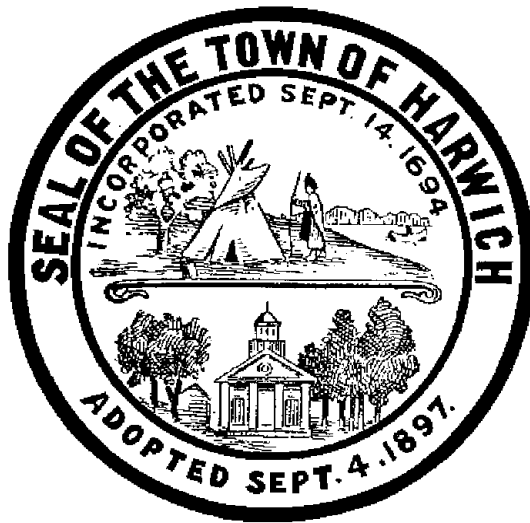


COMPLETE

**TOWN OF HARWICH
SPECIAL TOWN MEETING
WARRANT**



NOVEMBER 7, 2011

**With
RECOMMENDATIONS**

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NOVEMBER 7, 2011

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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 ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X				X					
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

<u>TAX RATE CHANGE IN \$/1000</u>	<u>DOLLARS REQUIRED</u>
\$ 0.01	\$46,518
\$ 0.05	\$232,591
\$ 0.10	\$465,183
\$ 0.15	\$697,774
\$ 0.20	\$930,366
\$ 0.25	\$1,162,957
\$ 0.30	\$1,395,549
\$ 0.35	\$1,628,140
\$ 0.40	\$1,860,732
\$ 0.45	\$2,093,323
\$ 0.50	\$2,325,915
\$ 0.55	\$2,558,506
\$ 0.60	\$2,791,098
\$ 0.65	\$3,023,689
\$ 0.70	\$3,256,281
\$ 0.75	\$3,488,872
\$ 0.80	\$3,721,464
\$ 0.85	\$3,954,055
\$ 0.90	\$4,186,647
\$ 0.95	\$4,419,238
\$ 1.00	\$4,651,830

MUNICIPAL FINANCE TERMS

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

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

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS:

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate. It cannot exceed 5% of the levy.

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

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

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

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

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

PROPOSITION 2 ½ TERMS

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

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

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

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

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

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

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

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

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

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

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

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING
NOVEMBER 7, 2011**

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, November 7, 2011 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 3rd day of October, 2011

s/ Larry G. Ballantine, Chairman

s/Linda A. Cebula, Vice Chairman

s/Peter S. Hughes, Clerk

s/Edward J. McManus

s/Angelo S. LaMantia

BOARD OF SELECTMEN

A true copy Attest:

s/David Robinson

Constable

October 11, 2011

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 7th day of November, 2011 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.

s/ David Robinson

Constable

On Monday, November 7, 2011 the Moderator, Michael D. Ford, Esq., called the meeting to order at 7:00 PM when a quorum of 150 was met, having 244 registered voters in attendance. Before town business began, Town Clerk, Anita N. Doucette read the Warrant and Return of Warrant. The Harwich Special Town Meeting was held in the Community Center on 100 Oak Street, the Town Meeting began with:

APPROVAL OF DEBT FOR THE NEW MONOMOY REGIONAL HIGH SCHOOL – FEASIBILITY STUDY

ARTICLE 1 To see if the Town will vote to approve the two million dollars (\$2,000,000) in borrowing authorized by the Monomoy Regional School District for the purpose of paying the costs of a feasibility study for the construction of a new school which will be named the Monomoy Regional High School, to be located on a parcel of land which is currently owned by the Town of Harwich and on which the current Harwich High School now exists. The address of the current Harwich High School is 75 Oak Street, Harwich, MA. The District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Monomoy Regional School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

**THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE
ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0.**

“Explanation” of the Article and Motion submitted to the Harwich Town Meeting
to approve the incurring of debt by the Region

The Monomoy Regional School Committee has voted, subject to the approval of Town Meetings in Chatham and Harwich, to incur debt in the amount of two million dollars in order to fund the costs related to a feasibility study (Phase 1 design, including the hiring of an Owner’s Project Manager and an architect and the development of a schematic design) for the construction of a new high school. Because it is the District rather than the Towns that will incur the debt, a simple majority vote at Town Meeting is sufficient. It is likely that the District will receive significant reimbursements from a grant provided by the Massachusetts School Building Authority (“MSBA”). Once the District begins to make debt service payments on the bonds, which will be paid over the number of years for which the bonds are issued, each member Town will be assessed on a yearly basis its proportionate share of the debt service as provided for under the Regional Agreement. Each Town’s share is based on a three-year rolling average of foundation student enrollment, which for Harwich is currently 72 percent. No appropriation by the Town is needed at this time. This vote by the Harwich Town Meeting is contingent upon the passage by the Town of a “debt exclusion override,” which will exempt the Town’s future shares of the principal and interest payments attributable to these bonds from the limitations on taxes imposed by so-called Proposition 2½.

MOTION: (Arthur (Skip) Patterson, Chairman-Finance Committee) I move that the Town hereby approves the two million dollars (\$2,000,000) in borrowing authorized by the Monomoy Regional School District for the purpose of paying all costs incidental or related to a feasibility study for the construction of a new school which will be named the Monomoy Regional High School, to be located on a parcel of land which is currently owned by the Town of Harwich and on which the current Harwich High School now exists. The address of the current Harwich High School is 75 Oak Street, Harwich, MA.

The District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Monomoy Regional School Building Committee. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Provided further that any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; provided that any vote hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (so-called Proposition 2 ½); and provided that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Duly seconded

ACTION: This motion carried

ALLEN HARBOR PARKING LOT LEASE

ARTICLE 2 To see if the Town will vote to authorize the Selectmen to lease a portion of the Allen Harbor Parking Lot in Harwich Port for use during the off-season for boat storage purposes. Said lease to be for a term of up to 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 and Harbormaster.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0.

MOTION: (Arthur (Skip) Patterson, Chairman-Finance Committee) I move that this article be accepted and adopted.

Duly seconded

ACTION: It was a unanimous vote, so declared.

FIRE DEPARTMENT AMBULANCE

ARTICLE 3 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to purchase and equip a new Type 3, Class 1, Advanced Life Support Emergency Medical Vehicle (Ambulance), and further the selectmen will determine the best use of the 2006 Fire Department Ambulance, (trade or use as a back-up), 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, Sec. 21C (Proposition 2 ½) the amount required to pay for the capital outlay expenditure authorized by this vote, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$185,000.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND MOTION TO AUTHORIZE THE SELECTMEN TO TRADE OR SELL THE 2006 FIRE DEPARTMENT AMBULANCE. VOTE: YES-8, NO-0.

MOTION: (Arthur (Skip) Patterson, Chairman-Finance Committee) I move that this article be accepted and adopted and that the Town raise and appropriate the sum of

\$185,000 to purchase and equip a new Type 3, Class 1 Advanced Life Support Emergency Medical Vehicle (ambulance) and that the Board of Selectmen trade- in or sell the 2006 Fire Department ambulance upon registration of the new ambulance; 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, Sec.21C (Proposition 2 ½) the amount required to pay for the capital outlay expenditure authorized by this vote. Duly seconded

ACTION: It was a unanimous vote, so declared.

DIVISIONAL DIRECTORS JOB TITLE

ARTICLE 4 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund the job title of Divisional Directors (2) in accordance with a reorganization of town departments, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$15,000.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACEPTED AND ADOPTED. VOTE: YES-7, NO-1

MOTION: (Arthur (Skip) Patterson, Chairman-Finance Committee) I move that this article be accepted and adopted and that the sum of \$7,500 be raised and appropriated for this purpose. Duly seconded

ACTION: This motion did not carry.

GOLF IMPROVEMENT FUND

ARTICLE 5 To see if the Town will vote to establish a new Capital revolving fund to be known as the “Golf Improvement Fund” at Cranberry Valley Golf Course pursuant to the provisions of Massachusetts General Laws Chapter 44, 53 E and ½ to be funded by a new fee on members for small capital improvements. Expenditures from this fund to be approved by the Director of Golf in the amount not to exceed \$50,000 per year and to act fully thereon. By request of the Golf Committee and Golf Director

THE FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-8, NO-0.

MOTION: (Arthur (Skip) Patterson, Chairman-Finance Committee) I move that the article be accepted and adopted and that the Town establish a new revolving fund to be known as the “Golf Improvement Fund” for use at the Cranberry Valley Golf Course pursuant to the provisions of MGL c. 44 sec 53 E1/2. A separate fee will be collected in the amount of \$50 from each resident and non-resident member, which shall be in addition to their regular membership fee, and deposited into the Golf Improvement Fund. Expenditures from the fund shall not exceed \$50,000 for capital improvements, including future debt payments and shall be subject to the joint approval of the Harwich Golf Committee and the Director of Golf. As required by law, continuation of the Fund, requires approval by Town Meeting annually. Duly seconded

A motion was made and seconded to terminate debate, this requires a ¾ majority vote to pass, this motion carried.

ACTION: This motion carried.

At 8:20pm on Monday, November 7, 2011, a motion was made and seconded to adjourn the Special Town Meeting.

**THE FOLLOWING ARTICLE WERE PASSED AT THE
SPECIAL TOWN MEETING
NOVEMBER 7, 2011**

ARTICLE 2. ALLEN HARBOR PARKING LOT LEASE
ARTICLE 5. GOLF IMPROVEMENT FUND

**APPRORIATIONS VOTED UNDER ARTICLES
SPECIAL TOWN MEETING
NOVEMBER 7, 2011**

DEBIT EXCLUSION

ARTICLE 1.	APPROVAL OF DEBT FOR THE NEW MONOMOY REGIONAL HIGH SCHOOL – FEASIBILITY STUDY	\$2,000,000.00
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CAPITAL EXCLUSION

ARTICLE 3.	FIRE DEPARTMENT AMBULANCE	\$185,000.00
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