>	<b>37,619</b>	<b>42,719</b>	<b>45,000</b>	<b>45,000</b>	
<b>87a</b>	Disability Rights Committee Expense	<u>110</u>	<u>540</u>	<u>440</u>	<u>440</u>	<b>87a</b>
	<b>Sub-Total</b>	<b>110</b>	<b>540</b>	<b>440</b>	<b>440</b>	
<b>87b</b>	Jim Noonan Human Services	<u>-</u>	<u>76,500</u>	<u>76,500</u>	<u>76,500</u>	<b>87b</b>
<b>88</b>	Brooks Library S&W . . . . .	365,074	392,831	404,625	404,625	<b>88</b>
<b>89</b>	Brooks Library Expense . . . . .	<u>261,252</u>	<u>233,482</u>	<u>225,402</u>	<u>225,402</u>	<b>89</b>
	<b>Sub-Total</b>	<b>626,326</b>	<b>626,313</b>	<b>630,027</b>	<b>630,027</b>	
<b>90</b>	Recreation & Youth Seasonal Help	163,191	181,600	176,704	176,704	<b>90</b>
<b>91</b>	Recreation and Youth S&W. . . . .	157,145	165,345	166,466	166,466	<b>91</b>
<b>92</b>	Recreation and Youth Expense. . .	51,556	58,203	57,695	57,695	<b>92</b>
<b>93</b>	Aid to Various Programs . . . . .	<u>21,038</u>	<u>-</u>	<u>-</u>	<u>-</u>	<b>93</b>
	<b>Sub-Total</b>	<b>392,930</b>	<b>405,148</b>	<b>400,865</b>	<b>400,865</b>	



<b>94</b>	Harbormaster/Natural Resources S&W	222,801	267,857	188,066	188,066	<b>94</b>
<b>95</b>	Harbormaster Expense . . . . .	105,496	84,072	86,450	86,450	<b>95</b>
<b>96</b>	Harbormaster Capital Outlay . . .	<u>5,000</u>	<u>-</u>	<u>8,000</u>	<u>8,000</u>	<b>96</b>
	<b>Sub-Total</b>	<b>333,297</b>	<b>351,929</b>	<b>282,516</b>	<b>282,516</b>	

ATM MAY 2009 FY 2010 OPERATING BUDGET		FY08	VOTED BY TOWN MEETINGS FY 2009	TA REQUEST FY 2010	VOTED FY BOS FY 2010	Line #
Line #	DESCRIPTION	ACTUAL				
	<b>Article #4</b>					
<b>97</b>	Brooks Museum Commission Expense	<u>12,660</u>	<u>11,763</u>	<u>11,508</u>	<u>11,508</u>	<b>97</b>
	<b>Sub-Total</b>	<b>12,660</b>	<b>11,763</b>	<b>11,508</b>	<b>11,508</b>	
<b>98</b>	Historical Commission S&W . . . .	-	-	-	-	<b>98</b>
<b>99</b>	Historical Commission Expense . .	<u>755</u>	<u>1,750</u>	<u>1,000</u>	<u>1,000</u>	<b>99</b>
	<b>Sub-Total</b>	<b>755</b>	<b>1,750</b>	<b>1,000</b>	<b>1,000</b>	
<b>100</b>	Memorial & Veterans' Day . . . .	<u>1,897</u>	<u>2,000</u>	<u>1,900</u>	<u>1,900</u>	<b>100</b>
<b>101</b>	Golf Operations & Maintenance S&W	642,605	671,054	703,423	703,423	<b>101</b>
<b>102</b>	Golf Operations & Maintenance Expense	<u>439,721</u>	<u>435,407</u>	<u>559,278</u>	<u>559,278</u>	<b>102</b>
	<b>Sub-Total</b>	<b>1,082,326</b>	<b>1,106,461</b>	<b>1,262,701</b>	<b>1,262,701</b>	
<b>103</b>	<b>Total Departmental Budgets</b>	<u><b>15,569,785</b></u>	<u><b>16,448,264</b></u>	<u><b>16,418,569</b></u>	<u><b>16,418,569</b></u>	<b>103</b>

ATM MAY 2009 FY 2010 OPERATING BUDGET		FY08	VOTED BY TOWN MEETINGS FY 2009	TA REQUEST FY 2010	VOTED FY BOS FY 2010	Line #
Line #	DESCRIPTION	ACTUAL				
	Article #4					
104	Total Debt SERVICE (PRIN & INT)	4,817,620	4,844,016	5,300,156	5,300,156	104
105	Barnstable County Retirement	1,804,691	1,861,337	2,073,473	2,073,473	105
106	Special Retirement Pension a & b	3,552	3,552	3,551	3,551	106
107	Unemployment Compensation	71,968	60,000	60,000	60,000	107
108	Group Health Insurance	5,187,106	5,192,106	5,955,386	5,955,386	108
109	Insurance, General . . . . .	494,033	490,000	540,173	540,173	109
110	Insurance Deductibles/Exclusions.	<u>16,742</u>	<u>15,000</u>	<u>15,225</u>	<u>15,225</u>	110
	Sub-Total	7,578,092	7,621,995	8,647,808	8,647,808	
111	<u>Total Town Budget w/o HPS &amp; Medicare</u>	<u>27,965,497</u>	<u>28,914,275</u>	<u>30,366,533</u>	<u>30,366,533</u>	111
112	Total Operating Budget FY 10	<u>\$ 42,454,413</u>	<u>\$ 44,499,344</u>	<u>\$ 45,939,612</u>	<u>\$ 45,939,612</u>	112



<b><u>Operating Budgets</u></b> <b><u>Article # 4</u></b>	<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>	
<b><u>By Function</u></b>	<b><u>Unallocated</u></b>		<b><u>With Benefits</u></b>		<b><u>Fully Allocated</u></b>	
<b>General Government</b>	2,071,763	<b>4.4%</b>	3,550,368	<b>7.6%</b>	3,878,679	<b>8.3%</b>
<b>Public Safety</b>	6,825,936	<b>14.6%</b>	8,634,530	<b>18.5%</b>	10,540,343	<b>22.6%</b>
<b>Education</b>	15,243,491	<b>32.7%</b>	18,446,975	<b>39.5%</b>	20,181,553	<b>43.3%</b>
<b>DPW</b>	3,598,877	<b>7.7%</b>	4,559,773	<b>9.8%</b>	5,384,543	<b>11.5%</b>
<b>Health/Community/Human Service</b>	1,083,796	<b>2.3%</b>	1,338,766	<b>2.9%</b>	1,913,934	<b>4.1%</b>
<b>Culture and Recreation</b>	2,635,956	<b>5.7%</b>	3,351,407	<b>7.2%</b>	4,040,559	<b>8.7%</b>
<b>Debt Service</b>	4,460,284	<b>9.6%</b>	4,460,284	<b>9.6%</b>	-	<b>0.0%</b>
<b>Debt Service- Land Bank</b>	839,872	<b>1.8%</b>	839,872	<b>1.8%</b>		<b>0.0%</b>
<b>Retirement</b>	2,077,024	<b>4.5%</b>	-	<b>0.0%</b>	-	<b>0.0%</b>
<b>Health Insurance / Payroll Taxes</b>	6,344,974	<b>13.6%</b>	-	<b>0.0%</b>	-	<b>0.0%</b>
<b>P&amp; L Ins.,Audit, Postage, Misc.</b>	<u>757,638</u>	<b>1.6%</b>	<u>757,638</u>	<b>1.6%</b>		<b>0.0%</b>
<b>total FY 2009 Operating Budget</b>	<b><u>\$45,939,612</u></b>	<b>100.0%</b>	<b><u>\$45,939,612</u></b>	<b>100.0%</b>	<b><u>\$45,939,612</u></b>	<b>100.0%</b>

<b><u>Operating Budgets</u></b> <b><u>Article # 4</u></b>	<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>	
<b><u>By Department</u></b>	<b><u>Unallocated</u></b>		<b><u>With Benefits</u></b>		<b><u>Fully Allocated</u></b>	
<b>General Government</b>	<b><u>2,071,763</u></b>	<b><u>4%</u></b>	<b><u>3,550,368</u></b>	<b><u>8%</u></b>	<b><u>3,878,679</u></b>	<b><u>8%</u></b>
<b>Public Safety</b>						
Police	2,927,040	6%	3,702,586	8%	5,288,851	11%
Fire / EMS	2,978,704	6%	3,767,939	8%	4,061,804	9%
Emg. Telecom.	481,267	1%	608,783	1%	622,218	1%
Inspections	229,186	0%	289,911	1%	296,309	1%
Emg Mgt.	17,875	0%	22,611	0%	23,110	0%
Animal Control	65,900	0%	83,361	0%	85,195	0%
Natural Resources	<u>125,964</u>	0%	<u>159,339</u>	0%	<u>162,856</u>	0%
	<b><u>6,825,936</u></b>	<b><u>15%</u></b>	<b><u>8,634,530</u></b>	<b><u>19%</u></b>	<b><u>10,540,343</u></b>	<b><u>23%</u></b>
<b>Education</b>						
Harwich Public Schools	14,453,519	31%	17,657,003	38%	19,391,581	42%
Cape Cod Tech	<u>789,972</u>	<u>2%</u>	<u>789,972</u>	<u>2%</u>	<u>789,972</u>	<u>2%</u>
	<b><u>15,243,491</u></b>	<b><u>33%</u></b>	<b><u>18,446,975</u></b>	<b><u>40%</u></b>	<b><u>20,181,553</u></b>	<b><u>43%</u></b>
<b>DPW</b>						
Town Engineer	153,875	0%	194,646	0%	198,941	0%
Highway Dept.	3,402,673	7%	4,311,583	9%	5,130,876	11%
Cemetery	<u>42,329</u>	<u>0%</u>	<u>53,544</u>	<u>0%</u>	<u>54,726</u>	<u>0%</u>
	<b><u>3,598,877</u></b>	<b><u>8%</u></b>	<b><u>4,559,773</u></b>	<b><u>10%</u></b>	<b><u>5,384,543</u></b>	<b><u>12%</u></b>
<b>Health/Community/Human Service</b>						
Health Department	273,250	1%	345,650	1%	485,379	1%
Community Center	359,781	1%	455,108	1%	881,357	2%

<b><u>Operating Budgets</u></b> <b><u>Article # 4</u></b>	<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>		<b>FY 2010</b> <b>Budget</b>	
<b><u>By Department</u></b>	<b><u>Unallocated</u></b>		<b><u>With Benefits</u></b>		<b><u>Fully Allocated</u></b>	
COA	260,522	1%	329,550	1%	336,823	1%
Youth Counselor	68,743	0%	86,957	0%	88,876	0%
Veterans	45,000	0%	45,000	0%	45,000	0%
Human Service	76,500	0%	76,500	0%	76,500	0%
	<b><u>1,083,796</u></b>	<b><u>2%</u></b>	<b><u>1,338,766</u></b>	<b><u>3%</u></b>	<b><u>1,913,934</u></b>	<b><u>4%</u></b>
<b>Culture and Recreation</b>						
Library	630,027	1%	796,958	2%	1,049,847	2%
Recrea./Aid to Programs			400,865	1%	507,078	1%
Harbors	282,516	1%	357,371	1%	365,258	1%
Golf	1,262,701	3%	1,630,151	3%	2,047,338	4%
Brooks Museum/Historical			-	0%	-	0%
& Memorial /* Veteran's Day			59,848	0%	59,848	0%
	<b><u>2,635,956</u></b>	<b><u>6%</u></b>	<b><u>3,351,407</u></b>	<b><u>7%</u></b>	<b><u>4,040,559</u></b>	<b><u>9%</u></b>
<b>Debt Service</b>	4,460,284	9.6%	4,460,284	9.6%	-	0%
<b>Debt Service- Land Bank</b>	839,872	1.8%	839,872	1.8%		0.0%
<b>Retirement</b>	2,077,024	4%	-	0%	-	0%
<b>Health Insurance / Payroll Taxes</b>			6,344,974	14%	-	0%
<b>P&amp; L Ins., Audit, Postage, Misc.</b>			757,638	2%	757,638	2%
	<b><u>14,479,792</u></b>	<b><u>31%</u></b>	<b><u>6,057,794</u></b>	<b><u>13%</u></b>		<b><u>0%</u></b>
<b>Total FY 2009 Operating Budget</b>	<b><u>\$ 45,939,612</u></b>		<b><u>\$45,939,612</u></b>	<b><u>100%</u></b>	<b><u>\$45,939,612</u></b>	<b><u>100%</u></b>

