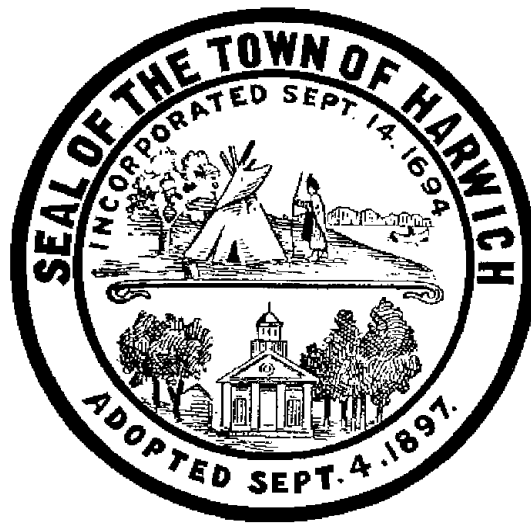


ANNUAL TOWN MEETING WARRANT



MAY 5, 2014



SPECIAL TOWN MEETING WARRANT



MAY 6, 2014

**with
RECOMMENDATIONS**

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May 5, 2014

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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 | | | | | | | | | | | |

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO
CHANGE THE FY 2014 TAX RATE.

| TAX RATE CHANGE IN \$/1000 | | DOLLARS REQUIRED |
|----------------------------|------|------------------|
| \$ | 0.01 | \$45,349 |
| \$ | 0.05 | \$226,746 |
| \$ | 0.10 | \$453,492 |
| \$ | 0.15 | \$680,238 |
| \$ | 0.20 | \$906,985 |
| \$ | 0.25 | \$1,133,731 |
| \$ | 0.30 | \$1,360,477 |
| \$ | 0.35 | \$1,587,223 |
| \$ | 0.40 | \$1,813,969 |
| \$ | 0.45 | \$2,040,715 |
| \$ | 0.50 | \$2,267,462 |
| \$ | 0.55 | \$2,494,208 |
| \$ | 0.60 | \$2,720,954 |
| \$ | 0.65 | \$2,947,700 |
| \$ | 0.70 | \$3,174,446 |
| \$ | 0.75 | \$3,401,192 |
| \$ | 0.80 | \$3,627,938 |
| \$ | 0.85 | \$3,854,685 |
| \$ | 0.90 | \$4,081,431 |
| \$ | 0.95 | \$4,308,177 |
| \$ | 1.00 | \$4,534,923 |

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 5, 2014**

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 May 5, 2014 at 7:00 P.M., then and there to act on the following articles:

ARTICLES

TOWN OFFICERS AND COMMITTEES

ARTICLE 1 To choose various Town Officers and Committees. Customary Article

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

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2 To hear reports of all Town Officers and Committees for the year 2013.
Customary Article

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

ELECTED OFFICIALS SALARIES

ARTICLE 3 To see if the Town will vote to fix the salaries of the elected officials of the Town for fiscal year commencing July 1, 2014 and ending June 30, 2015 as follows and to act fully thereon. Estimated cost: \$80,348.

| | |
|-------------------------------|----------------|
| Selectmen (5) | \$1,500 (each) |
| Moderator..... | \$300 |
| Town Clerk | \$71,048 |
| Water Commissioners (3) | \$500 (each) |

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

APPROVE A TAX LEVY UNDERRIDE

ARTICLE 4 To see if the Town will vote to approve a tax levy override of \$990,183 to offset the general override for the Monomoy Regional School District for the same amount approved by Town Meeting on May 7, 2012 and by Ballot on May 15, 2012. The reduction of the tax levy authorized by this vote shall not take effect until the Town votes for the override as required by M.G.L. Ch. 59, §21C (Proposition 2 ½). By Petition. Estimated Cost: \$990,183.

Explanation Provided by Petitioner: The initial tax levy override, that was approved two years ago, was to be temporary. Estimated costs would be more than offset by anticipated savings projected by the Monomoy Regional School District that will be forthcoming in FY 2015 from full school regionalization.

**FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-5, NO-0.
APPROVAL OF THIS UNDERRIDE WOULD RESULT IN A REDUCTION OF THE MUNICIPAL BUDGET, NOT THE SCHOOL BUDGET, AND WOULD THUS REQUIRE THE REDUCTION OR ELIMINATION OF SOME MUNICIPAL SERVICES. ANY EFFORT TO MODIFY THE SCHOOL BUDGET SHOULD BE DEBATED AS PART OF THE SCHOOL BUDGET ARTICLE 6.**

TOWN OPERATING 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 Town charges for Fiscal Year 2015, and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$_____.

THE FINANCE COMMITTEE VOTES NO RECOMMENDATION PENDING FURTHER INFORMATION, WHEN AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-7, NO-0.

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 6 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 pay for the Monomoy Regional School District Assessment for Fiscal Year 2015, and to act fully thereon. By request of the Monomoy Regional School Committee and Superintendent. Estimated cost: \$20,070,183.

**FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE YES-7, NO-0.
FINCOM VOTES NRPFI WHEN, AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINCOM VIEW,**

ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. FINCOM WILL MAKE ITS RECOMMENDATION AT TOWN MEETING (ANNUAL AND SPECIAL). AT THE TIME OF THE FINANCE COMMITTEE'S VOTE, THE STATE LEGISLATURE HAD JUST CUT FUNDING FOR AID TO CITIES AND TOWNS WHICH SIGNIFICANTLY IMPACTED OUR ABILITY TO MAKE A FINAL DECISION WITHOUT FURTHER INFORMATION. WE WILL CONTINUE TO DEBATE THIS ISSUE RIGHT UP UNTIL OUR ANNUAL TOWN MEETING UNTIL WE GET ALL THE NECESSARY INFORMATION.

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 7 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2015, and to act fully thereon. By request of the School Superintendent. Estimated Cost: \$1,248,331.

Explanation: The Cape Cod Regional Technical High School District's proposed Fiscal year 2015 budget is \$13,908,330 which represents a 2.98 % increase over the Fiscal Year 2014 budget. Due to an enrollment decline of twelve students from the Town of Harwich, the assessment to the town to support the Fiscal 2015 Cape Cod Regional Technical High School District's budget would be \$1,248,331 which represents a (12.2%) decrease from the Fiscal 2014 assessment.

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

WATER BUDGET

ARTICLE 8 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 2015, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$3,441,205.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$3,441,205 BE TRANSFERRED FROM WATER RATE COLLECTIONS TO BE USED TO FUND THE ANNUAL OPERATION OF THE WATER DEPARTMENT. VOTE: YES-7, NO-0.

ADOPT THE CAPITAL PLAN

ARTICLE 9 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 2021 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.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0.

Capital Plan 2015-2021

Revises 12/27/2013

Capital Plan 2015-2021

Line #

| FY 2015 Dept. Heads Submittal | COC Recom. | Tn Adm. Funding Recom | | FY 2015 | FY2016 | FY2017 | FY2018 | FY2019 | FY 2020 | FY 2021 |
|---|------------------|-----------------------------|-----------|---------|-----------|-----------|------------|---------|-----------|------------|
| | | | | | | | | | | |
| 1 FIRE DEPARTMENT | | | | | | | | | | |
| 2 Replace Power Stretchers (3) 1 per Ambulance | 56,000 | 56,000 | 56,000 | | | | | | | |
| 3 HVAC System HQ Station Sisson Road | 50,000 | 50,000 | - | | | | | | | |
| 4 Replace Carpet HQ Station Sisson Road Under \$50k | 0 | 0 | - | | | | | | | |
| 5 Roof HQ | 0 | 0 | - | | | | | 200,000 | | |
| 6 Ambulance | 240,000 | 240,000 | 240,000 | | - | 240,000 | | 240,000 | | 240,000 |
| 7 Total Fire Department | 346,000 | 346,000 | 296,000 | 0 | 0 | 240,000 | 0 | 440,000 | 0 | 240,000 |
| 8 HIGHWAY | | | | | | | | | | |
| 9 Replace Corrugated Steel Siding Highway Bldgs. | 85,000 | 85,000 | - | | | | | | | |
| 10 Highway and Side Walks | 750,000 | 500,000 | 500,000 | | | | | | | |
| 11 Overhaul Transfer Station | 250,000 | 250,000 | 250,000 | | | | | | | |
| 12 Vehicle replacements | 275,000 | 275,000 | 280,795 | | 281,000 | 395,000 | 285,000 | 245,000 | 225,000 | |
| 13 RT. 124 Road Construction | 0 | 0 | - | | 1,928,609 | | | | | |
| 14 Total Highway | 1,360,000 | 1,110,000 | 1,030,795 | 0 | 2,209,609 | 395,000 | 285,000 | 245,000 | 225,000 | 0 |
| 15 RECREATION | | | | | | | | | | |
| 16 Beach Parking Lots Paving | 224,400 | 0 | - | | 97,100 | 111,400 | - | - | - | - |
| 17 Restrooms (Long Pond, Sand Pond.) | 150,000 | 0 | - | | 150,000 | | - | - | - | - |
| 18 Total Recreation | 374,400 | 0 | - | 0 | 247,100 | 111,400 | 0 | 0 | 0 | 0 |
| 19 HARBORMASTER | | | | | | | | | | |
| 21 Renovate/rebuild Harbormaster Office | | | | | 500,000 | | | | - | |
| 22 Saquatucket Commercial Loading Dock, Paving | | | | | | | | | 250,000 | |
| 23 Allen Harbor Jetty Reconstruction | | | | | | | 50,000 | | - | 2,000,000 |
| 24 Replace AH Bathroom (1) | 75,000 | 75,000 | 75,000 | | | | | | | |
| 25 Round Cove Ramp Replacement | | | | | | 100,000 | | | | |
| 26 Saquatucket Dock replacement/ADA Compliance | | | | | | | | | | |
| 27 Dredging, Bulkhead Repairs(2) | | | | | | | | | | |
| 28 Design(FY15), Construction(FY16) Revise 11/20/13 | 500,000 | 500,000 | - | | 7,000,000 | | | | | |
| 29 Wychmere Town Dock Repair Revise 11/20/2013 | 478,400 | 478,400 | 478,400 | | | | | | | |
| 30 Wychmere Dredge perimeter of town dock | | | | | 150,000 | | | | | |
| 31 Replace Wychmere Bathroom (1) | | | | | 75,000 | | | | | |
| 32 Maintenance Dredging Five Year Program | 1,000,000 | 1,000,000 | 350,000 | | | | | 500,000 | | |
| 33 Wychmere outer Harbor Dredge | | | | | | | | | | |
| 34 Harbormaster Depart. 1/2 ton pick up Truck Under \$50k | - | - | - | | | | | | | |
| 35 Herring River Ramp Replacement | | | | | | | 100,000 | | | |
| 36 Total Waterways/ Harbors | 2,053,400 | 2,053,400 | 903,400 | 0 | 7,725,000 | 100,000 | 150,000 | 500,000 | 250,000 | 2,000,000 |
| 37 GOLF DEPARTMENT | | | | | | | | | | |
| 38 Maint/cart storage demolition/replace | 850,000 | 0 | - | - | 850,000 | | | | | |
| 39 Irrigation/Pond Work | 200,000 | 0 | - | - | | 200,000 | | | | |
| 40 Kitchen Up grade/ Gas- Solar Energy | 100,000 | 0 | - | | | | 100,000 | | | |
| 41 Total Cranberry Valley Golf Course | 1,150,000 | 0 | - | 0 | 850,000 | 200,000 | 100,000 | 0 | 0 | 0 |
| 42 WASTE WATER MANAGEMENT | | | | | | | | | | |
| 43 CWMP complete | 150,000 | 150,000 | 150,000 | | | | | | | |
| 44 Phase 1:Muddy Creek Construction | 1,750,000 | 1,750,000 | 1,750,000 | Grant | | | | | | |
| 45 Hinckley's Pond Restoration | 500,000 | 500,000 | - | | | | | | | |
| 46 Cold Brook Natural Attenuation Study | 100,000 | 100,000 | 50,000 | | | | | | | |
| 47 PB-3 Recharge facility land purchase | 250,000 | 0 | - | | | | | | | |
| 48 Phase 2: Pleasant Bay (south) sewer Design | | | | | | 3,500,000 | | | | |
| 49 Waste Water Program Construction | | | | | | | 18,800,000 | | | 12,600,000 |
| 50-a Cold Brook Natural Attent. construction | - | - | - | | | | 2,000,000 | | | - |
| 50-b Seymour Pond Restoration | | | | | | | | | 300,000 | |
| 50-c CHATHAM WWTP Phase2 PB | | | | | | | | | 810,000 | 7,300,000 |
| 51 Total Waste Water Management | 2,750,000 | 2,500,000 | 1,950,000 | - | - | 3,500,000 | 20,800,000 | 0 | 1,110,000 | 19,900,000 |

Capital Plan 2015-2021

| Revises 12/27/2013 Capital Plan 2015-2021 | | FY 2015 Dept. Heads Submittal | COC Recom. | Tn Adm. Funding Recom. | FY 2015 | FY2016 | FY2017 | FY2018 | FY2019 | FY 2020 | FY 2021 |
|--|---|-------------------------------------|------------------|------------------------------|------------------|-------------------|------------------|-------------------|------------------|------------------|-------------------|
| 52 | Natural Resources | | | | | | | | | | |
| 53 | Shellfish Laboratory Roof Under \$50k | - | | - | | | | | | | |
| 54 | Shellfish Laboratory Replacement | | | - | | | 165,000 | | | | |
| 55 | | | | | | | | | | | |
| 56 | Total Natural Resources | - | 0 | - | 0 | 0 | 165,000 | 0 | 0 | 0 | 0 |
| 57 | LIBRARY | | | | | | | | | | |
| 58 | Library Roof | 135,000 | | - | | | 135,000 | | | | |
| 59 | Interior Restoration/Prestoration | 100,000 | - | - | | - | | 100,000 | | | |
| 60 | Exterior Restoration, Reservation and Maintenance | | | | | 100,000 | | | | | |
| 61 | Carpet Replacement | 112,000 | 112,000 | 112,000 | | | | | | | |
| 62 | | | | | | | | | | | |
| 63 | Total Library | 347,000 | 112,000 | 112,000 | 0 | 100,000 | 135,000 | 100,000 | 0 | 0 | 0 |
| 64 | Community Center | | | | | | | | | | |
| 65 | Roof Replacement | - | | | | | | | | 300,000 | - |
| 66 | Kitchen Equipment Under \$ 50 k | 19,507 | | | | 60,000 | | | | | |
| 67 | HVAC | - | | | | | | 105,000 | | | |
| 68 | Generator Replacement | - | | | | | 76,000 | | | | - |
| 69 | Carpet Replacement | | | | | - | | | | - | 105,000 |
| 70 | Total Community Center | 19,507 | - | - | - | 60,000 | 76,000 | 105,000 | 0 | 300,000 | 105,000 |
| 71 | | | | | | | | | | | |
| 72 | Total Plan w/o Water Department | 8,397,307 | 6,118,400 | 4,289,195 | - | 11,191,709 | 4,922,400 | 21,540,000 | 1,185,000 | 1,885,000 | 22,245,000 |
| 73 | | | | | | | | | | | |
| 74 | | | | | | | | | | | |
| 75 | Water Department | | | | | | | | | | |
| 76 | Replacement of Vehicle | | | | | | 75,000 | | | | |
| 77 | Replacement of Vehicle | | | | | | | | | 75,000 | |
| 78 | Pleasant Lake Tank Rehab. | | | | | | | | | | 1,600,000 |
| 79 | | | | | | | | | | | |
| 80 | Total Water Department | - | - | - | - | - | 75,000 | - | - | 75,000 | 1,600,000 |
| 81 | | | | | | | | | | | |
| 82 | Total Plan with Water | 8,397,307 | 6,118,400 | 4,289,195 | - | 11,191,709 | 4,997,400 | 21,540,000 | 1,185,000 | 1,960,000 | 23,845,000 |
| 83 | | | | | | | | | | | |
| 84 | MISC. ITEMS < \$50,000 | | | | | | | | | | |
| 85 | Community Center Kitchen Equipment | 19,507 | | | | | | | | | |
| 86 | Replace Carpet HQ Station Sisson Road | 40,000 | | | | | | | | | |
| 87 | Harbormaster Depat. 1/2 ton pick up Truck | 22,000 | | 22,000 | | | | | | | |
| 88 | Shellfish Laboratory Roof | 10,000 | | | | | | | | | |
| 93 | | | | | | | | | | | |
| 94 | Operating Budget FY 2015 | 91,507 | | | | | | | | | |
| 95 | Funding: | | | | | | | | | | |
| 96 | Free Cash (FC) | - | | - | - | | | | | | |
| 97 | Capital Exclusion (CE) | | | 1,173,795 | 1,173,795 | | | | | | |
| 98 | Debt Exclusion (DE) | | | 500,000 | 500,000 | | | | | | |
| 99 | Water Department Enterprise (WE) | | | | - | | | | | | |
| 100 | Waterways Fund (WF) | | | | - | | | | | | |
| 101 | TA funding not recommended (NR) | | | | - | | | | | | |
| 102 | State and Other Grants (Grants) | | | 1,750,000 | Grant | | | | | | |
| 103 | Operating Budget (OB) | 91,507 | | 659,000 | - | | | | | | |
| | Other Borrowing GO | | | 478,400 | | | | | | | |
| 104 | TOTAL | 91,507 | | 4,561,195 | 1,673,795 | | | | | | |
| 105 | | | | | | | | | | | |

ESTABLISH A STABILIZATION FUND AT CAPE COD REGIONAL TECHNICAL HIGH SCHOOL

ARTICLE 10 To see if the Town will vote pursuant to Chapter 71, Section 16G1/2 to allow Cape Cod Regional Technical High School to establish a stabilization fund for future facility capital costs, and to act fully thereon. By request of Superintendent.

Explanation: Cape Cod Regional Technical High School has submitted a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for a major renovation of our facility the last four years. We just received notice that we were not selected for our most recent submittal. However, we feel it is prudent to begin saving funds, when feasible, for anticipated costs for a future major building project. For this reason, we are requesting to establish a stabilization fund at your regular town meeting for this purpose.

FINANCE COMMITTEE RECOMMENDED THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7 NO-0. THIS ARTICLE WILL ALLOW THE REGIONAL TECHNICAL HIGH SCHOOL TO ESTABLISH A FUND FOR FUTURE CAPITAL IMPROVEMENTS. THERE IS NO MONEY ATTACHED TO THIS ARTICLE FOR THIS YEAR'S ANNUAL TOWN MEETING.

FUND UNION/ASSOCIATION CONTRACTS FOR FY 2015

ARTICLE 11 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the cost items of Union/Association Contracts for Fiscal Year 2015 and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ ____.

THE FINANCE COMMITTEE VOTES NO RECOMMENDATION PENDING FURTHER INFORMATION, WHEN AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.

FUND SALARIES AND WAGES FOR NON-UNION PERSONNEL

ARTICLE 12 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money by reducing the appropriation voted under Article 4 of the May 6, 2013 Annual Town Meeting, energy expenditures, to fund salary and wage increases for Fiscal Year 2014 for all full and permanent part-time employees, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ ____.

THE FINANCE COMMITTEE VOTES NO RECOMMENDATION PENDING FURTHER INFORMATION, WHEN AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE

VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-5, NO-0.

FUND AMBULANCE STRETCHERS

ARTICLE 13 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase three (3) “Stryker”Power Lift Stretchers to be installed in the three (3) Harwich Fire Department Ambulances and to authorize the Selectmen to dispose of the current 3 stretchers. 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. Ch. 59, Section 21C 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: \$56,000

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$56,000 FROM CAPITAL EXCLUSION.
VOTE: YES-5, NO-0.**

FUND REPLACEMENT OF FIRE DEPARTMENT AMBULANCE 73

ARTICLE 14 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase and equip one new Ambulance for the Fire Department and to further authorize trade-in, sale or repurpose of the 2008 Ambulance. This is keeping with the replacement schedule of the Fire Department Ambulances. 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. Ch. 59, Section 21C 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: \$240,000.00

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$240,000 FROM CAPITAL EXCLUSION.
VOTE: YES-5, NO-0.**

TRANSFER FIRE DEPARTMENT FUNDS

ARTICLE 15 To see if the Town will vote to transfer \$12,000 from surplus equipment receipts from the Fire Department into Article 12 of May 6, 2013 Annual Town Meeting to fund the new fire pumper (Account Number 01220A2-613012), and to act fully thereon. By request of the Fire Chief. Estimated cost: \$12,000.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$12,000 FROM SURPLUS EQUIPMENT RECEIPTS.
VOTE: YES-5, NO-0.**

EQUIP NEW EMERGENCY RESPONSE BOAT

ARTICLE 16 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to equip the Harbormaster's new emergency response boat with a new, 500 gallon per minute, portable firefighting pump and necessary firefighting equipment for fire suppression purposes, and to act fully thereon. By request of the Fire Chief and the Harbormaster. Estimated Cost: \$21,715.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$21,715 BY RAISING AND APPROPRIATING THE FUNDS. VOTE: YES-8, NO-0.

MAINTAIN AND REPAIR ROUTE 124 WITHOUT TIP FUNDS

ARTICLE 17 To see if the Town will vote to maintain and repair Route 124 from Headwaters Drive to the Brewster Town line without the use of TIP funds (Massachusetts/Federal Transportation Improvement funds) and to act fully thereon. By Petition.

Explanation by Petitioner: Federal/State TIP funding brings with it Federal and State requirements for wider roadways, faster design speeds, and bicycle and pedestrian accommodation. Applied to Rt. 124 the proposed roadway would be bereft of the charm and pleasure this historic road has for the abutters and travellers alike. Rt. 124 should be maintained and repaired as needed, not re-built to Federal and State standards.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. IT WILL NOT BE ON THE ELECTION BALLOT AND SO CANNOT BE ENACTED.

FUND ROUTE 124 IMPROVEMENTS

ARTICLE 18 To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to reconstruct, repave and improve the safety and drainage on Route 124. 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 2½) 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: \$ _____

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. IT WILL NOT BE ON THE ELECTION BALLOT AND SO CANNOT BE ENACTED.

PURCHASE AND EQUIP DPW VEHICLES

ARTICLE 19 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase and equip the following vehicles. 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. Ch. 59, Section 21C the amount required to pay for the capital outlay expenditure authorized by this vote.

| | | |
|--|--------|-----------|
| One (1) new one-ton dump truck with plow | (Hwy) | \$66,740 |
| One (1) new one-ton dump truck with plow | (Park) | \$66,740 |
| One (1) new hook-lift truck w/compactor and plow | (Hwy) | \$120,315 |
| One (1) new Hotbox asphalt trailer | (Hwy) | \$27,000 |

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

- One (1) 1999 F-350 dump truck
- One (1) 2003 F-350 dump truck
- One (1) 1999 F350 stake body truck

And to act fully thereon. By request of the DPW Director. Estimated cost: \$280,795

Explanation: This request is for two (2) 1-ton dump trucks and a hook-lift truck with compactor to replace a 1999 dump truck, a 2003 dump truck, and 1999 stake body truck used by the Highway and Park Departments. The current trucks, which are front-line vehicles in their departments, are in poor condition with high mileage (115,000, 165,000, 121,000 miles respectively) and are rapidly deteriorating. The primary functions of these vehicles include transport of staff, tools, and materials to and from job sites, snow plowing, sanding, pothole and road repairs, and towing equipment trailers. We are asking to replace the stake body truck with a hook-lift truck with a small trash compactor to increase the efficiency of Town trash collection (beaches, parks, fields, memorial squares) and to allow us to transport cars and small trucks when they break down, eliminating towing bills for these vehicles.

The existing 2003 Concord Hot Box asphalt trailer is undersized for its intended use and in poor condition, with an old style burner which requires frequent repairs, and it lacks a dump feature to empty out remaining asphalt. The replacement request is for a larger capacity, dump style asphalt trailer which will allow us to work more efficiently, with fewer trips to the asphalt plant. The Water Department, which uses our current hot box approximately 30% of the time, has agreed to pay \$12,000 toward the \$39,000 price, bringing our request to \$27,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FINCOM BELIEVES THESE VEHICLE PURCHASES ARE APPROPRIATE. VOTE: YES-9, NO-0

OVERHAUL THE TRANSFER STATION

ARTICLE 20 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to overhaul the Transfer Station. 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. Ch. 59, Section 21C the amount required to pay for the capital

outlay expenditure authorized by this vote, and to act fully thereon. By request of the DPW Director. Estimated cost: \$250,000.

Explanation: The Transfer Station was constructed in 1988 and is now 25 years old. Over the years our extremely talented staff have worked miracles and kept the station up and running with many types of repairs. Some examples of these include re-flooring the push pit, R&R 3 push pit pistons, changing both motors twice, rebuilding both hydraulic systems twice, constantly chasing electrical problems and repairing / re-fabricating the compactor too many times to count. Although this is certainly not a comprehensive list of all the repairs, it should illustrate that we have done as much as possible to keep the Transfer Station up and running while minimizing expenses to the Town. We feel that the systems have reached the end of their useful life and must be replaced.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FINCOM BELIEVES THIS IMPORTANT PROJECT IS APPROPRIATE GIVEN THE CONDITION OF THE PRESENT SYSTEM AND THE IMPORTANCE TO THE TOWN'S CITIZENS. VOTE: YES-9-0, NO-0.

FUND THE ROAD MAINTENANCE PROGRAM

ARTICLE 21 To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow, in accordance with Chapter 44 of the M.G.L. or any other authorizing authority, the sum of \$750,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY15. 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 2½) 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

Explanation: This request is to fund the FY 15 Capital Road Maintenance Program and is consistent with the approval of the Capital Plan.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FINCOM BELIEVES ATM APPROVAL OF THIS ARTICLE IS NECESSARY TO MAINTAIN THE TOWN'S ROAD SYSTEM. VOTE: YES-9-0, NO-0.

FUND THE PURCHASE AND INSTALLATION OF HVAC SYSTEMS AT THE DPW BUILDING

ARTICLE 22 To see if the Town will vote to raise and appropriate, or transfer from available funds a sufficient sum of money to purchase, equip, and install the following systems in the DPW building to improve air quality, safety, and energy efficiency and to act fully thereon. By request of the DPW Director. Estimated cost: \$19,500

| | |
|--|-------------|
| One (1) new Portable Air Filtration System for Welding Bay | \$ 8,500.00 |
| One (1) new Field Fixed Exhaust Fume Extractor for Garage Bays | \$ 7,000.00 |

One (1) Heating Circulation System Upgrade

\$ 4,000.00

Explanation: Following an inspection of the DPW facility, the Barnstable County Environmental Health official recommended that the air quality be addressed as soon as possible for the health and safety of employees. Air particles from diesel exhaust fumes in the garage are a major concern and must be evacuated when running equipment for repairs. Airborne contaminants, dust, and fumes in the welding bay were another serious concern. She recommended we purchase the portable unit for welding bay and a fixed exhaust fume extractor for the bays where vehicles are being repaired. This winter we have been experiencing higher than normal gas bills and after investigation, we found that the upstairs office space was heated only when the water went through the entire garage bay. This reduced the supply water temperature and made the boiler run longer. The circulation system upgrade would separate the office space from the garage, easing the strain on the boiler while reducing our gas consumption.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FINCOM BELIEVES THIS PROJECT IS IMPORTANT FOR HEALTH AND SAFETY REASONS, AS WELL AS INCREASING HEATING SYSTEM EFFICIENCY. VOTE: 9-0, NO-0.

REPLACE CARPETING AT BROOKS FREE LIBRARY

ARTICLE 23 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to replace the carpeting at Brooks Free Library and to act fully thereon. By request of the Brooks Free Library Trustees. Estimated cost: \$112,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT THE SUM OF \$112,000 BE RAISED AND APPROPRIATED FOR THIS PURPOSE. VOTE: YES-6, NO-1, RECUSE-1

DEFRAY EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 24 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the 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: \$20,000

Explanation Provided by Petitioner: The Chase Library and Harwich Port Library are free, publicly supported libraries. Town funds have been appropriated either through the general budget or by articles since 1911 (Chase) and 1926 (Harwich Port). These funds are essential for continued operation and for the customary State reimbursements.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$20,000. VOTE: YES-4, NO-1.

PROMOTE THE TOWN OF HARWICH

ARTICLE 25 To see if the Town will vote to: raise and appropriate a sufficient sum of money for the Harwich Chamber of Commerce to promote, develop and implement a branding study/campaign for the Town of Harwich and to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor, resident and business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, to complete phase 1 and 2 of the town wide branding campaign and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By petition. Estimated cost: \$40,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$25,000 BE RAISED AND APPROPRIATED FOR THAT PURPOSE. VOTE: YES-6, NO-1.

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

ARTICLE 26 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.

**FINANCE COMMITTEE VOTED THIS ARTICLE BE ACCEPTED AND ADOPTED WITH \$2,500 FROM AVAILABLE FUNDS. VOTE: YES-5, NO-0
THIS IS A CUSTOMARY ARTICLE.**

CONSTRUCTION OF MUDDY CREEK CULVERT

ARTICLE 27 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to construct the Muddy Creek Culvert, and further authorize the Board of Selectmen to accept any State, Federal or private grant monies available for this purpose, and to act fully thereon. By request of the Water Quality Management Task Force. Estimated cost: \$1,750,000.

Explanation: The construction of the Muddy Creek Culvert will dramatically improve the flow in Muddy Creek, and this increased flushing results in less removal of nitrogen in East Harwich, which significantly reduces the cost of the Wastewater Project. Design of the culverts is almost complete, and construction of the culvert is to begin by Memorial Day 2014, with an anticipated completion date before the summer of 2015. The project is a joint effort between the Towns of Chatham and Harwich, and the cost for the project is shared equally. Most importantly, the project received a Federal grant of \$3,200,000 thus reducing the out-of-pocket expenditures to the Town of Harwich.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$1,750,000 AND FUNDED FROM A HURRICANE SANDY MITIGATION AND RESILIENCY GRANT AND A NATIONAL COASTAL WETLANDS CONSERVATION GRANT. COMPLETION OF THIS PART OF PHASE ONE OF OUR CWMP WILL HELP TO RESTORE IMPORTANT WETLANDS AND MAY GREATLY REDUCE OVERALL WASTEWATER COSTS. VOTE: YES-7, NO-0.

**COMPLETE THE COMPREHENSIVE WASTEWATER MANAGEMENT PLAN
REGULATORY REVIEW**

ARTICLE 28 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to complete the regulatory State review process and the Cape Cod Commission's (CCC) DRI process of the Town's Comprehensive Wastewater Management Plan (CWMP), and to continue the Public Outreach effort for the CWMP, and to act fully thereon. By request of the Water Quality Management Task Force. Estimated cost: \$150,000.

Explanation: The Town, after some 10 years of analyzing the nitrogen issues in our five embayments, and other issues related to the quality of our freshwater ponds, has submitted a BOS-endorsed Draft CWMP to the State and County reviewing agencies. Agencies that are reviewing our Draft CWMP include the Massachusetts Department of Environmental Protection (MassDEP), the Massachusetts Environmental Policy Act (MEPA) Office, the Cape Cod Commission (CCC) and many others. Ultimately, a Total Maximum Daily Load (TMDL) permit for nitrogen will be issued for each of the town's five embayments and the Town will be required to meet that permit by implementing our adaptive management plan to remove sufficient nitrogen. The Draft CWMP provides that plan and we need to complete the process so that it can be implemented in a timely and cost efficient manner and to help qualify us for potential low interest loans

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$ 150,000 BE RAISED AND APPROPRIATED. THIS WILL PROVIDE FUNDING TO RESPOND TO REGULATORY COMMENTS/QUESTIONS TO COMPLETE OUR DRAFT CWMP CURRENTLY UNDER REVIEW.
VOTE: YES-7, NO-0.**

CONDUCT A COLD BROOK NITROGEN ATTENUATION STUDY

ARTICLE 29 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to conduct a Cold Brook Nitrogen Attenuation Study with its goal to reduce the cost of the wastewater program, and to act fully thereon. By request of the Water Quality Management Task Force. Estimated cost: \$50,000

Explanation: The purpose of this study is to evaluate nitrogen attenuation (reduction) benefits of a wetland habitat restoration project in Cold Brook as it flows through the Harwich Conservation Trust's (HCT) preserve along Bank Street. The HCT, in partnership with the Massachusetts

Division of Ecological Restoration, is pursuing a comprehensive aquatic habitat restoration project of the 66-acre preserve.

The financial benefits to the wastewater program could be in the millions of dollars range, due to the potential increased natural attenuation of nitrogen in the system resulting for ecological restoration (meaning nitrogen that then does not have to be intercepted and treated). Again, this study will evaluate the potential of nitrogen attenuation for this area based upon HCT's restoration design.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$50,000 BE RAISED AND APPROPRIATED. THIS WILL PROVIDE FUNDING TO STUDY THE NITROGEN MITIGATION (REDUCTION) POTENTIAL OF COLD BROOK AND CONTINUE WITH THE FIRST PHASE OF OUR WASTEWATER PLAN. FURTHERMORE, THIS PROJECT MAY GREATLY REDUCE TOTAL WASTEWATER COSTS. THESE FUNDS REPRESENT HALF OF THE MONIES NEEDED FOR THE COLD BROOK STUDY AS CURRENTLY ESTIMATED. VOTE: YES-7, NO-0.

WASTEWATER PROJECT COSTS

ARTICLE 30 To see if the Town will vote to authorize the Selectmen to determine the wastewater cost difference between the plan for East Harwich in the CWMP and the East Harwich Collaborative Plan and determine the wastewater cost difference between the plan for Route 28 and a smart growth approach similar to that used by Chatham. By Petition.

Explanation Provided by Petitioner: The Harwich CWMP calls for 500,000 additional square feet of commercial space and 250 additional residences in East Harwich over the levels allowed by current zoning or planned in the East Harwich Collaborative Plan. This article seeks to determine the wastewater cost difference between the two. It will also determine the wastewater cost difference between the CWMP plan for Route 28 and use of a smart growth approach with the existing villages and businesses as has been planned for Chatham.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. THERE HAVE BEEN SEVERAL GROUPS WORKING ON WASTEWATER MANAGEMENT PROJECTIONS AND SINCE THESE PROJECTIONS GO OUT 40 – 60 YEARS, ANY NEW FACTS ARE CONTINUALLY BEING INCORPORATED INTO THE PLANS. IT DOES NOT SEEM FRUITFUL TO ADD ANOTHER STUDY SPECIFICALLY ON GROWTH PROJECTIONS AT THIS TIME. VOTE: YES-7, NO-0.

TRANSFER FUNDS FOR ALLEN HARBOR BULKHEAD/PARKING LOT PROJECT

ARTICLE 31 To see if the Town will vote to transfer from available funds the remaining balance of funds contained in the borrowing authorized under Article 17 of the 2011 Annual Town Meeting appropriation for Allen Harbor basin dredging. Said transfer of funds to be used for bulkhead, parking lot and any other necessary work to complete said project, and to act fully thereon. By the request of the Harbormaster. Estimated cost: \$192,000.

Explanation: The Town has successfully completed the Allen Harbor basin dredge project and has approximately \$172,000 left in the account. The Town has obtained a State grant through Fishing and Boating Access Program for improvements to the Allen Harbor bulkhead and parking lot. Phase 1 of the project related to bulkheads has come in over estimated costs and the parking lot is slated to be done in FY 15. This article will reauthorize the remaining balance of the \$172,000 from the Allen Harbor dredge project into the Allen Harbor bulkhead and parking lot project.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ARTICLE TRANSFERS MONEY REMAINING FROM THE ALLEN HARBOR DREDGE PROJECT TO HELP FUND FURTHER IMPROVEMENTS TO THE ALLEN HARBOR INFRASTRUCTURE. VOTE: YES-8, NO-0.

FUND PARTIAL PROJECT COSTS TO REPLACE WYCHMERE HARBOR PIER AND BULKHEADS

ARTICLE 32 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to pay for 25% of the \$1,724,000 project cost to replace the Wychmere Harbor Town Pier and Bulkheads, and to act fully thereon. By request of the Harbormaster.

Estimated Cost: \$478,400

Explanation: The estimated project cost is \$1,704,000. The primary funding source will be the Seaport Grant that will fund \$1,225,600, leaving the town share at \$478,400. The town share will be funded through a general obligation bond that will utilize a dedicated harbor receipts fund to cover the borrowing obligations.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAIN-1

REPLACE RESTROOM AT ALLEN HARBOR LANDING

ARTICLE 33 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to replace the public bathroom at Allen Harbor landing, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$75,000

Explanation: The project is related, but not included in the Allen Harbor facility upgrades that will be partially funded through a MA Department of Fish & Game public access grant.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0.

PURCHASE OF NEW TRUCK FOR HARBORMASTER DEPARTMENT

ARTICLE 34 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase one (1) new Ford F150 truck for the

Harbormaster Department, and also further authorize trade in of existing Crown Victoria vehicle towards the purchase price, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$22,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. A CROWN VICTORIA SEDAN CURRENTLY ASSIGNED TO THE HARBORMASTER WILL BE USED AS A TRADE IN. VOTE: YES-8, NO-0.

FUND MAINTENANCE DREDGING OF SAND FROM CHANNEL DREDGING

ARTICLE 35 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to maintain dredge sand from the channels of various Town harbors over a five (5) year operational period, as authorized in MA DEP Waterways Permit No. 12379. 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. Ch. 59, Section 21C the amount required to pay for the capital outlay expenditure authorized by this vote, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$350,000

Explanation: The Harbormaster is required to maintain channels of the various town harbors. Each year sand migrates into the channels and needs to be dredged to maintain the openings. The sand that is dredged is used to nourish town beaches. This request will allow for two years of dredging while a plan is put into place by the Town Administrator and the Harbormaster to incorporate this into his ongoing operating budget on an annual basis.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THE AMOUNT TO BE APPROPRIATED WILL ALLOW THE TOWN TO CONDUCT NECESSARY DREDGING OVER A TWO YEAR PERIOD (FY 15 AND FY 16) DURING WHICH TIME THE TOWN ADMINISTRATOR WILL DETERMINE A WAY TO BUILD THIS ON GOING MAINTENANCE WORK INTO THE TOWN BUDGET. VOTE: YES-7, NO-1.

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 36 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in Chapter 170 of the Acts of 1941, and to act fully thereon. By request of the Finance Director/Accountant. Estimated cost: \$4,396.

Barnstable County Sheriff's Office \$4,396

IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW UNPAID BILLS FROM A PRIOR YEAR MUST BE APPROVED BY TOWN MEETING IN ORDER TO BE PAID, AND THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$4,396.00 BE TRANSFERRED FROM AVAILABLE FUNDS FOR THIS PURPOSE. VOTE: YES-5, NO-0.

REPLENISH POLICE AND FIRE TRUST FUND ACCOUNT

ARTICLE 37 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to the Police and Fire Claims Trust Fund Account for Fiscal Year 2014 and to act fully thereon. By Request of the Board of Selectmen. Estimated cost: \$30,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$30,000 AND FUNDED FROM FREE CASH. THIS REQUEST FOR CONTINUED FINANCING OF THIS FUND IS MADE AND INITIATED BY THE TOWN ADMINISTRATOR. THE FUND PAYS FOR UNEXPECTED EXPENSES ON THE OCCASION WHEN A POLICE OR FIRE EMPLOYEE IS INJURED ON DUTY. VOTE: YES-7, NO-0, ABSTAIN-0

TREE REMOVAL PROGRAM AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 38 To see if the Town will vote to transfer the sum of \$20,000 from the Golf Improvement Fund to supplement the ongoing tree removal and landscape reclamation program at Cranberry Valley Golf Course, and to act fully thereon. By request of the Golf Committee.

Explanation: The distribution of these monies corresponds to revenue already collected for like projects collected from golf membership fees not at the expense of the general taxpaying public.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS WILL BE FUNDED THROUGH GOLF FEES REVENUE. VOTE: YES-7, NO-0.

LIGHTNING DETECTION SYSTEM AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 39 To see if the Town will vote to transfer the sum of \$20,000 from the Golf Improvement Fund to procure and install an early warning "Lightning Detection System" and a warning system to alert golfers at risk on holes #12 BS #18 with an electronic, solar warning light system, and to act fully thereon. By request of the Golf Committee.

Explanation: The distribution of these monies corresponds to revenue already collected for like projects collected from golf membership fees not at the expense of the general taxpaying public.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS WILL BE FUNDED THROUGH GOLF FEES REVENUE. VOTE: YES-7, NO-0.

DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 40 To see if the Town will vote to authorize revolving funds for certain town departments under M.G.L. Ch. 44, § 53E ½ for the fiscal year beginning July 1, 2014; and to act fully thereon. By request of the Board of Selectmen

| <u>Revolving Fund</u> | <u>Authorize to Spend Fund</u> | <u>Revenue Source</u> | <u>Use of Fund</u> | <u>FY 14 Spending Limit</u> | <u>Disposition of FY14 fund balance</u> |
|-----------------------|-------------------------------------|--|--|-----------------------------|---|
| Golf | Director & Golf Committee | Golf Lessons and Pro Shop Sales | Pro Shop expenses, clubhouse maintenance/modernization, and lessons instructor | \$200,000 | Available for expenditure |
| Council on Aging | Director & Council on Aging | Fees from health, recreation, nutrition and education programs | health, recreation, nutrition and education programs | \$125,000 | Available for expenditure |
| Cemetery | Administrator & Cemetery Commission | 90% of Lot Sales, 100 % of all Cemetery Services and Fees | Maintenance of town cemeteries | \$50,000 | Available for expenditure |
| Community Center | Director & Facilities Committee | Fees from use of the weight room | Weight Room Equipment (and repair) | \$50,000 | Available for expenditure |
| Recreation | Director & Rec & Youth Commission | Fees from recreation and youth programs | Recreation and youth programs | \$80,000 | Available for expenditure |

Explanation: Section 53E ½. Notwithstanding the provisions of section fifty-three, a town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation...

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, ... and in town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year.

The above chart has been amended under golf use of fund and expanded to clubhouse maintenance/modernization has been added to the category and the funding level has increased from \$150,000 to \$200,000. Council on Aging spending limit has increased up to \$125,000 both of these dollar figures have been based upon projected revenues from the respective funds.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS CUSTOMARY ARTICLE BE ACCEPTED AND ADOPTED WITH AN AMENDMENT ADDING THE ASSISTANT TOWN ADMINISTRATOR TO THE “AUTHORIZED TO SPEND FUND” COLUMN FOR GOLF. THE GOLF COMMITTEE IS ASKING FOR AN INCREASE IN THE AMOUNT OF THE FUND FROM \$150,000 TO \$200,000 AND AN INCREASE IN THE

SCOPE OF SPENDING, AND FINANCE COMMITTEE FEELS THAT ADDITIONAL SUPERVISION UNDER THE SPENDING AUTHORITY IS NEEDED. PASSAGE OF THIS ARTICLE IS REQUIRED ANNUALLY BY MASSACHUSETTS GENERAL LAW TO AUTHORIZE THE USE OF DEPARTMENTAL REVOLVING ACCOUNTS. VOTE: YES-7, NO-0.

CREATE THE ALBRO HOUSE ANNUAL AUTHORIZATION REVOLVING FUND

ARTICLE 41 To see if the Town will vote to authorize the creation and establishment of revolving fund as authorized under M.G.L. Ch. 44, § 53E ½ for the Town Planner through the Historic District and Historical Commission, for the purpose of funding continuing period appropriate restorations, maintenance, care and support of Town owned property, not to exceed \$10,000 annually with funds generated from receipts of lease or fees collected for short term, year-round, temporary or otherwise, room(s) use and rental and to act fully thereon. By request of the Historic District and Historical Commission and the Planning Department.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. IF THE TOWN IS TO FURTHER INVEST IN THIS BUILDING IT SHOULD BE IN THE CONTEXT OF A LONG TERM PLAN FOR ITS USE AND MAINTENANCE. AS THIS WARRANT GOES TO PRINT, A PLAN WAS NOT AVAILABLE.

FUND HISTORIC RESTORATION AND PRESERVATION OF ALBRO HOUSE -
EXTERIOR PHASE III

ARTICLE 42 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money for the completion of the historic preservation and period appropriate restoration of the exterior of Albro House. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by GL c.59, §21C (Proposition 2 ½) the amount required under this article, and to act fully thereon. By Petition of the Historic District and Historical Commission. Estimated Cost: \$48,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. IF THE TOWN IS TO FURTHER INVEST IN THIS BUILDING IT SHOULD BE IN THE CONTEXT OF A LONG TERM PLAN FOR ITS USE AND MAINTENANCE. AS THIS WARRANT GOES TO PRINT, A PLAN WAS NOT AVAILABLE.

FUND HISTORIC PRESERVATION AND RESTORATION OF THE ALBRO HOUSE
INTERIOR - PHASE I

ARTICLE 43 To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money for the historic preservation and period appropriate restoration of the interior of Albro House. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by GL c.59,

§21C (Proposition 2 ½) the amount required under this article, and to act fully thereon. By Petition of the Historic District and Historical Commission. Estimated Cost: \$12,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. IF THE TOWN IS TO FURTHER INVEST IN THIS BUILDING IT SHOULD BE IN THE CONTEXT OF A LONG TERM PLAN FOR ITS USE AND MAINTENANCE. AS THIS WARRANT GOES TO PRINT, A PLAN WAS NOT AVAILABLE.

USE OF THE WEST HARWICH SCHOOL HOUSE

ARTICLE 44 To see if the Town will vote to rescind the actions taken in Article 60 of the 2006 Annual Town Meeting, Article 13 of the February 11, 2008 Special Town Meeting, and Article 12 of the Special Town Meeting of May 6, 2008 in their entirety and to authorize the Selectmen to study the use of the West Harwich Schoolhouse site for a playground and study possible use of the schoolhouse building by the community and coordinate for housing funded through Special Town Meeting Article 9 of May 2011 at the 70 Willow Street Parcel X3 Assessor's Map 10 site and adjacent HECH owned parcels at 93/97 Main Street and to act fully thereon. By Petition

Explanation Provided by Petitioner: Previous approaches have not been effective in achieving the Preservation goals for the Schoolhouse and site. The schoolhouse has served the town since 1870. With housing to be coordinated at two sites through this article previously acted on by town meeting, there will be a need for a playground and the potential for a public/private partnership for the schoolhouse. This will also allow for continued environmental monitoring from the schoolhouse site.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-6, NO-1. PASSAGE OF THIS ARTICLE WILL NOT ACHIEVE THE INTENDED PURPOSE AND GENERALLY DEALS WITH TOWN POLICY MATTERS THAT ARE THE PURVIEW OF THE BOARD OF SELECTMEN.

LEASE OF TOWN-OWNED BUILDINGS

ARTICLE 45 To see if the Town will vote to authorize the Board of Selectmen to lease various town-owned buildings, under the control of the Board of Selectmen, for no longer than 15 years as authorized by Massachusetts General Law Ch. 30B, § 12, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. THIS ARTICLE IS NOT REQUIRED FOR THE BOARD OF SELECTMEN TO PERFORM ITS DUTIES.

LEASE OF TOWN-OWNED PROPERTY FOR BOAT STORAGE

ARTICLE 46 To see if the Town will vote to authorize the Board of Selectmen to enter into a lease of town-owned property for the off season storage of boats for a period of up to 15 years under Massachusetts General Law, Chapter 30B, § 12, and to act fully thereon. By request of the Board of Selectmen.

Explanation: General Laws c. 40, § 3 requires Town Meeting authorization for the lease of land by the Town. The Board of Selectmen seeks authority to extend the Lease opportunities that may be presented to the Town by being allowed to authorize leases up to 15 years depending upon the opportunity presented for use of property for the off season storage of boats. This action will be determined on a case by case basis.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. THIS ARTICLE IS NOT REQUIRED FOR THE BOARD OF SELECTMEN TO PERFORM ITS DUTIES.

ACCEPT GIFT OF LAND OFF OAK STREET EXTENSION

ARTICLE 47 To see if the Town will vote to accept a gift of land off Oak Street Extension from Habitat for Humanity as described on a plan titled “Habitat for Humanity of Cape Cod, Inc. Oak Street Definitive Subdivision” produced by J.M. O’Reilly & Associates, dated January 13, 2014, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0. THIS WILL FURTHER THE TOWN’S EFFORTS IN AFFORDABLE HOUSING.

CAPE COD COMMISSION MEMBERSHIP

ARTICLE 48 To see if the Town will vote to direct the Board of Selectmen to place the following question on the next election ballot “Shall the Town of Harwich petition the General Court of the Commonwealth of Massachusetts asking that the Town of Harwich be released from membership in and removed from the authority of the Cape Cod Commission and the Cape Cod Commission Act?” or to take any other action relative thereto. By Petition.

Explanation Provided by Petitioner: As justification for this action, it is contended that the Town of Harwich is overcharged for the services it receives from the Cape Cod Commission, and underrepresented relative to its membership and input into its governance and activities. Furthermore, the Cape Cod Commission has outlived its usefulness for which it was originally intended and wastefully duplicates the functions of numerous municipal departments and committees which more than adequately and affordably achieve the same tasks that may need to be accomplished. This includes the Planning Department, Natural Resources Department, Conservation Commission, Building Department, Board of Selectmen, Town Administrator, Agricultural Commission, Zoning Board of Appeals, Architectural Advisory Committee, Board of Water Commissioners, Citizen’s Advisory Committee for Wastewater, Capital Outlay Committee, Community Preservation Committee, Designer Selection Review Committee, EOCD – Four

Town Advisory Council/Affordable Housing, Finance Committee, Historic District & Historical Commission, Human Services Advisory Committee, Planning Board, Pleasant Bay ACED Steering Committee, Real Estate and Open Space Committee, Town Forest Committee, Traffic Safety Committee, Utility and Energy Conservation Commission, Wastewater Implementation Advisory Committee, Water Quality Management Task Force and the Waterways Committee.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-6, NO-0 ABSTAIN-0 RECUSAL-1 THE FINANCE COMMITTEE DOES NOT BELIEVE THIS IS IN THE BEST INTEREST OF THE TOWN OF HARWICH.

AMEND THE PERSONNEL BY-LAW

ARTICLE 49 To see if the Town will vote to amend the Town of Harwich Personnel By-law by adding to Part One – “Application, Purpose, Discrimination”, the following to the end of the paragraph titled “Application”:

“The Personnel Administrator, with the approval of the Board of Selectmen, may from time to time amend various sections of the By-Law, specifically, Parts 2 through 13, except Part Four – Classification and Compensation Plans, after a public meeting of the Board of Selectmen.”

Explanation: town employees who are not members of a bargaining unit should generally receive the same benefits as unionized employees. This change in the personnel bylaw would allow the personnel administrator and board of selectmen to make those changes without having to burden town meeting.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-0. THIS ARTICLE IS NOT REQUIRED FOR THE BOARD OF SELECTMEN TO PERFORM ITS DUTIES.

SALE OF ALCOHOLIC BEVERAGES ON SUNDAY AND HOLIDAYS

ARTICLE 50 To see if the Town will vote to accept the provisions of General Laws, Chapter 138, Section 33B, which provides: The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday; and to act fully thereon. By request of the Board of Selectmen.

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

ADOPT NEW CHAPTER 164, SECTION 7 – REVOCATION/SUSPENSION OF LICENSES
AND PERMITS FOR NON-PAYMENT OF LOCAL FEES

ARTICLE 51 To see if the Town will vote to adopt the following new Section 7 to the Town By-Law Chapter 164 “Licenses, Permits and Fees”, and to act fully thereon. By request of the Town Treasurer/Collector.

A. Purpose.

Pursuant to the authority conferred upon the Town by General Laws Chapter 40, § 57 adopted at the April 6, 1987 Annual Town Meeting as Article 78, the following is adopted for the regulation of application for, revocation, suspension, renewal or transfer of local licenses and permits issued by any board, officer, department or commission of the town for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, with the exceptions listed in paragraph B of this by-law.

B. Applicability.

This chapter shall not apply to the following licenses and permits: Open Burning, § 13 of Chapter 48 of the General Laws; Bicycle Permits, § 11A of Chapter 85 of the General Laws; Sales of Articles for Charitable Purposes, §33 of Chapter 101 of the General Laws; Children Work Permits, § 69 of Chapter 149 of the General Laws; Associations Dispensing Food or Beverage Licenses, § 21E of Chapter 140 of the General Laws; Dog Licenses, § 137 of Chapter 140 of the General Laws; Fishing, Hunting, Trapping Licenses, § 12 of Chapter 131 of the General Laws; Marriage Licenses, § 28 of Chapter 207 of the General Laws; Theatrical Events, Public Exhibition Permits, § 181 of Chapter 140 of the General Laws.

C. List of persons delinquent in payment of municipal charges

The Town Treasurer/Collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, business enterprise (hereinafter referred to as the party), that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

D. Denial, revocation or suspension of license or permit for nonpayment of municipal charges

The licensing authority may deny, revoke or suspend any license or permit under their jurisdiction, including renewals and transfers, of any party whose name appears on such list furnished to the licensing authority by the Treasurer/Collector, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority by the Treasurer/Collector; provided, however, that written notice is given to the party and the Treasurer/Collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen (14) days after such notice. Such list shall be prima

facie evidence for denial, revocation or suspension of such license or permit to any party. The Treasurer/Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied suspended or revoked under this by-law shall not be reissued or renewed until the licensing authority receives a certificate issued by the Treasurer/Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of such certificate.

E. Payment Agreement – Conditional permit or license issuance.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating such limitations to the license or permit and the validity of such license shall be conditioned upon the satisfactory compliance with such agreement. Failure to comply with such agreement shall be grounds for the suspension or revocation of such license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

F. Waiver of denial, suspension or revocation when.

The Board of Selectmen may waive such denial, suspension or revocation of any license or permit if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in Section 1 or Chapter 268 of the General Laws, in the business or activity conducted in or on such property.

Explanation: Town meeting on April 6, 1987 adopted article 78 which was to adopt Massachusetts Gen. laws chapter 40 section 57 which allows for the regulation of application for revocation, suspension, renewal or transfer of local licenses and permits issued by any board, officer, Department work commission of the town for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. The town completed the first part of this process by adopting the state statute however in order for the elements of the statute to work the town needs to formally adopt a bylaw to reflect the authority contained within the statute. This article formalizes the bylaw to allow for a review of applicants for new and renewal of licenses to be reviewed for compliance with the payment of taxes and other municipal charges. Licensing authorities will be able to deny applications or renewals to those persons or entities that have not paid taxes and fees. The bylaw and the statute allow for the applicant to enter into a payment agreement with the town treasurer/collector. The bylaw is also necessary to allow for local enforcement of the statute.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. ADOPTION OF THIS TOWN BY-LAW WILL ASSIST IN COLLECTION OF TOWN REVENUES, AND IMPLEMENTS THE TOWN'S 1987 VOTE TO ADOPT THE RELATED STATE LEGISLATION. VOTE: YES-7, NO-0.

BUILDING INSPECTION AND REGULATION - ADOPT CHAPTER 143, SECTION 3Z OF
THE GENERAL LAWS OF MASSACHUSETTS.

ARTICLE 52 To see if the Town will vote to adopt and accept Ch. 143, § 3Z of the General Laws of the Commonwealth of Massachusetts and to act fully thereon. By request of the Building Commissioner.

Explanation: The adoption of c.143, §3Z of the General Laws of Massachusetts at Town Meeting is required prior to a Harwich building official practicing for private hire business which he is certified, licensed or registered under the building code within the Town. A Town Meeting vote to adopt c.143, §3Z will then allow the board of selectmen to appoint a special inspector to inspect this referenced work when; and if, this situation arises. The current use of part time building officials by the building department makes this possibility more likely in the future.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. ADOPTION OF THIS STATE LEGISLATION WILL ALLOW THE BUILDING DEPARTMENT TO BE OPERATED AND ADMINISTERED MORE EFFICIENTLY. OTHER CAPE TOWNS HAVE SIMILARLY ADOPTED SUCH LEGISLATION, AND SUCH LEGISLATION EXISTS AND HAS ALREADY BEEN ADOPTED FOR OTHER INSPECTIONAL SERVICES IN THE TOWN.

VOTE: YES-5, NO-0.

ADOPT M.G.L. CHAPTER 59, § 5, CLAUSE 56 – ASSESSMENT OF LOCAL TAXES –
PROPERTY; EXEMPTIONS

ARTICLE 53 To see if the Town will vote to adopt MGL Chapter 59, Sec 5, Clause 56. Upon the acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town; said change to take effect in FY 2015, and to act fully thereon. By request of the Harwich Veterans Agent and the Board of Assessors

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ARTICLE ALLOWS THE TOWN OF HARWICH TO PROVIDE TAX RELIEF TO NATIONAL GUARD AND RESERVISTS WHO ARE DEPLOYED OVERSEAS AND ARE HAVING FINANCIAL DIFFICULTY DUE TO THAT DEPLOYMENT. THIS IS A HARDSHIP ARTICLE. VOTE: YES-7, NO-0, ABSTAIN-0

HOME RULE CHARTER AMENDMENT – CHAPTER 3, SECTION 7 PROHIBITIONS

ARTICLE 54 To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court to amend the Harwich Town Charter Chapter as set forth in Chapter 18 of the Acts of 2006 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 on the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to provide amendments which shall be within the scope of the general public objectives to this petition, and to act fully thereon. By Petition.

An Act Relative to the Charter of the Town of Harwich

Underlined words indicate language proposed for insertion.

Chapter 3. BOARD OF SELECTMEN Section 7. Prohibitions

3-7-2 Members of the Board of Selectmen shall be ineligible to serve as members of any appointive or other elective town agency, or as members of any elective regional, county or Commonwealth agency.

Explanation Provided by Petitioner: Current language would allow Board of Selectmen member to hold multiple elected offices, which could create significant conflict of interest in the performance of the duties and responsibilities for the entire Town. A Board of Selectmen member could be voting on a project or budget for an agency other than the Town, which would then require that member to recuse from discussion and vote for the Town as a whole. This would not serve in the Town's best interest.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. DURING OUR DISCUSSION OF THIS ARTICLE SEVERAL MEMBERS HAD CONCERNS ABOUT POSSIBLE CONFLICT OF INTEREST AND AS A RESULT THE VOTE: YES-4, NO-1, ABSTAIN-0

AMEND THE CODE OF THE TOWN OF HARWICH, BY-LAWS – BARKING DOGS

ARTICLE 55 To see if the Town will vote to amend the Town By-Laws Section 26-5, entitled Barking Dogs, by re-titling the bylaw and replacing it in its entirety with the following, and to act fully thereon. (New language is in **BOLD**):

26-5 Noise from Domestic Animals

- A. No person owning or keeping a dog shall allow or permit said dog to annoy another person's reasonable right to peace and privacy by making loud and continuous noise where such noise is plainly audible at 150 feet from the building, structure, vehicle, or premises in which or from which such noise is produced and such noise is continuous in excess of 10 minutes regardless of the time of day or night. The fact that such noise is plainly audible at said distance and continuous in excess of 10 minutes shall constitute prima facie evidence of a violation of this bylaw.
- B. No person owning or keeping any domestic animal, including livestock or fowls other than a dog, shall allow or permit said animal to annoy another person's reasonable right to peace and/or privacy by making loud noise where such noise is plainly audible at 150 feet from the building, structure, or premises in which**

or from which such noise is produced. The fact that such noise is plainly audible at said distance shall constitute prima facie evidence of a violation of this bylaw.

1. Properly zoned agricultural livestock operations as defined by MGL Chapter 40A, Section 3 are exempt from the provisions of this subsection.

C. Whoever as owner or keeper of any domestic animal violates the provisions of this bylaw shall be subject to a fine of \$50 for the first offense, \$100 for the second, and \$200 for the third and subsequent offences when there is less than twelve (12) months since the last conviction.

By request of the Board of Selectmen, Town Administrator, and Chief of Police.

Explanation: The purpose of the additions to this bylaw is to address increasing complaints of domesticated animals other than dogs, such as roosters, geese, peacocks, as well as livestock that are kept in residential and business zones and routinely disturb the peace of surrounding residents. The revisions also provide progressive fines for repeated violations. Agricultural operations are specifically exempted.

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

**AMEND THE CODE OF THE TOWN OF HARWICH, BY-LAWS - CIVIL
FINGERPRINTING TOWN BY-LAW**

ARTICLE 56 To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to create a by-law enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals for the following licenses: Hawking, Peddling, or other Door-to-Door Salespeople, Manager of Alcoholic Beverage License, Owner or Operator of Public Conveyance, Dealer of Second-hand Articles, Pawn Dealers, Junk Metal Dealers, Hackney Drivers, and Ice Cream Truck Vendors, and to adopt appropriate policies and procedures to effectuate the purposes of this by-law, and to act fully thereon.

164-7 Civil Fingerprinting - Criminal History Check Authorization for Certain Licenses

A. The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities applying for the following licenses:

1. Hawking and Peddling or other Door-to-Door Salespeople
2. Manager of Alcoholic Beverage License
3. Owner or Operator of Public Conveyance
4. Dealer of Second-hand Articles
5. Pawn Dealers
6. Junk Metal Dealers

7. Hackney Drivers
 8. Ice Cream Truck Vendors
- B. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent.
1. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS"), which has issued an Informational Bulletin, which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.
- C. Upon receipt of the fingerprints, the individual's consent and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI), or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.
1. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law.
 2. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities.
 3. Use of Criminal Record by Licensing Authorities Licensing of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law.
- D. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

1. Licensing authorities of the Town are hereby authorized to deny any application, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.
 - E. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be established by a vote of the Board of Selectmen. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for its costs associated with the administration of the fingerprinting program.
 - F. The Board of Selectmen is authorized to promulgate regulations for the implementation of this by-law, but in doing so it is recommended that it consult with the Chief of Police, Town Counsel, and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state and federal requirements.
 - G. This by-law shall take effect upon approval by the Attorney General, so long as the requirements of MGL Chapter 40 Section 32 are satisfied.
- By request of the Police Chief.

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

HARWICH WETLANDS PROTECTION BY-LAW

Underlined words indicate language proposed for insertion
~~Words with Strike Through~~ indicate language proposed for deletion

ARTICLE 57 To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 340 Wetlands as set forth below and to act fully thereon. By request of the Conservation Commission.

Explanation: Numerous small changes have been made by recommendation of the Harwich Conservation Commission to help make the Wetlands Bylaw more user-friendly. Definitions have been added/revised. The size requirement for a wetland has been decreased from 5,000 sq. ft. to 3,000 sq. ft., so as to better protect our small wetlands.

CHAPTER 310. WETLANDS PROTECTION

§ 310-1. Purpose.

§ 310-2. Definitions.

§ 310-3. Jurisdiction.

§ 310-4. Conditional exceptions.

§ 310-5. Application for permit and request for determination.

§ 310-6. Notice and hearings.
§ 310-7. Coordination with other communities and boards.
§ 310-8. Permits and conditions.
§ 310-9. Rules and regulations.
§ 310-10. Security.
§ 310-11. Enforcement.
§ 310-12. Burden of proof.
§ 310-13. Appeals.
§ 310-14. Relation to Wetlands Protection Act.

[HISTORY: Adopted by the Special Town Meeting of the Town of Harwich 5-5-2009 by Art. 1. Amendments noted where applicable.]

§ 310-1. Purpose.

- A. The purpose of this bylaw is to protect the wetlands, water resources and adjoining land areas in the Town of Harwich by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative adverse effect on the values of resource areas, as hereafter defined, including but not limited to the following:
- (1) Protection of public or private water supply.
 - (2) Protection of groundwater.
 - (3) Flood control.
 - (4) Storm damage prevention (including coastal storm flowage).
 - (5) Prevention of pollution.
 - (6) Protection of land containing shellfish.
 - (7) Protection of fisheries.
 - (8) Protection of wildlife habitat.
 - (9) Protection of rare species habitat including rare plant species.
 - (10) Protection of water quality.
 - (11) Erosion and sedimentation control.
 - (12) Agriculture.
 - (13) Aquaculture.
 - (14) Recreation.
- B. These values are deemed important to the community (collectively the "resource area values protected by this bylaw"). This bylaw is intended to utilize the home rule authority of this municipality to protect additional resource areas for their additional values, with additional standards and procedures stricter than those of the Wetland Protection Act (MGL c. 131, § 40) and regulations thereunder (310 CMR 10.00).

§ 310-2. Definitions.

A. The following definitions shall apply in the interpretation and implementation of this bylaw:

AGRICULTURE

Any work which produces food or other products for commerce or subsistence which occurs in, on, or within 100 feet of a resource area or which is directly or indirectly dependent upon wetlands values for proper agricultural functions, such as prevention of pollution or maintenance

of adequate water flow for irrigation. Agriculture includes, but is not limited to the growing of crops, including cranberries, and the raising of livestock. Nonagricultural activities in or within 100 feet of resource areas shall not have a significant effect on existing agriculture.

ALTER- Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (1) Removal, excavation, or dredging of soil, sand, gravel or aggregate materials of any kind.
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- (3) Drainage, or other disturbance of water level or water table.
- (4) Dumping, discharging or filling with any material which may degrade water quality.
- (5) Placing of fill, or removal of material, which would alter elevation.
- (6) Driving of piles, construction, or repair of buildings or structures of any kind.
- (7) Placing of obstructions or objects in water.
- (8) Destruction of plant life, including cutting of trees.
- (9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- (10) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

AQUACULTURE

The growing, raising, breeding, storing, or producing of specified aquatic or marine organisms at specified locations for commercial, municipal, or scientific purposes as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to: shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as Irish moss and dulse; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. Activities in or within 100 feet of a resource area shall not have a significant effect on existing permitted aquaculture.

COASTAL BANK

The seaward face or side of any elevated landform, other than Coastal Dune, which lies at the landward edge of a Coastal Beach, Land Subject to Coastal Storm Flowage, or other wetland. A coastal bank may serve one of two functions:

A. It may serve as a vertical buffer because of its height and stability which protects upland areas from storm damage and flooding. Activities shall not increase erosion of a coastal bank, either from above (by stormwater runoff, brushcutting or other means) or from below (by tidal action, wind and waves). Any project on such a coastal bank shall have no adverse impact on the stability of the coastal bank.

B. Coastal banks composed of unconsolidated sediment and exposed to vigorous wave action serve as a source of sediment for dunes, beaches, barrier beaches and other coastal landforms. Naturally occurring wave action removes sediment from these banks to replenish coastal landforms. These landforms protect coastal wetlands and real property by reducing storm damage and flooding by dissipating storm wave energy. Any project on or within a coastal bank

serving this function shall not have a significant effect on that bank's ability to serve as a sediment source.

DIADROMOUS FISH

Diadromous fish are species of fish that must migrate between fresh and marine waters to complete essential stages of their life history. In Harwich, spring spawning runs (river herring, white perch and Atlantic tomcod) and juvenile migrations (American eel) occur in Muddy Creek, Red River and Herring River. Juvenile eel migrations also occur in Cold Brook and the Andrews River. The coastal rivers serve as migratory habitat and the freshwater ponds in these watersheds serve as spawning and nursery habitat. Activities in or within 200 feet of a river supporting a diadromous fish run shall not have a significant adverse effect on the fish run.

FISHERIES and/or MARINE FISHERIES – Means:

- (1) The fish and shellfish resource itself, including all fish and shellfish found in fresh, salt, or brackish waters and any organisms including plants that make up part of the food chain of such animals regardless of their commercial value; and/or
- (2) The recreational or commercial catching of fish or shellfish from the ocean or from freshwater bodies.

FLOOD CONTROL

The ability of wetlands to absorb, store and slowly release floodwaters to minimize peak flood levels. Flooding can be caused by precipitation or a rising water table. Activities within 100 feet of resource areas shall not alter the flood control value of wetlands significantly.

GROUNDWATER

All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

INLAND BANK

Includes the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is lower.

NO-DISTURB ZONE

The land running 50 feet landward from an abutting resource area. No substantial activity, that will result in the building within or upon, filling, removing or altering of land, shall be permitted, with the following exceptions:

- (1) Maintenance of an existing permitted structure
- (2) An activity that has been expressly allowed by a variance from the Conservation Commission.

PERSON

Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, state, the commonwealth or political subdivision thereof to the

extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

PRIVATE WATER SUPPLY

Any source or volume of surface or ground water demonstrated to be in private use or shown to have potential for private use, including ground or surface water in the zone of contribution around a private well. Activities in or within 100 feet of a resource area shall not have a significant effect on the quality of a private water supply.

PUBLIC WATER SUPPLY

Any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, § 160 by the Department of Environmental Protection Division of Water Supply, or demonstrated to have a potential for public use, in addition to all surface and ground water in zones of contribution. Activities within 100 feet of resource areas shall not have a significant effect on the quality of a public water supply.

RARE SPECIES HABITAT

Includes, without limitation, habitats for all vertebrate and invertebrate animal species and plant species listed as endangered, threatened, or of special concern by the Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

RECREATION

Any leisure activity or sport taking place in, on, or within 100 feet of a resource area which is dependent on the resource area and its values directly or indirectly for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shellfishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values.

STORM DAMAGE PREVENTION

The ability of wetland soils, vegetation and physiography to prevent damage caused by water from storms, including but not limited to: erosion and sedimentation; damage to vegetation, property or buildings; or damage caused by flooding, waterborne debris or waterborne ice. Activities in or within 100 feet of a resource area shall not have a significant effect on storm damage protection.

SURFACE WATER BODY

Any area where water or ice stands or flows over the surface of the ground for at least five months of any calendar year except in times of severe, extended drought as defined in appropriate section of 310 CMR. Drainage ditches, exclusive of fish runs and intermittent streams, and impoundment areas which hold or pass water only during or for short periods following storms and which, owing to their relationship to groundwater, do not support wetland vegetation, are excluded from this definition.

VERNAL POOL

Refers to a seasonal freshwater body contained in a confined basin depression that holds water for a minimum of two consecutive months in most years, is free of adult fish populations, and provides breeding habitat for amphibians and invertebrates. The boundary of vernal pool habitat shall extend outward 100 feet from the mean annual high-water mark of such a depression. Vernal pools include those areas mapped and certified by the Massachusetts Natural Heritage and Endangered Species Program as well as those areas identified in the field as eligible for certification by a professional wildlife biologist or other expert.

WILDLIFE HABITAT

Resource areas that provide breeding and nesting habitats, shelter, food and water to all plant and animal species dependent on wetlands for any portion of their life cycles. Includes resource areas identified as containing rare, threatened or endangered species as listed by the Massachusetts Natural Heritage Program. Structures and activities in or within 100 feet of any resource area shall not have a significant effect on wildlife habitat.

B. Except as otherwise provided for in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be set forth in the Wetlands Protection Act (MGL. C 131, § 40) and regulations 310 CMR 10.00.

FLOOD CONTROL

~~The ability of wetlands to absorb, store and slowly release floodwaters to minimize peak flood levels. Flooding can be caused by precipitation or a rising water table. Activities within 100 feet of resource areas shall not alter the flood control value of wetlands significantly.~~

GROUNDWATER

~~All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.~~

PRIVATE WATER SUPPLY

~~Any source or volume of surface or ground water demonstrated to be in private use or shown to have potential for private use, including ground or surface water in the zone of contribution around a private well. Activities in or within 100 feet of a resource area shall not have a significant effect on the quality of a private water supply.~~

PUBLIC WATER SUPPLY

~~Any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, § 160 by the Department of Environmental Quality Engineering Division of Water Supply, or demonstrated to have a potential for public use, in addition to all surface and ground water in zones of contribution. Activities within 100 feet of resource areas shall not have a significant effect on the quality of a public water supply.~~

AGRICULTURE

~~Any work which produces food or other products for commerce or subsistence which occurs in, on, or within 100 feet of a resource area or which is directly or indirectly dependent upon wetlands values for proper agricultural functions, such as prevention of pollution or maintenance of adequate water flow for irrigation. Agriculture includes, but is not limited to the growing of~~

crops, including cranberries, and the raising of livestock. Nonagricultural activities in or within 100 feet of resource areas shall not have a significant effect on existing agriculture.

AQUACULTURE

The growing, raising, breeding, storing, or producing of specified aquatic or marine organisms at specified locations for commercial, municipal, or scientific purposes as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to: shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as Irish moss and dulse; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. Activities in or within 100 feet of a resource area shall not have a significant effect on existing permitted aquaculture.

RARE SPECIES HABITAT

Includes, without limitation, habitats for all vertebrate and invertebrate animal species and plant species listed as endangered, threatened, or of special concern by the **Natural Heritage and Endangered Species Program** of the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

VERNAL POOL

A. Refers to a seasonal freshwater body contained in a confined basin depression that holds water for a minimum of two consecutive months in most years, is free of adult fish populations, and provides breeding habitat for amphibians and invertebrates. The boundary of vernal pool habitat shall extend outward 100 feet from the mean annual high water mark of such a depression. Vernal pools include those areas mapped and certified by the Massachusetts Natural Heritage and Endangered Species Program as well as those areas identified in the field as eligible for certification by a professional wildlife biologist or other expert.

B. Except as otherwise provided for in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

RECREATION

Any leisure activity or sport taking place in, on, or within 100 feet of a resource area which is dependent on the resource area and its values directly or indirectly for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shellfishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values.

§ 310-3. Jurisdiction.

Except as permitted by the Conservation Commission or as provided for in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter any freshwater or coastal wetland resource areas, including:

- A. Freshwater wetland resource areas. Marshes; wet meadows; bogs; swamps; vernal pools and vernal pool habitat; lands subject to flooding, both bordering and isolated; isolated wetlands greater than 5,000 3,000 square feet; banks; reservoirs; lakes; ponds greater than 5,000 3,000

square feet; rivers, including the 200' riverfront area; streams and creeks, including intermittent streams; and the lands underneath lakes, ponds, streams and creeks.

- B. Coastal wetland resource areas. Land under the ocean; designated port areas; coastal beaches; coastal dunes; barrier beaches; coastal banks; rocky intertidal shores; salt marshes; land under salt ponds; land containing shellfish and fish runs; lands subject to tidal action, coastal storm flowage or flooding.
- C. Lands within 100 feet of any of the aforesaid resource areas, as set out in this section, except for the riverfront area and vernal pool habitat.

§ 310-4. Conditional exceptions.

- A. The application and permit required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Commission prior to the commencement of work.
- B. The provisions of this bylaw shall not apply to any mosquito control work done under the provisions of MGL c. 252 or any special act, to maintenance of drainage and flooding systems of cranberry bogs and to work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use, or to any project authorized by special act prior to January 1, 1973.
- C. The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- D. Conservation Variance Provision. In rare and unusual circumstances the Commission, at its discretion, may grant a conservation variance from the requirements of the fifty-foot no-disturb zone. Such a conservation variance may be granted upon a clear and convincing showing of evidence by the applicant that the proposed work will not adversely affect the environmental values protected by this bylaw.

§ 310-5. Application for permit and request for determination.

- A. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw.
 - (1) The application shall include such information and plans that are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw.

(2) No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

- B. If appropriate, the Commission may accept as the application and plans under this bylaw the notice of intent and plans filed under the Wetlands Protection Act (MGL c. 131 § 40) and the Commission's regulations.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a request for determination shall include information and plans as are deemed necessary by the Commission.
- D. At the time of application the applicant shall pay a filing fee specified in the regulations of the Conservation Commission promulgated in accordance with this chapter.

§ 310-6. Notice and hearings.

- A. Any person filing a permit application or a request for determination with the Commission shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable Assessor's tax list. Abutters include those immediately adjacent, across a road or water body, and in another municipality if within 100 feet of the boundary of the property where work is proposed. The notice to abutters shall state where copies of the permit application and plans may be obtained or examined by abutters. An affidavit of the person giving such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When the person requesting a determination is other than the owner, a copy of the request for determination shall be sent by the applicant to the owner, and the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.
 - B. The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, which notice shall be published in a newspaper of general circulation in the Town of Harwich at least five business days prior to the hearing.
 - C. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or request for determination unless an extension is authorized in writing by the applicant.
 - D. The Commission shall issue its determination or permit in writing within 21 days of the close of the public hearing or receipt of the file number issued by the Massachusetts Department of Environmental Protection, whichever is later, unless an extension is authorized in writing by the applicant.
 - E. If appropriate, the Commission may combine its hearing under this bylaw with the hearing required under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).
 - F. Continuance of public hearing.
- ~~(1) Public hearings may be continued as follows:~~
- ~~(a) Without the consent of the applicant, to a date, announced at the hearing, which continued date shall be within 21 days of receipt of the notice of intent;~~
 - ~~(b) With the consent of the applicant, to an agreed upon date, which shall be announced at the hearing; or~~
 - ~~(c) With the consent of the applicant, for a period not to exceed 21 days after the submission of a specified piece of information or the occurrence of a specified action.~~

~~(2) The date, time and place of said continued hearing shall be publicized in accordance with MGL c. 131, § 40, and notice shall be sent to any person at the hearing who so requests in writing.~~

The Commission has the authority to continue a hearing to a date certain, which shall be announced at the hearing, for reasons stated at the hearing. The reasons may include receipt of additional information deemed necessary by the Commission, for receipt of information offered by the applicant, or for the Commission to be able to hear comments and recommendations of other local or state boards and officials. In the event that the applicant objects to the continuance, the hearing shall be closed and the Commission shall take action based on the information available.

§ 310-7. Coordination with other communities and boards.

Any person filing a permit application or a request for determination with the Commission shall provide a copy thereof at the same time, by certified mail, to the Conservation Commission of the adjoining municipality, if the application or request for determination pertains to property within 100 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The applicant, as well as the Commission, shall have the right to request any comments and recommendations from other Town boards and departments, and to respond to them at a hearing of the Commission, prior to final action.

§ 310-8. Permits and conditions.

- A. If the Commission, after a public hearing, determines that the activities which are subject to the application or the land and water uses which will result there from are likely to have a significant individual or cumulative adverse effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing or receipt of the file number issued by the Massachusetts Department of Environmental Protection, whichever is later, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect the resource area values, and all activities shall be done in accordance with those conditions.
- B. The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Permits for maintenance dredging shall expire ten years from the date of issuance. The applicant shall written notice of dredging at least thirty days prior to each commencement. Such notice shall contain the location of the project, permit number, name of applicant, and proposed start date.
- ~~D. Lands within 200 feet of rivers as defined by MGL c. 131, § 40, and lands within 100 feet of other resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood to adversely impact the wetland or other resource areas, either immediately, as a consequence of construction,~~

~~or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, degradation of water quality, and loss of wildlife habitat. The Commission therefore may, where practicable, require the applicant to maintain a strip of continuous, undisturbed vegetative cover within the two hundred foot riverfront area or one hundred foot buffer zone of not less than 50 feet adjacent to any freshwater or coastal wetland, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the resource area values protected under this bylaw.~~

E. To prevent wetlands loss, the Commission shall require applicants to:

- (1) Avoid wetlands alteration wherever feasible;
- (2) Minimize wetlands alteration by using best management practices (BMPs); and, where alteration is unavoidable,
- (3) Require full mitigation for disturbance to the wetland resource area or to the buffer zone. The Commission may authorize or require replication of wetlands or restoration of the buffer zone as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

F. Except as provided in MGL c. 131, § 40 for maintenance dredging, a permit shall expire three years from the date of issuance. ~~Notwithstanding the above, the Commission in its discretion may issue a permit for up to five years from the date of issuance where special circumstances warrant and where those special circumstances are set forth in the permit.~~ A permit may be extended for one or more periods of up to three years, provided that a request for renewal is received in writing by the Commission 30 days prior to the expiration of the permit. The Commission may deny the request for an extension and require the filing of a new notice of intent for the remaining work in the following circumstances:

- (1) Where no work has begun on the project, except where such failure is due to an unavoidable delay, such as appeals, in the obtaining of other necessary permits.
- (2) Where new information, not available at the time the order was issued, has become available and indicates that the order is not adequate to protect the interests identified in MGL c. 131, § 40;
- (3) Where work has been done in violation of the order or 310 CMR 10.00.

G. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place and shall apply to all owners of the land, now and in the future. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the determination or permit, notice to the public and abutters, and a public hearing.

H. The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the order of conditions or determination of applicability issued under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).

I. No activity proposed in any permit application shall be undertaken until an appeal period of 10 business days under the Wetlands Protection Act has elapsed and the permit issued by the Commission with respect to such activity has been recorded in the Barnstable County Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for Barnstable County, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

§ 310-9. Rules and regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this bylaw.
- B. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and the procedures governing the amount and filing of fees.

§ 310-10. Security.

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities in an amount sufficient in opinion of the Commission and payable to the Town of Harwich. ~~or other undertaking of financial responsibility which is sufficient in the opinion of the Commission to secure the obligations of the applicant to undertake the activities so authorized pursuant to the conditions contained in the permit.~~ Said security shall be released in whole or in part upon issuance of a certificate of compliance upon completion of the work performed pursuant to a permit.
- B. By accepting a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 310-11. Enforcement.

- A. No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.
- B. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- C. Upon request of the Commission, the Selectmen and the Town Counsel may take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement of this bylaw.
- E. Any person who violates any provision of these bylaws or any regulations promulgated hereunder, or permits or administrative orders issued thereunder, may be punished by a fine of \$300 per violation. Each day or portion thereof during which a violation continues, or unauthorized fill or other alterations remain in place, shall constitute a separate offense, and each

provision of the regulations, permits or administrative orders violated shall constitute a separate offense.

- F. In enforcing this section, the Commission may issue citations under the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town. *Editor's Note: See Ch. 1, General Provisions, § 1-2.* Members of the Commission, its agent or any police officer are authorized to issue noncriminal disposition citations.
- G. The Commission or its agent may also issue a Stop Work Order and/or an Enforcement Order, or have the offending party file an after-the-fact Notice of Intent for the work. The Commission may order the offending party to present a restoration plan that is acceptable to the Commission and to complete the planting onsite during the next growing season.

§ 310-12. Burden of proof.

- A. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw.
- B. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit. ~~or grant a permit with conditions.~~

§ 310-13. Appeals.

A decision of the Commission under this bylaw shall be reviewable in the Superior Court in accordance with MGL c. 249, § 4.

§ 310-14. Relation to Wetlands Protection Act.

This bylaw is adopted under the home rule amendment of the Massachusetts Constitution and the home rule statutes, independent of the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00) thereunder.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THE PROPOSED BY-LAW AMENDMENTS ARE INTENDED TO MAKE CONSERVATION COMMISSION REVIEW MORE 'USER FRIENDLY' FOR THOSE SEEKING REVIEW, AND ALSO TO BRING THE BY-LAW INTO CURRENT BEST PRACTICES SIMILAR TO THOSE IN NEIGHBORING COMMUNITIES. VOTE: YES-7, NO-0

APPROVE EASEMENT FOR VERIZON AT 209 AND 213 QUEEN ANNE ROAD

ARTICLE 58 To see if the Town will vote to grant an exclusive and perpetual easement to Verizon New England and Nstar Electric to place and maintain poles and facilities on town-owned property off Queen Anne Road as shown on plan titled "Exhibit A – Harwich Transfer Station" dated September 3, 2013, and to act fully thereon. By request of the Board of Selectmen.

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

EXHIBIT 'A'

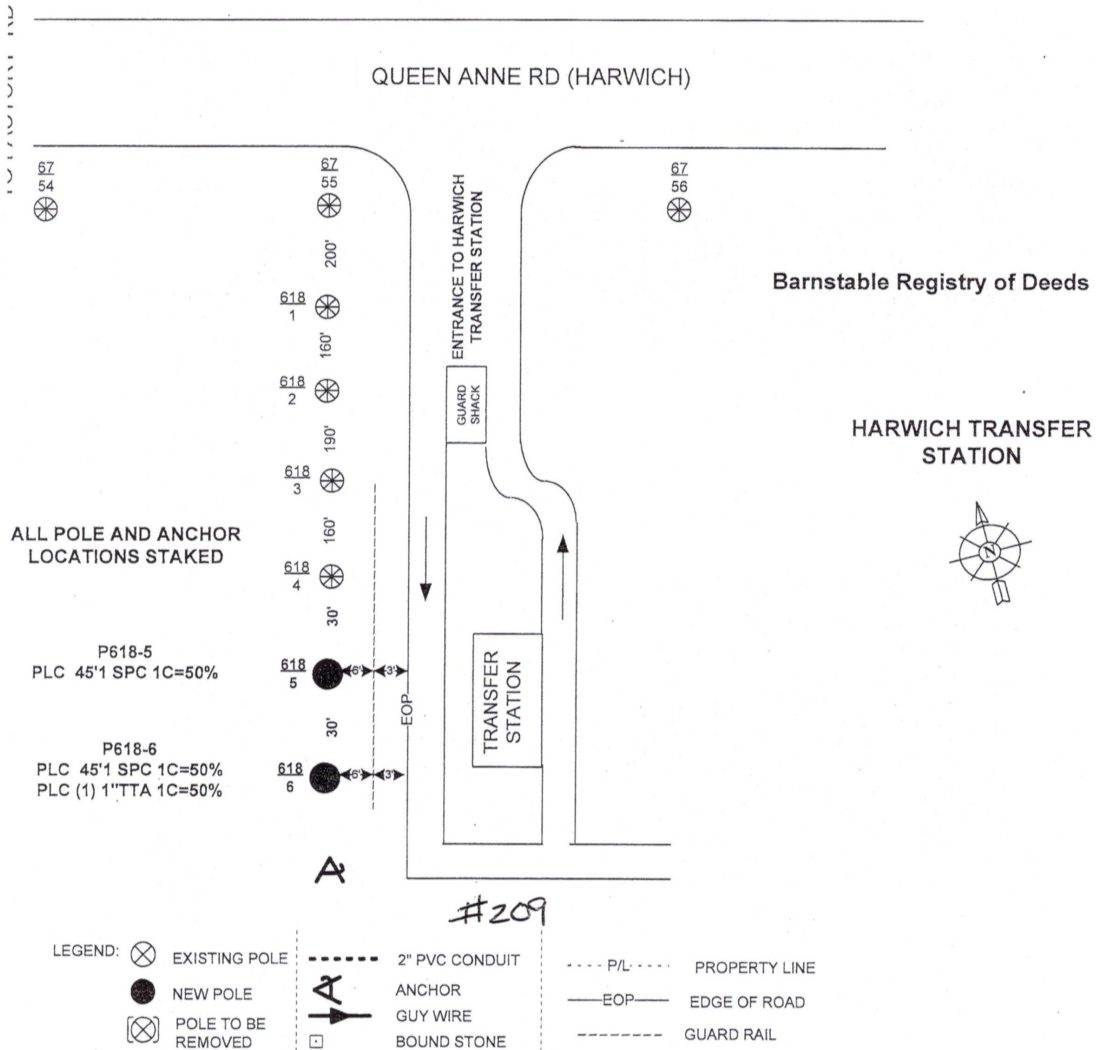
Verizon Plan No. 1 MUNICIPALITY HARWICH Sep 3, 2013
 PLAN FOR HARWICH TRANSFER STATION EWO# 4AA5NX

TO ACCOMPANY PETITION OF VERIZON NEW ENGLAND INC.
 AND NSTAR ELECTRIC COMPANY

Reason (s): PLACE (2) 45'CL1 POLE
 PLACE (1) 1" TTA ANCHOR
 FOR HARWICH TRANSFER STATION

#210

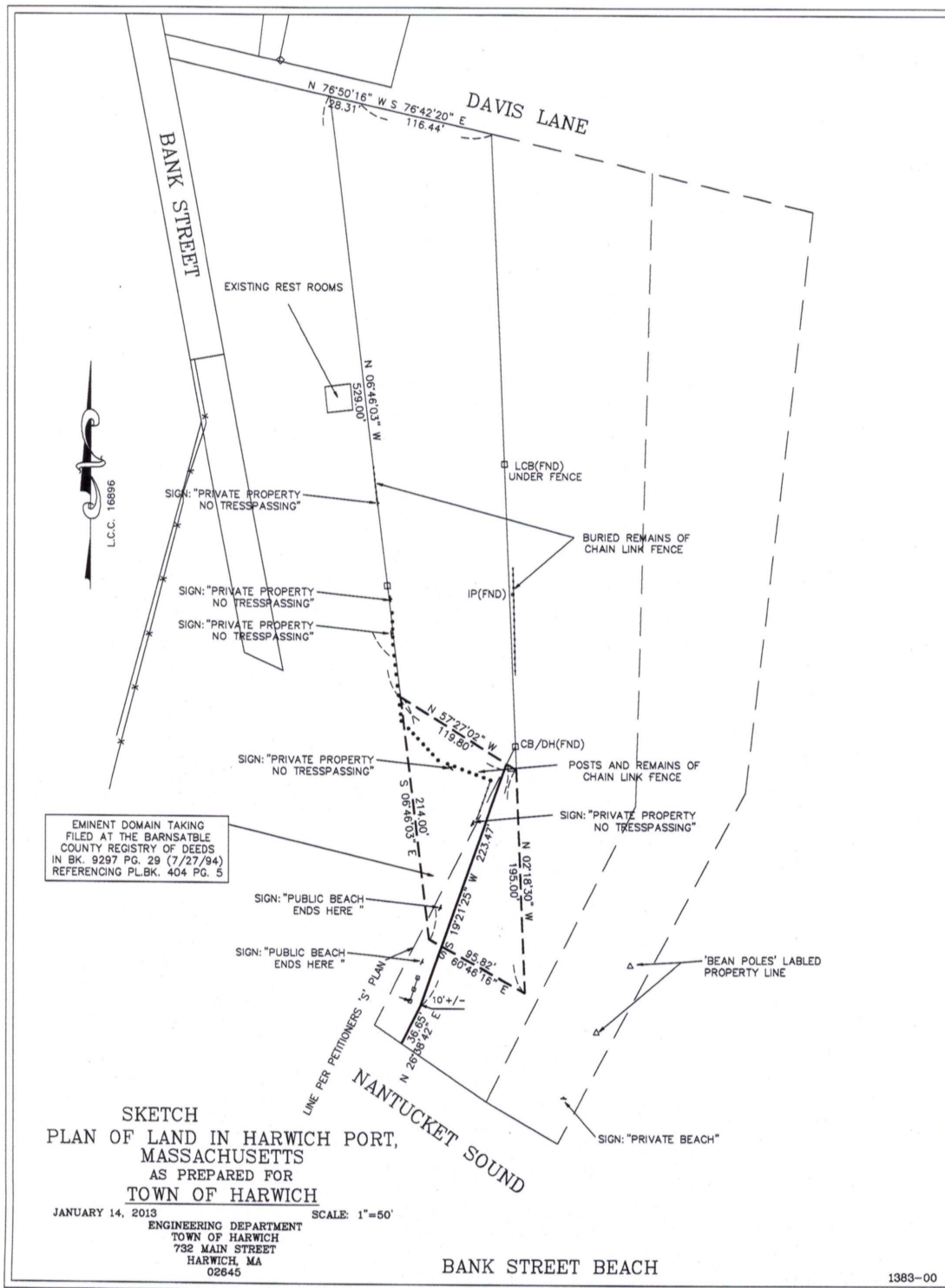
NOT TO SCALE



CORRECT ORDER OF TAKING - BANK STREET BEACH

ARTICLE 59 To see if the Town will vote to authorize and direct the Board of Selectmen to correct the description in the Order of Taking authorized by the vote on Article 47 of the Warrant for the 1985 Annual Town Meeting held on April 8, 1985 and recorded in the Barnstable Registry of Deeds in Book 4697 Page 64; and the Order of Taking authorized by the vote on Article 33 of the Warrant for the 1994 Annual Town Meeting held on May 4, 1994 and recorded in said Registry in Book 9297 Page 29, to reflect the correct easterly boundary line of the Town-owned Bank Street Beach, as more particularly shown on a sketch plan entitled “_____” a copy of which is on file with the Town Clerk’s office; and to authorize the Board of Selectmen to execute any and all instruments as may be necessary to accomplish the above purposes and to act fully thereon. By request of the Board of Selectmen.

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



DOWNEY PROPERTY ACQUISITION

ARTICLE 60 To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for general municipal purposes, all or a portion of land now or formerly owned by Julia T. Downey, Trustee, and located on the south side of Route 28 in Harwich, Mass, and shown on Assessor's map 15 as Parcel H4, containing 2.2 acres, more or less, and to raise and appropriate, or transfer from available funds or borrow a sufficient sum of money for such acquisition. Such bond, if issued, shall be subject to a debt exemption as authorized by Chapter 59 section 21C of the Massachusetts General Laws; and further to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ _____.

FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE YES-7, NO-0. FINCOM VOTES NRPI WHEN, AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINCOM VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. FINCOM WILL MAKE ITS RECOMMENDATION AT TOWN MEETING (ANNUAL AND SPECIAL).

SALE OR LEASE OF THE HARWICH MIDDLE SCHOOL

ARTICLE 61 To see if the Town will vote to transfer the care, custody, management and control of all or a portion of that land and improvements thereon identified as Assessors' Parcel 40-T6-0-E, having an address of 263 South Street and 204 Sisson Road, containing the former Harwich Middle School and associated parking and facilities from such board and for such purposes as such land is presently held, to the Board of Selectmen for general municipal purposes, including the purpose of conveyance, and further to authorize the Board of Selectmen to convey all or a portion of such land or interests in such land upon such terms and for such consideration as the Selectmen deem appropriate, which may be a lease for a term not to exceed 99 years, and to enter into all agreements and take all other actions necessary or appropriate to carry out this transaction, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THE SELECTMEN WILL DETERMINE THE NEED FOR THIS TRANSACTION. VOTE: YES-7, NO-0

DEFRAY COSTS FOR MAINTENANCE OF HARWICH MIDDLE SCHOOL

ARTICLE 62: to see if the Town will raise an appropriate and/or transfer from available funds such sums of money as may be required to defray costs related to the minimal maintenance of the former Harwich Middle School for FY 15, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$125,000

Explanation: Administration is seeking a reuse for the middle school. It is anticipated that the Monomoy School District will be turning over the facility to the Board of Selectmen during the summer. The board has already initiated a request for proposals for the buildings reuse. It is anticipated that that process will take some time to come to fruition. During this interim period the town will need to minimally heat and minimally secure the building. Administration believes the cost for these minimal usage will be approximately \$125,000 during fiscal year 15. If the town decides to mothball the building the building will deteriorate quickly and lose a significant portion of its reuse potential.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THE RFP FOR THE BUILDING REUSE WILL DETERMINE COSTS AND ASSOCIATED TIME NEEDED TO CARRY EXPENSE IN 2015. VOTE: YES-7, NO-0

RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2014
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES

ARTICLE 63 To see if the Town will vote to reserve for future appropriations amounts from the FY 2014 Community Preservation Act Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY 2014 Budgeted reserve; and to act fully thereon. By request of the Community Preservation Committee.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION AT OR BEFORE THE ANNUAL TOWN MEETING. VOTE: YES-8, NO-0.

HABITAT FOR HUMANITY HOUSING DEVELOPMENT PROJECT

ARTICLE 64 To see if the Town will vote to appropriate from Community Preservation Act Funds-Housing Reserve, \$140,000 to assist in the creation of up to seven (7) single family affordable homes on property owned by the Habitat for Humanity of Cape Cod, Inc. at 1092 Oak Street, Harwich; and to act fully thereon; and to authorize the Board of Selectmen to accept an affordable housing restriction. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Community Housing Reserve. By request of the Community Preservation Committee and Habitat for Humanity. Estimated Cost: \$140,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$140,000 FROM COMMUNITY PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE MANDATES OF THE COMMUNITY PRESERVATION ACT, PROVISION FOR AFFORDABLE HOUSING. VOTE: YES-8, NO-0.

REVITALIZATION OF THE BROOKS ACADEMY MUSEUM-PHASE I

ARTICLE 65 To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$30,000 to fund an analysis of the preservation and restoration needs of Brooks Academy and of the resources maintained there by the Harwich Historical Society; and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve. By request of the Community Preservation Committee and Brooks Academy Museum Commission. Estimated Cost: \$ 30,000.

THE FINANCE COMMITTEE RECOMMENDSTHAT THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$30,000 FROM COMMUNITY PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE MANDATES OF THE COMMUNITY PRESERVATION ACT, HISTORIC PRESERVATION. VOTE: YES-7, NO-1

HISTORIC PRESERVATION STUDY OF EXTERIOR OF BROOKS BLOCK AND BANK BUILDING AT BROOKS FREE LIBRARY

ARTICLE 66 To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$25,000 to fund an analysis of the preservation and restoration needs of the historic portion of the Brooks Free Library; and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve. By request of the Community Preservation Committee, and the Brooks Free Library Board of Trustees. Estimated Cost: \$ 25,000.

THE FINANCE COMMITTEE RECOMMENDSTHAT THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$25,000 FROM COMMUNITY PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE MANDATES OF THE COMMUNITY PRESERVATION ACT, HISTORIC PRESERVATION. VOTE: YES-7, NO-1

BROOKS LIBRARY PRESERVATION AMENDMENT

ARTICLE 67 To see if the Town will vote to amend Article 41 from the May 2012 Annual Town Meeting to expand the approved use of the \$39,000 from the Community Preservation Act Funds-Historic Reserve previously approved, from “restoration, preservation, and replacement as necessary, using historically appropriate materials, of the historically and architecturally significant ‘Brooks Building’ (the middle building in the Brooks Free Library complex)” to also include the historical portion of the Brooks Free Library known as the “Bank Building”; and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve. By request of the Community Preservation Committee, and the Brooks Free Library Board of Trustees. Estimated Additional Cost: \$0.

THE FINANCE COMMITTEE RECOMMENDSTHAT THIS ARTICLE BE ACCEPTED AND ADOPTED, AS IT APPROPRIATELY FURTHERS ONE OF THE MANDATES OF

**THE COMMUNITY PRESERVATION ACT, HISTORIC PRESERVATION. VOTE:
YES-8, NO-0**

PRESERVING HARWICH'S GLASS PLATE IMAGES

ARTICLE 68 To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$11,200 a sum of money to preserve, digitize and archive the collection of Glass Plate Images maintained by the Harwich Historical Society, and to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Historical Society; and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve. By request of the Community Preservation Committee, and the Harwich Historical Society. Estimated Cost: \$11,200.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED IN THE AMOUNT OF \$11,200 FROM COMMUNITY
PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE
MANDATES OF THE COMMUNITY PRESERVATION ACT, HISTORIC
PRESERVATION. VOTE: YES-8, NO-0**

FLASHING WARNING LIGHTS FOR BIKE TRAIL

ARTICLE 69 To see if the Town will vote to appropriate from Community Preservation Act Funds-Budgeted Reserve, \$15,000 to install a Flashing Warning Light System at the intersection of the OCRT Bike Trail and Harwich-Orleans Road (Route 39); and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Budgeted Reserve. By request of the Community Preservation Committee and the Recreation and Youth Commission.
Estimated Cost: \$15,000

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED
AND ADOPTED IN THE AMOUNT OF \$15,000 FROM COMMUNITY
PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE
MANDATES OF THE COMMUNITY PRESERVATION ACT, RECREATION. VOTE:
YES-7, NO-1**

BROOKS PARK EXPANSION – PHASE II

ARTICLE 70 To see if the Town will vote to appropriate from Community Preservation Act Fund-Budgeted Reserve, \$210,000 to construct two (2) new tennis courts at Brooks Park, including related drainage, fencing and excavation and to refurbish the current basketball court; and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Budgeted Reserve. By request of the Community Preservation Committee and the Recreation and Youth Commission. Estimated Cost: \$210,000

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED
AND ADOPTED IN THE AMOUNT OF \$210,000 FROM COMMUNITY**

PRESERVATION ACT FUNDS, AS IT APPROPRIATELY FURTHERS ONE OF THE MANDATES OF THE COMMUNITY PRESERVATION ACT, RECREATION. VOTE: YES-8, NO-0

FUND ADMINISTRATIVE COSTS OF THE
COMMUNITY PRESERVATION COMMITTEE

ARTICLE 71 To see if the Town will vote to appropriate from Community Preservation Fund-Budgeted Reserve, \$15,000 for administrative costs of the Community Preservation Committee, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$15,000

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$15,000 FROM COMMUNITY PRESERVATION ACT FUNDS. THE CPC IS ENTITLED TO ADMINISTRATIVE COSTS PURSUANT TO THE CPA, AND THE CPC'S REQUEST IS FOR LESS THAN THE MAXIMUM ALLOWED PURSUANT TO THE CPA. VOTE: YES-7, NO-0

REESTABLISH THE TRAFFIC SAFETY COMMITTEE

ARTICLE 72 To see if the Town will vote to study reestablishing the Traffic Safety Committee with no less than five appointed resident members, and input from the police department, fire department, and the town engineer and to act fully thereon. By Petition.

Explanation Provided by Petitioner: The town disbanded the Traffic Safety Committee in June 2012 due to lack of volunteers. Traffic Safety is very important and many other Cape towns utilize Traffic Safety Committees effectively.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-6, NO-1. THE BOARD OF SELECTMEN ARE RESPONSIBLE FOR ESTABLISHING AND ELIMINATING THE VARIOUS COMMITTEES IN TOWN

COMPENSATING BALANCE AGREEMENT

ARTICLE 73 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 2014 pursuant to Chapter 44, § 53F of the General Laws and to act fully thereon. Customary Article.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES -5 NO-0. THIS IS A CUSTOMARY ARTICLE WITH NO FUNDS ATTACHED FOR THIS TOWN MEETING.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 74 To see if the Town will assume the liability in the manner provided by § 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 § 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.

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

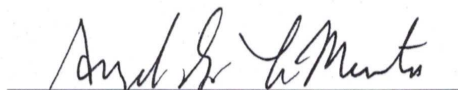
HERRING FISHERIES

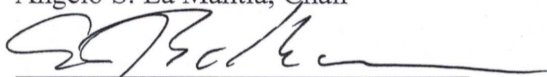
ARTICLE 75 To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

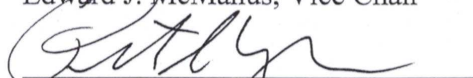
FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-0.

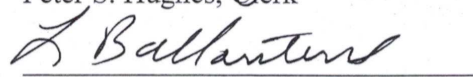
Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.

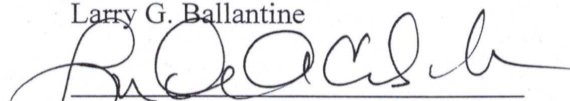
Given under our hands this 17th day of February, 2014


Angelo S. La Mantia, Chair


Edward J. McManus, Vice Chair


Peter S. Hughes, Clerk


Larry G. Ballantine


Linda A. Cebula

BOARD OF SELECTMEN

A true copy Attest:

Constable

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING
TUESDAY, MAY 6, 2014**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Tuesday, May 6, 2014 at 8:00 P.M., then and there to act on the following articles:

ZONING BY-LAW AMENDMENTS - DEFINITION

Underlined words indicate language proposed for insertion

~~*Italicized Words with Strike Through*~~ indicate language proposed for deletion

ARTICLE 1 To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning as forth below and to act fully thereon. By request of the Building Commissioner.

Part II. Zoning, ARTICLE II. Definitions
§ 325-2. Word usage and definitions.

ACCESSORY BUILDING, RESIDENTIAL

A detached structure located on the same lot with the principal residential structure to which it is accessory and not used for seasonal or year round living. Such structures include, but are not limited to, toolshed, boathouse, playhouse, shelter for domestic pets, private swimming pool and one private garage for not more than three automobiles. ~~*A residential accessory building may contain bedrooms but not a kitchen.*~~ See §325-13. Table of Use Regulations for more information.

Explanation: *The result will be a clarification of the by-law language and Use Regulations.*

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED TO BETTER CLARIFY THE LANGUAGE IN THE
EXISTING BY-LAW. VOTE: YES-5, NO-0.**

MEDICAL MARIJUANA FACILITIES

ARTICLE 2 To see if the Town will vote to adopt and incorporate pertinent zoning by-law amendments by enacting local regulations and conditions for the establishment of Medical Marijuana Facilities thus acknowledging the regulations enacted following the

approval of the initiative petition of ballot question #3 at the State Election on November 6, 2013, known as Medical Use of Marijuana and to act fully thereon. By request of the Planning Board.

Summary: The Commonwealth has adopted regulations implementing said law under 105 CMR 725.000 and became effective on January 1, 2013. These regulations are local and complement those state controlled components of the law by ensuring that the environment is strictly controlled to meet the requirements of state law control by Massachusetts Department of Public Health (DPH) and do not supersede any State or local requirements of a more stringent nature nor impact the scope or intent of the by-laws.

~~Strikethrough~~ represents language proposed for deletion
Underline represents language proposed for inclusion

Chapter 325: Zoning, Article II: Definitions

§ 325-02. Word usage and definitions.

[new] Medical Marijuana Treatment Center – An establishment registered under 105 CMR 725.100, also known as a registered marijuana dispensary or RMD, that acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana Infused Products (MIPs), tinctures, aerosols, oils, or ointments) transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

§ 325-3. Division of Town into Districts

[new] Medical Marijuana Overlay District MM

[new] Chapter 325: Zoning, Article XXII: Medical Marijuana Overlay District

§ 325-134. Purpose

The purpose of the Medical Marijuana Overlay District is to provide a location for medical marijuana treatment centers as authorized by the Commonwealth of Massachusetts.

§325-135. District Boundaries

The boundaries of the Medical Marijuana Overlay District are as shown on a map entitled “Medical Marijuana Overlay District”, dated March 11, 2014. The district is bounded to the north by a line one thousand (1,000) feet north of Great Western Road, to the west by the westerly town boundary, to the south by a line two hundred (200) feet north of the Cape Cod Rail Trail, and to the east by a line two hundred (200) feet from the abutting R-R and R-L residential zoning districts.

§ 325-136. Special Permit

Special permits for a medical marijuana treatment center may be granted upon a determination by the Planning Board that the following criteria have been met in addition to those specified in §325-51.A and §325-51.B:

- (1) A medical marijuana treatment center shall be registered with the Massachusetts Department of Health pursuant to 105 CMR 725.100 and shall comply with all state and local health regulations.
- (2) A special permit authorizing a medical marijuana treatment center shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the center has been authorized by special permit. If the registration for a medical marijuana treatment center has been revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required.
- (3) Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration shall be submitted to confirm that all information is consistent with the application for a special permit.
- (4) A medical marijuana treatment center shall not be sited within a radius of five hundred feet of a school, daycare center, library, church, municipal park or any facility in which children commonly congregate. The five hundred (500) foot distance under this section is measured in a straight line from the nearest point of the facility to the nearest point of the medical marijuana treatment center.

§ 325 Attachment 9 Medical Marijuana Overlay District

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. UNDER STATE LAW, THE TOWN CANNOT PROHIBIT MEDICAL MARIJUANA USES UNDER ITS LOCAL ZONING BY-LAW. APPROPRIATE ZONING FOR SUCH USES ALLOWS THE TOWN GREATER CONTROL OVER FACILITY SITING AND PLANNING. VOTE: YES-7, NO-0

**PREPARED BY THE HARWICH PLANNING DEPARTMENT
MARCH 11, 2014**

MEDICAL MARIJUANA OVERLAY DISTRICT

NOT TO ANY SCALE

REDUCED FOR PUBLICATION

FLOODPLAIN REGULATIONS BY-LAW AMENDMENT

ARTICLE 3 To see if the Town will vote to adopt, amend and incorporate certain required floodplain management regulations of Chapter 325: Zoning, Article XVII: Floodplain Regulations, Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) report, which is dated and effective on July 16, 2014, pursuant to §1361 of the National Flood Insurance Act of 1968, as amended, as a condition of continued eligibility in the National Flood Insurance Program (NFIP) and to conform with the Federal Emergency Management Administration's (FEMA) new countywide mapping format, and to act fully thereon. By request of the Planning Board.

Explanation: These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature nor does the revised flood hazard data impact the scope or intent of the by-laws. The revised flood maps are available for viewing online at the Cape Cod Commission's website or copies are available at the Harwich Planning Department.

~~Strikethrough~~ represents language proposed for deletion
Underline represents language proposed for inclusion

Chapter 325: Zoning, Article XVII: Floodplain Regulations

§ 325-104. Purpose. [Unchanged]

§ 325-105. Floodplain areas.

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

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Harwich designated as Zone A, AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Harwich are panel numbers 25001C0584J, 25001C0592J, 25001C0601J, 25001C0602J, 25001C0603J, 25001C0604J, 25001C0606J, 25001C0607J, 25001C0608J, 25001C0609J, 25001C0611J, 25001C0612J, 25001C0613J, 25001C0616J, 25001C0617J, 25001C0626J and 250010628J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated

July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, and Building Official.

§ 325-106. Use regulations.

A. Existing regulations.

(1) All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with the following:

(a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR ~~3107.0~~, *Flood Resistant Construction*).

(b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).

(c) Inland Wetlands Restriction, DEP (currently ~~302~~ 310 CMR ~~6~~ 13.00).

(d) Coastal Wetlands Restriction, DEP (currently ~~302~~ 310 CMR ~~4~~ 12.00).

(e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

(f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations, Town of Harwich.

(g) Harwich Wetlands Protective Bylaw. Editor's Note: See Ch. 310, Wetlands Protection.

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

B. Other use regulations.

(1) Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

~~(2) In Zone AE, along watercourses that have a regulatory floodway designated on the Town of Harwich FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

[new] In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) Man-made alterations of sand dunes are prohibited within Zones ~~V1-30~~, VE, ~~and V~~ which would increase potential flood damage.

(4) Located within the floodplain are areas designated as coastal high-hazard areas (Zones ~~V1-30~~, ~~VE~~, ~~and V~~). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: all new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.

(5) All subdivision proposals shall be reviewed to assure that:

(a) Such proposals minimize flood damage;

(b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided to reduce exposure to flood hazards; and

(d) Each lot will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters in the event of flooding to base elevations.

(6) In unnumbered A Zones, in the absence of Federal ~~Insurance Administration~~ Emergency Management Agency data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

[new] (7) In a riverine situation, the Community Rating System Coordinator shall notify the following of any alteration or relocation of a watercourse:

▪ Adjacent Communities

▪ NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

▪ NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

§ 325-107. Permitted uses. [Unchanged]

§ 325-108. Definitions. [Unchanged]

Provided, however, that (i) the provisions of this Article shall not take effect until July 16, 2014; (ii) if FEMA postpones the effective date of the Barnstable County FIRM and FIS to a definite date later than July 16, 2014, the provisions of this Article shall not take effect until that later effective date; and (iii) if FEMA withdraws the FIRM and FIS, or indefinitely postpones the effective date, this Article shall not take effect.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THE PROPOSED BY-LAW AMENDMENT IS NECESSARY TO ALLOW RESIDENTS CONTINUED ELIGIBILITY IN THE FEMA FLOOD INSURANCE PROGRAM, AND TO ALLOW MORE FAVORABLE RATES IN THE PROGRAM. VOTE: YES-7, NO-0

FUND PURCHASE OF LAND FOR OPEN SPACE PURPOSES
ACQUIRE LAND OF CYNTHIA SUTPHIN – ISLAND POND

ARTICLE 4 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 M.G.L. Ch. 40, §8C, land situated on Weston Woods Road and Island Pond Trail in Harwich, Massachusetts, shown as Lot 1, containing 43,475 sq.ft. ± and Lot 2, containing 43,390 sq.ft. ± on a plan recorded in the Barnstable County Registry of Deeds in Plan Book 650 Page 59 and being further described in a deed recorded in said Registry of Deeds in Book 7766 Page 43, together with and subject to all rights and easements of record; 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, provided that any such funds so received shall be returned upon receipt to the Community Preservation Act Open Space Reserve; provided however, that such acquisition is contingent upon receipt by the Town of Harwich of a donation in the sum of \$73,000.00 from the Harwich Conservation Trust towards the purchase of the property; to authorize the Board of Selectmen to grant to the Harwich Conservation Trust, a conservation restriction pursuant to the provisions of M.G.L. Ch.184, §31-33, allowing the aforementioned uses and with terms and conditions as the Board of Selectmen deem appropriate, 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. Estimated cost: \$220,000.00

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$220,000 FROM COMMUNITY PRESERVATION ACT FUNDS, CONTINGENT ON THE RECEIPT OF AN ASSOCIATED DONATION TO THE TOWN OF HARWICH IN THE SUM OF \$73,000.00 FROM THE HARWICH CONSERVATION TRUST (HCT), AS THE ARTICLE APPROPRIATELY FURTHERS ONE OF THE MANDATES OF THE COMMUNITY PRESERVATION ACT, PROVISION FOR OPEN SPACE. ACQUISITION OF THIS OPEN SPACE IS CRITICAL TO COMPLETE A CONTINUOUS NETWORK OF PERMANENTLY PROTECTED OPEN SPACE IN THIS AREA, AND THE FINANCE COMMITTEE COMMENDS THE CPC FOR UNDERTAKING THE PUBLIC/ PRIVATE PARTNERSHIP AND COST SHARING WITH HCT. VOTE: YES-8, NO-0

MUDDY CREEK CULVERT CONSTRUCTION EASEMENTS

ARTICLE 5 To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, easements, including temporary construction easements, rights or interests in land as may be necessary for the construction of the Muddy Creek culvert/bridge on Route 28 and to grant easements, including temporary construction easements, as may be necessary for the construction of said Muddy Creek culvert/bridge; and, further, to authorize the Board of Selectmen to negotiate the terms and conditions of such easements, rights or interests, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0

FUND THE SNOW AND ICE DEFICIT

ARTICLE 6 To see if the Town will vote to transfer from available funds a sufficient sum of money to fund the Fiscal Year 2014 Snow and Ice Deficit account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$345,000

MASSACHUSETTS GENERAL LAWS ALLOWS FOR DEFICIT SPENDING IN THE SNOW AND ICE LINE ITEMS OF THE ANNUAL TOWN OPERATING BUDGET BUT THE BILL MUST EVENTUALLY BE PAID. THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$345,000.00 BE TRANSFERRED FROM AVAILABLE FUNDS FOR THIS PURPOSE. VOTE: YES-7, NO-0.

STABILIZATION FUND

ARTICLE 7 To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sufficient sum of money to be added to the stabilization fund, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$100,000

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$100,000.00 BE RAISED AND

APPROPRIATED TO BE TRANSFERRED IN TO THE STABILIZATION FUND TO BE USED FOR FUTURE PROJECTS. THE STABILIZATION FUND IS A SAVINGS ACCOUNT FOR THE TOWN WHICH HOLDS MONEY IN RESERVE AND WHICH REQUIRES A TWO/THIRDS VOTE OF A FUTURE TOWN MEETING IN ORDER TO BE USED. VOTE: YES-8, NO-0.

OPEB TRUST FUND

ARTICLE 8 To see if the Town will vote to transfer the balance of funds in the multi-use stabilization fund into the **Other Post Employment Benefits Trust Fund**, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$300,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS IS AN ACCOUNTING PROCEDURE: A TRANSFER OF FUNDS. VOTE: YES-8, NO-0.

AFFORDABLE HOUSING RETURN OF FUNDS

ARTICLE 9 To see if the Town will vote to transfer from available funds in the tax foreclosure account or other such accounts to reimburse the affordable housing fund for the court settlement regarding Thankful Chase 2. Said transfer to occur upon payment of back taxes on said property, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$120,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS IS AN ACCOUNTING PROCEDURE: A RETURN OF FUNDS. VOTE: YES-8, NO-0.

ADDITIONAL FUNDS FOR CONSTRUCTION COSTS FOR NEW IRON AND MANGANESE REMOVAL FACILITY AT NORTH WESTGATE WELLFIELD

ARTICLE 10 To see if the Town will vote to appropriate an additional sum of money to pay for increased construction costs for the new Iron and Manganese Removal Facility at the North Westgate Wellfield and for the payment of all other costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, or borrowing or otherwise provided, and to act fully thereon. By request of the Water Commissioners and the Water Superintendent. Estimated cost: \$700,535.

Explanation: Increased iron and manganese levels coupled with DEP declaring manganese to have health effects on the elderly as well as children led to the request and approval of the Article 25 of the 2013 Annual Town Meeting to construct a greensand filtration plant at the North Westgate wellfield, capable of treating 1MGD (expandable to 3MGD). Construction cost increases have prompted our request for an additional \$700,535 be borrowed from the State Revolving Fund Loan previously authorized at \$1,259,465. Having met part of the Environmental Justice Area criterion for Sewer and Water related projects, this project would eventually be eligible for up to 20% principal forgiveness which would reduce the total \$1,960,000 (2% interest rate) State Revolving Fund Loan.

THE FINANCE COMMITTEE VOTES NO RECOMMENDATION PENDING FURTHER INFORMATION, WHEN AT THE TIME THE WARRANT IS PRINTED, IT HAD INSUFFICIENT INFORMATION TO MAKE AN INFORMED RECOMMENDATION. IT DOES NOT IMPLY A NEGATIVE FINANCE COMMITTEE VIEW, ONLY AN INCOMPLETE UNDERSTANDING OF THE ARTICLE SO VOTED. THE FINANCE COMMITTEE WILL MAKE ITS RECOMMENDATION AT TOWN MEETING. VOTE: YES-8, NO-0.

**CREATE AMERICANS WITH DISABILITIES ACT (ADA) ACCOMODATIONS
REVOLVING FUND**

ARTICLE 11 To see if the Town will vote to authorize the creation and establishment of revolving fund as authorized under M.G.L. Ch. 44, § 53E ½ for the Town Administrator, for the purpose of funding Interpreter Services and other accommodations required under the Americans with Disabilities Act, not to exceed \$2,500 annually, with funds generated from receipts of parking penalty fees collected for violations of Chapter 208 of the Code of Town of Harwich and to act fully thereon.

By request of the Board of Selectmen and Town Administrator.

Explanation: The intent of this article is to provide a fund that can be utilized to provide services and accommodations need by disabled citizens so they can fully participate in the affairs of Harwich Town Government and its committees, boards and commissions. State law allows setting up a revolving fund to receive funds from the penalties for violating handicapped parking regulations. The revolving fund can be dispersed by authorization of the Town Administrator to pay for requested interpretive or other services as needed.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THE FINANCE COMMITTEE MEMBERS VOTING IN THE AFFIRMATIVE REASONED THAT THIS ARTICLE FURTHERED TOWN COMPLIANCE WITH THE ADA, AND WAS AN EXPRESSION OF THE TOWN'S COMMITMENT TO SERVING ITS RESIDENTS WITH DISABILITIES. VOTE: YES-5, NO-2.

PRESERVATION OF 100-YEAR PUBLIC ACCESS TO BAY VIEW BEACH

ARTICLE 12 To see if the Town will adopt the following resolution as a statement of policy indicating the importance of preserving shoreline access as a hallmark of Harwich's Community Character.

Whereas the citizens of Harwich have freely used Bay View Beach (located between Merkel and Bank Street beaches) in Harwich Port for over 100 years; and

Whereas since 1895 the Town and Commonwealth have spent over \$5 million in current dollars, in coordination with the US Army Corps of Engineers, to finance, build and extend a public jetty necessary to provide for navigation into and out of one of the most secure and scenic refuges on the Cape, Wychmere Harbor, which had formerly been the enclosed Salt Pond; and

Whereas independent engineers (CLE Engineering of Marion, MA) reported to the Town that this public jetty is exclusively responsible for the addition of over 400 feet of formerly submerged public tidelands, which continues to increase by 4.5 feet a year, to the Bay View Beach; and

Whereas since 1918 the Town has owned a path to the midpoint of Bay View Beach, which has been used by Harwich citizens to reach and enjoy both the beach and ocean without restriction, and whereas this public path precedes by many years the adjoining public beaches and land registrations, all of which explicitly reference the public path; and

Whereas recently seven landowners have moved to privatize this accreted public beach, add it to their previously registered private beaches, and exclude anyone except themselves and their guests from this accreted public beach; and

Whereas the Town and individual members of the non-profit Friends of Harwich Beaches (“Friends”) have been granted Land Court permission to oppose such moves to privatize and register the accreted beach in the public tidelands; and

Whereas state and local leaders – including Senator Dan Wolf and former Lt. Governor Thomas P. O’Neill III – and all Cape Cod newspapers have spoken and carried articles and/or editorials strongly critical of the privatization attempts and strongly supporting the Town’s and Friends’ defense of public access to the Bay View Beach; and

Whereas since the 2010 *Arno* case, Supreme Judicial Court findings have favored Public Trust protections of the kind sought at Bay View Beach, in contrast to cases from 1933 and before cited by the private landowners; and

Whereas Town Meeting notes with regret the Attorney General’s failure to intervene in this case, it also notes that the Attorney General takes no exception to continued legal action by the Town and members of the Friends, and that the Attorney General explicitly reserves to herself the right to “reappear and resolve or litigate...any issue which may affect the interest or right of the Commonwealth”; and

Whereas Town Meeting notes with appreciation the offer of Friends of Harwich Beaches to fund any unbudgeted Town expenses in defense of public access to Bay View Beach, through a gift account established by the Town for this purpose;

Now Therefore Be It Resolved by Town Meeting Assembled:

1. That the Board of Selectmen is strongly requested to defend public access to Bay View Beach through mediation and/or continued legal action up to and including the Supreme Judicial Court and all other possible means; and
2. That in the course of any mediation or negotiation, the Board of Selectmen is strongly requested to promote solutions that resolve issues that affect the full length of Bay View Beach and in a way which continues to promote the maximum public access, and not to accept partial compromises which will undermine this objective; and


3. That the Town is authorized to accept with thanks the offer of Friends of Harwich Beaches and any other donations for any unbudgeted expenses in defense of public access to Bay View Beach.

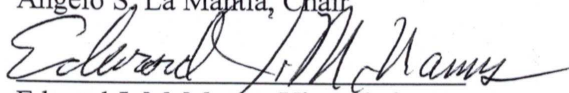
By Petition.

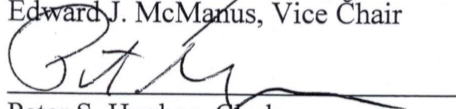
THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THE PETITIONERS' ARTICLE REQUESTS TOWN MEETING TO MAKE A POLICY STATEMENT WHICH RELATES TO CERTAIN PUBLIC AND PRIVATE PROPERTY RIGHTS, WITHOUT ANY OTHER MANDATORY ACTION SOUGHT OR REQUIRED. SUCH A STATEMENT SHOULD MORE PROPERLY BE DISCUSSED BY AND ORIGINATE FROM THE BOARD OF SELECTMEN. ADDITIONALLY, THIS ARTICLE IS INDIRECTLY RELATED TO CURRENT LITIGATION TO WHICH THE TOWN IS A PARTY, AND SHOULD NOT INFLUENCE THE OUTCOME OF THAT LITIGATION. VOTE: YES-7, NO-0

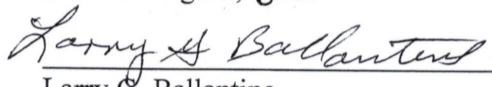
Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.

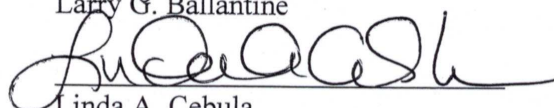
Given under our hands this 24th day of March, 2014


Angelo S. La Mantia, Chair


Edward J. McManus, Vice Chair


Peter S. Hughes, Clerk


Larry G. Ballantine


Linda A. Cebula

BOARD OF SELECTMEN

A true copy Attest:

Constable

APPENDIX A

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL ELECTION BALLOT
MAY 20, 2014**

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 20 2014, then and there to act on the following ballot:

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

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

BALLOT QUESTIONS

1. "Shall the Town of Harwich be allowed to assess an additional \$240,000 in real estate and personal property taxes for the purpose of purchasing and equipping one new ambulance for the Fire Department for the fiscal year beginning July first, two thousand and fourteen?"

YES _____ NO _____

2. "Shall the Town of Harwich be allowed to assess an additional \$56,000 in real estate and personal property taxes for the purpose of purchasing three (3) "Stryker" Power Lift Stretchers to be installed in the three (3) Harwich Fire Department Ambulances for the fiscal year beginning July first, two thousand and Fourteen?"

YES _____ NO _____

3. "Shall the Town of Harwich be allowed to assess an additional \$280,795 in real estate and personal property taxes for the purpose of purchasing and equipping the following DPW vehicles: one (1) new one-ton dump truck with plow; one (1) new one-ton dump truck with plow; one (1) new hook-lift truck w/compactor and plow; and one (1) new Hotbox asphalt trailer for the fiscal year beginning July first, two thousand and fourteen?"

YES _____ NO _____

APPENDIX A

4. “Shall the Town of Harwich be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purpose of overhauling the Transfer Station for the fiscal year beginning July first, two thousand and fourteen?”

YES _____ NO _____

5. “Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to fund the Road Maintenance Program as requested in the Capital Plan?”

YES _____ NO _____

6. “Shall the Town of Harwich be allowed to assess an additional \$350,000 in real estate and personal property taxes for the purpose of maintaining dredge sand from the channels of various Town harbors over a two (2) year operational period, as authorized in MA DEP Waterways Permit No. 12379 for the fiscal year beginning July first, two thousand and fourteen?”

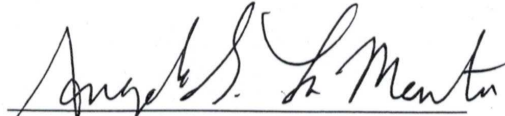
YES _____ NO _____

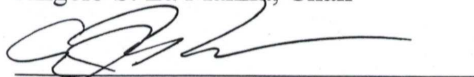
7. “Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire by gift, by purchase, by eminent domain or otherwise, for general municipal purposes, all or a portion of land now or formerly owned by Julia T. Downey, Trustee, and located on the south side of Route 28 in Harwich, Mass, and shown on Assessor’s map 15 as Parcel H4, containing 2.2 acres, more or less?”

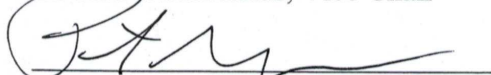
YES _____ NO _____

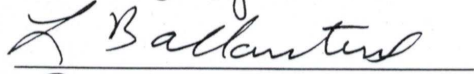
Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.


Given under our hands this 31st day of March, 2014


Angelo S. La Mantia, Chair


Edward J. McManus, Vice Chair


Peter S. Hughes, Clerk


Larry G. Ballantine


Linda A. Cebula

BOARD OF SELECTMEN

A true copy Attest:

Constable

APPENDIX B

Line

| 1 | BUDGET | | | | | |
|----|--|----------------|----------------|----------------|---------------------|---------------|
| 2 | <u>FY 2015 REVENUES</u> | Actual | Actual | Voted Budget | Town Meeting Budget | % |
| 3 | | <u>FY 2012</u> | <u>FY 2013</u> | <u>FY 2014</u> | <u>FY 2015</u> | <u>Change</u> |
| 5 | | | | | | |
| 6 | DESCRIPTION | | | | | |
| 8 | Real Estate & Personal Property Taxes | \$ 36,415,730 | \$ 38,449,706 | \$ 38,910,555 | \$ 40,734,545 | 4.7% |
| 9 | Local Receipts | | | | | |
| 10 | Excise Tax | 1,553,253 | 1,670,628 | 1,528,000 | 1,514,221 | -0.9% |
| 11 | Hotel/ Motel & Meals | 802,225 | 863,275 | 847,000 | 827,000 | -2.4% |
| 12 | Ambulance | 978,389 | 981,281 | 980,000 | 1,000,000 | 2.0% |
| 13 | Waste Disposal | 1,667,582 | 1,713,363 | 1,684,115 | 1,797,515 | 6.7% |
| 14 | Beach, Recreation & Youth | 317,658 | 317,005 | 296,953 | 296,953 | 0.0% |
| 15 | Harbors & Landings | 828,700 | 825,219 | 893,074 | 893,074 | 0.0% |
| 16 | Golf Operations | 1,710,330 | 1,694,280 | 1,686,000 | 1,690,500 | 0.3% |
| 17 | Other local receipts | 1,184,916 | 1,523,813 | 1,321,231 | 1,229,797 | -6.9% |
| 18 | <u>Total Local Receipts</u> | 9,043,053 | 9,588,864 | 9,236,473 | 9,249,060 | 0.1% |
| 19 | <u>State Aid</u> | | | | | |
| 20 | Cherry Sheet | 3,212,904 | 598,237 | 592,864 | 617,194 | 4.1% |
| 21 | School Building Assistance | 993,195 | 993,195 | 993,195 | 993,195 | 0.0% |
| 22 | Overlay Surplus | 100,000 | 100,000 | 100,000 | 100,000 | 0.0% |
| 23 | Waterways Mgmt. | 70,000 | 35,000 | 35,000 | - | -100.0% |
| 24 | Library State Aid (Debt Service Grant) | 59,100 | - | - | - | |
| 25 | Cable Fund (Comcast) | 199,890 | 215,000 | 215,000 | 233,275 | 8.5% |
| 26 | Septic Loan | 17,227 | 17,265 | 17,265 | 17,265 | 0.0% |
| 27 | Water Enterprise Indirect Cost | 469,035 | 528,230 | 509,872 | 495,520 | -2.8% |
| 28 | FEMA | 14,365 | 14,000 | 14,000 | 13,650 | -2.5% |
| 29 | Road Betterments | 12,250 | 38,580 | 35,750 | 65,790 | 84.0% |
| 30 | CPA Funds (land Bank) | 782,497 | 759,930 | 704,970 | 683,875 | -3.0% |
| 31 | | | | | | |
| 32 | Total | \$ 51,389,246 | \$ 51,338,007 | \$ 51,364,944 | \$ 53,203,369 | 3.6% |
| 33 | % increase/(decrease) | 2.0% | -0.1% | 0.1% | 3.6% | |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | | | | |
|------|-----------------------------------|---------------------------|---------------------------|-------------------------------------|--|
| | - DESCRIPTION | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
| 1 | Moderator S&W | <u>\$ 300</u> | <u>\$ 300</u> | <u>\$ 300</u> | <u>\$ 300</u> |
| 2 | Selectmen's S&W | 7,500 | 7,500 | 7,500 | 7,500 |
| 3 | Selectmen's Expense | <u>6,500</u> | <u>6,700</u> | <u>6,700</u> | <u>6,700</u> |
| | Sub-Total | 14,000 | 14,200 | 14,200 | 14,200 |
| 4 | Finance Committee S&W | 3,300 | 3,300 | 3,300 | 3,300 |
| 5 | Finance Committee Expense | <u>450</u> | <u>450</u> | <u>450</u> | <u>450</u> |
| | Sub-Total | 3,750 | 3,750 | 3,750 | 3,750 |
| 6 | Finance Committee Reserve Fund. . | <u>150,000</u> | <u>150,000</u> | <u>150,000</u> | <u>150,000</u> |
| | Sub-Total | 150,000 | 150,000 | 150,000 | 150,000 |
| 7 | Accountant's S&W | 214,702 | 217,571 | 217,571 | 230,997 |
| 8 | Accountant's Expense | 850 | 2,765 | 2,450 | 2,765 |
| 9 | Audit | <u>36,000</u> | <u>36,000</u> | <u>36,000</u> | <u>39,500</u> |
| | Sub-Total | 251,552 | 256,336 | 256,021 | 273,262 |
| 10 | Assessors' S&W | 233,473 | 236,597 | 205,400 | 210,497 |
| 11 | Assessors' Expense | <u>19,151</u> | <u>61,251</u> | <u>105,351</u> | <u>105,351</u> |
| | Sub-Total | 252,624 | 297,848 | 310,751 | 315,848 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
|------|-----------------------------------|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | | | | |
| 12 | Postage | 55,000 | 45,000 | 52,000 | 56,160 |
| | Sub-Total | 55,000 | 45,000 | 52,000 | 56,160 |
| 13 | Treasurer/Tax Collector S&W . . . | 231,231 | 226,730 | 225,008 | 232,897 |
| 14 | Treasurer/Tax Collector Expense | 111,405 | 85,688 | 107,063 | 115,753 |
| 15 | Treasurer Bonding/Tax Title . . . | - | | | |
| | Sub-Total | 342,636 | 312,418 | 332,071 | 348,650 |
| 16 | Medicare Town Share | 332,335 | 146,529 | 191,525 | 200,239 |
| 17 | Town Hall S&W | 312,668 | 315,346 | 317,402 | 360,748 |
| 18 | Town Hall Expense | 71,044 | 68,832 | 71,000 | 72,497 |
| 19 | Town Hall Capital Outlay | 5,000 | 5,000 | 5,000 | 5,000 |
| | Sub-Total | 388,712 | 389,178 | 393,402 | 438,245 |
| 20 | Legal Services | 180,000 | 164,500 | 150,400 | 150,400 |
| 21 | Claims & Suits | 400 | 400 | 400 | 400 |
| 22 | Land Transactions | | | | |
| | Sub-Total | 180,400 | 164,900 | 150,800 | 150,800 |
| 23-a | Information Tech& CH 18 S & W | 191,557 | 194,672 | 195,644 | 183,012 |
| 23-b | Info Tech& CH 18 Expenses | 143,709 | 155,836 | 146,949 | 160,157 |
| 23-c | Sub-Total | 335,266 | 350,508 | 342,593 | 343,169 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | | | | |
|------|------------------------------------|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
| 24 | Constable Salaries | <u>680</u> | <u>680</u> | <u>680</u> | <u>680</u> |
| 25 | Clerk's S&W | 172,739 | 179,607 | 178,958 | 194,704 |
| 26 | Clerk's Expense | <u>25,598</u> | <u>29,448</u> | <u>25,904</u> | <u>37,952</u> |
| | Sub-Total | 198,337 | 209,055 | 204,862 | 232,656 |
| 27 | Conservation Commission S&W . . . | 52,266 | 49,712 | 58,098 | 68,663 |
| 28 | Conservation Commission Expense . | <u>4,663</u> | <u>5,896</u> | <u>6,596</u> | <u>7,089</u> |
| | Sub-Total | 56,929 | 55,608 | 64,694 | 75,752 |
| 29 | Town Planner S&W | 117,914 | 123,839 | 126,027 | 131,097 |
| 30 | Town Planner Expense | <u>2,227</u> | <u>2,650</u> | <u>2,750</u> | <u>2,750</u> |
| | Sub-Total | 120,141 | 126,489 | 128,777 | 133,847 |
| 31 | Planning Board S&W | 2,000 | | | |
| 32 | Planning Board Expense | <u>510</u> | | | |
| | Sub-Total | 2,510 | | | |
| 33 | Board of Appeals S&W | 5,100 | 7,000 | 6,500 | 6,750 |
| 34a | Board of Appeals Expense | <u>360</u> | <u>360</u> | <u>360</u> | <u>685</u> |
| | Sub-Total | 5,460 | 7,360 | 6,860 | 7,435 |

APPENDIX B

| Line | DESCRIPTION | <u>FY 2015 OPERATING BUDGET</u> | | | |
|------------|--|---|---|--|---|
| | | <u>Actual</u> <u>FY 2012</u> | <u>Actual</u> <u>FY 2013</u> | <u>Voted</u> <u>Budget</u> <u>FY 2014</u> | <u>Town Meeting</u> <u>Budget</u> <u>FY 2015</u> |
| 34b | Agricultural Committee | 1,000 | | | |
| | Sub-Total | 1,000 | | | |
| 35 | Repairs to Public Buildings . . . | 6,073 | 13,868 | 10,000 | 10,000 |
| 36 | Town & Finance Committee Reports | 9,920 | 13,000 | 12,000 | 12,000 |
| 37 | Miscellaneous Printing. | - | - | - | - |
| 38 | Advertising | 3,500 | 3,500 | 3,500 | 3,500 |
| 39 | Telephone | 41,000 | 41,000 | 41,000 | 40,224 |
| | Sub-Total | 60,493 | 71,368 | 66,500 | 65,724 |
| 40 | Police Dept S&W | 2,712,082 | 2,712,016 | 2,737,728 | 2,888,957 |
| 41 | Police Dept Expense | 288,208 | 345,395 | 342,854 | 389,552 |
| 42 | Police Dept Capital Outlay . . . | - | 84,900 | 105,000 | 134,430 |
| | Sub-Total | 3,000,290 | 3,142,311 | 3,185,582 | 3,412,939 |
| 43 | Fire Dept S&W | 2,757,339 | 2,855,213 | 2,874,448 | 3,047,664 |
| 44 | Fire Dept Expense | 190,180 | 206,923 | 262,385 | 329,186 |
| 45 | Fire Capital Outlay | 31,245 | | | |
| 46 | Emergency Medical Services O/T | 100,000 | 109,744 | 100,000 | 126,320 |
| 47 | Emergency Medical Services Expenses. . . | 80,827 | 82,383 | 91,195 | 93,730 |
| | Sub-Total | 3,159,591 | 3,254,263 | 3,328,028 | 3,596,900 |
| 48a | Emer. Telecom. S&W | 574,308 | 575,821 | 375,871 | 401,409 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | | | | |
|------------|--|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
| 48b | Emer. Telecom.Expenses | <u>119,534</u> | <u>121,016</u> | <u>279,408</u> | <u>240,757</u> |
| | Sub-Total | 693,842 | 696,837 | 655,279 | 642,166 |
| 49 | Building Inspection S &W | 231,930 | 236,426 | 300,275 | 308,007 |
| 50 | Building Inspection Expense . . . | 8,341 | 9,742 | 9,741 | 10,049 |
| 51 | Building Capital Outlay | | | | |
| | Sub-Total | 240,271 | 246,168 | 310,016 | 318,056 |
| 52 | Emerg. Mgmt S&W | 5,000 | 4,500 | 4,500 | 5,000 |
| | Emerg Mgmt. Expense | <u>9,365</u> | <u>7,800</u> | <u>5,950</u> | <u>8,650</u> |
| 53 | Emergency Management Expense | 14,365 | 12,300 | 10,450 | 13,650 |
| 54 | Animal Control S&W | 52,342 | 54,576 | 55,734 | - |
| 55 | Animal Control Expense | 13,734 | 14,500 | 14,544 | In Police Budget |
| | Sub-Total | 66,076 | 69,076 | 70,278 | |
| 56a | Natural Resources S&W | 81,274 | 81,274 | 83,764 | 86,291 |
| 56b | Natural Resources Expense | <u>27,650</u> | <u>27,650</u> | <u>27,300</u> | <u>27,400</u> |
| | Sub-Total | 108,924 | 108,924 | 111,064 | 113,691 |
| 57 | Pleasant Bay Alliance Expense | <u>16,855</u> | <u>16,855</u> | <u>16,855</u> | <u>16,855</u> |

APPENDIX B

| Line | <u>Education</u> | Actual FY 2012 | Actual FY 2013 | Voted Budget FY 2014 | Town Meeting Budget FY 2015 |
|------|--|-------------------|-------------------|----------------------------|-----------------------------------|
| | <u>FY 2015 OPERATING BUDGET</u> | | | | |
| | DESCRIPTION | | | | |
| 58 | Cape Cod Reg Tech High School | <u>1,020,684</u> | <u>1,160,735</u> | <u>1,421,910</u> | <u>1,248,331</u> |
| 59 | Harwich Public Schools | 14,531,780 | | | |
| | Indirect & Benefits (memo item) | <u>5,377,138</u> | | | |
| | Total HPS | <u>19,908,918</u> | | | |
| 59-a | Monomoy Regional School District | | | | |
| 59-b | MRSD Operating Budget | - | 18,792,042 | 19,927,625 | 19,633,049 |
| 59-c | MRSD Capital | - | 192,138 | - | - |
| 59-d | MRSD Transportation | - | 640,816 | 319,825 | 350,715 |
| 59-e | MRSD Debt Service MS | - | 54,685 | 46,612 | 142,843 |
| 59-f | MRSD Debt Service BANS | | | 43,600 | 426,174 |
| 59-g | Minimum Contribution Credit | | | | <u>(336,245)</u> |
| 59-h | Total Harwich Public Schools / MRSD | <u>19,908,918</u> | <u>19,679,681</u> | <u>20,337,662</u> | <u>20,216,536</u> |
| 59-i | Sub-Total | <u>20,929,602</u> | <u>20,840,416</u> | <u>21,759,572</u> | <u>21,464,867</u> |
| 59-j | | | | | |
| 60 | Town Engineer's Dept S&W | 152,107 | 156,159 | 156,833 | 159,959 |
| 61 | Town Engineer's Dept Expense . . | <u>4,058</u> | <u>4,800</u> | <u>4,800</u> | <u>4,820</u> |
| | Sub-Total | <u>156,165</u> | <u>160,959</u> | <u>161,633</u> | <u>164,779</u> |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
|------|------------------------------------|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | | | | |
| 62 | Highways and Maintenance S&W | 2,015,420 | 2,018,212 | 2,089,355 | 2,150,342 |
| 63 | Highways and Maintenance Expense | 1,495,500 | 1,506,980 | 1,524,705 | 1,682,425 |
| 64 | Hot Mix, Oil & Improve Town Rds. . | | | | |
| 65 | Hwy Snow Removal Wages | 40,000 | 40,000 | 40,000 | 40,000 |
| 66 | Hwy Snow Removal Materials . . . | 50,000 | 50,000 | 50,000 | 50,000 |
| 67 | Hwy Snow Removal Equipment . . . | 45,000 | 45,000 | 45,000 | 45,000 |
| | Sub-Total | 3,645,920 | 3,660,192 | 3,749,060 | 3,967,767 |
| 68 | Street Lights | <u>74,230</u> | <u>82,400</u> | <u>70,000</u> | <u>70,000</u> |
| 69 | Cemetery S&W | 43,615 | 44,520 | 45,485 | 45,485 |
| 70 | Cemetery Expense | 2,425 | 2,976 | 3,047 | 3,147 |
| | Sub-Total | 46,040 | 47,496 | 48,532 | 48,632 |
| 71 | Board of Health S&W | 250,253 | 257,559 | 256,480 | 266,627 |
| 72 | Board of Health Expense | 15,915 | 14,949 | 15,448 | 17,011 |
| 73 | Flax Pond Monitoring | - | | | |
| | Sub-Total | 266,168 | 272,508 | 271,928 | 283,638 |
| 74 | Community Center Com S&W | 116,966 | 127,324 | 130,486 | 134,326 |
| 75 | Community Center Com Exp. | 126,264 | 145,495 | 147,400 | 158,642 |
| 75-A | Capital | | | 1,500 | |
| | Sub-Total | 243,230 | 272,819 | 279,386 | 292,968 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
|------|-------------------------------------|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | | | | |
| 76 | Council on Aging S&W | 228,913 | 245,552 | 279,020 | 298,691 |
| 77 | Council on Aging Expense | <u>51,527</u> | <u>53,471</u> | <u>62,680</u> | <u>64,384</u> |
| | Sub-Total | 280,440 | 299,023 | 341,700 | 363,075 |
| 78 | Youth Counselor S&W | 66,604 | 67,254 | 67,903 | 67,903 |
| 79 | Youth Counselor Expense . . . | <u>3,800</u> | <u>3,800</u> | <u>4,010</u> | <u>69,918</u> |
| | Sub-Total | 70,404 | 71,054 | 71,913 | 4,010 |
| 80 | Veterans' Services Expense . . . | 30,100 | 31,217 | 32,264 | 33,054 |
| 81 | Veterans' Benefits | <u>15,000</u> | <u>25,000</u> | <u>27,500</u> | <u>86,500</u> |
| | Sub-Total | 45,100 | 56,217 | 59,764 | 119,554 |
| 82 | Disability Rights Committee Expense | <u>300</u> | <u>300</u> | <u>300</u> | <u>300</u> |
| | Sub-Total | 300 | 300 | 300 | 300 |
| 83 | Jim Noonan Human Services | <u>76,500</u> | <u>76,500</u> | <u>76,500</u> | <u>76,500</u> |
| 84 | Brooks Library S&W | 411,656 | 429,265 | 449,664 | 487,856 |
| 85 | Brooks Library Expense | <u>232,969</u> | <u>238,965</u> | <u>242,532</u> | <u>277,012</u> |
| | Sub-Total | 644,625 | 668,230 | 692,196 | 764,868 |
| 86 | Recreation & Youth Seasonal Help | 155,000 | 155,008 | 155,007 | 165,000 |
| 87 | Recreation and Youth S&W. | 172,750 | 177,318 | 192,137 | 201,672 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | <u>Actual FY 2012</u> | <u>Actual FY 2013</u> | <u>Voted Budget FY 2014</u> | <u>Town Meeting Budget FY 2015</u> |
|------|---|---------------------------|---------------------------|-------------------------------------|--|
| | DESCRIPTION | | | | |
| 88 | Recreation and Youth Expense. . . | 50,530 | 50,530 | 50,525 | 50,525 |
| 89 | Aid to Various Programs | | | | |
| | Sub-Total | 378,280 | 382,856 | 397,669 | 417,197 |
| 91 | Harbormaster/Natural Resources S&W | 198,899 | 198,196 | 202,037 | 234,728 |
| 92 | Harbormaster Expense | 88,810 | 86,950 | 90,145 | 107,355 |
| 93 | Harbormaster Capital Outlay . . . | <u>4,500</u> | <u>3,000</u> | | |
| | Sub-Total | 292,209 | 288,146 | 292,182 | 342,083 |
| 94 | Brooks Museum Commission Expense | <u>12,064</u> | <u>13,164</u> | <u>12,973</u> | <u>15,284</u> |
| | Sub-Total | 12,064 | 13,164 | 12,973 | 15,284 |
| 95 | Historical Commission S&W | 1,000 | 1,000 | 1,000 | 1,000 |
| 96 | Historical Commission Expense . . | <u>1,000</u> | <u>500</u> | <u>400</u> | <u>1,700</u> |
| | Sub-Total | 2,000 | 1,500 | 1,400 | 2,700 |
| 97 | Memorial & Veterans' Day | <u>2,900</u> | <u>1,600</u> | <u>1,600</u> | <u>1,600</u> |
| 98 | Golf Operations & Maintenance S&W | 702,199 | 703,653 | 757,713 | 776,087 |
| | | | | | |
| | Golf Operations & Maintenance Expense . . | | | | |
| 99 | . . . | 556,219 | 581,801 | 609,701 | 610,249 |
| 100 | Golf Capital . . | <u>24,000</u> | <u>24,000</u> | <u>63,000</u> | <u>63,000</u> |
| | Sub-Total | 1,282,418 | 1,309,454 | 1,430,414 | 1,449,336 |

APPENDIX B

| Line | <u>FY 2015 OPERATING BUDGET</u> | Actual <u>FY 2012</u> | Actual <u>FY 2013</u> | Voted Budget <u>FY 2014</u> | Town Meeting Budget <u>FY 2015</u> |
|--------|---|--------------------------|--------------------------|-----------------------------------|--|
| | - DESCRIPTION | | | | |
| 101 | Total Departmental Budgets | <u>16,717,472</u> | <u>17,667,149</u> | <u>18,125,064</u> | <u>19,321,407</u> |
| 102 | Total Debt SERVICE (PRIN & INT) | <u>45,820,240</u> | <u>4,076,198</u> | <u>3,528,883</u> | <u>3,610,560</u> |
| 103 | Barnstable County Retirement | 2,495,764 | 2,178,021 | 2,170,097 | 2,217,735 |
| 104 | Special Retirement Pension | 3,552 | 3,552 | 3,552 | |
| 105 | Unemployment Compensation | 50,000 | 35,000 | 35,000 | 35,000 |
| 106 | Group Health Insurance/ Life | 6,710,638 | 4,019,156 | 3,945,954 | 4,048,837 |
| 107 | Insurance, General | 483,077 | 491,783 | 516,373 | 516,373 |
| 108 | Insurance Deductibles/Exclusions. | 15,000 | 15,000 | 15,000 | 15,000 |
| 108(a) | Mega Insurance | <u>-</u> | <u>21,111</u> | <u>21,111</u> | <u>23,925</u> |
| | Sub-Total | <u>9,758,031</u> | <u>6,763,623</u> | <u>6,707,087</u> | <u>6,856,870</u> |
| 109 | <u>Total Town Budget W/O BC Tax & CCC</u> | <u>30,696,461</u> | <u>28,506,970</u> | <u>28,552,559</u> | <u>29,788,837</u> |
| 110 | <u>TOTAL</u> | <u>\$ 47,628,891</u> | <u>\$ 49,347,386</u> | <u>\$ 50,312,131</u> | <u>\$ 51,453,944</u> |

APPENDIX C

Dear Harwich Voters,

The FY15 Monomoy Regional School District budget seeks to deliver to our towns and citizens the “promise” of school regionalization between the towns of Harwich and Chatham. Monomoy’s FY15 budget attempts to balance the promises of improved curriculum and educational opportunities for our towns’ children with promised fiscal relief from ever-increasing school budgets.

Our FY15 budget reduces staffing by 15.8 FTE, which is in addition to 10 positions reduced in prior years since regionalization. Despite a total staff reduction of 25.8 FTE through regionalization, Monomoy is able to provide improved curricula, expanded opportunities, and enhanced educational experiences for the 1,903 children attending our schools. Harwich children represent approximately 73% of Monomoy’s enrollment.

Monomoy fully regionalizes its schools beginning September 2014 with the opening of Monomoy Regional Middle School in Chatham and the new Monomoy Regional High School in Harwich. Students attending our regional schools will have access to greater academic challenges in middle school and a robust college-level Advanced Placement program in high school, along with more diverse curricular and extracurricular offerings, both in our classrooms and our athletic program. This improved educational program also better positions Monomoy within the landscape of School Choice and charter school competition to educate the children of Harwich and Chatham within their home district. The FY15 Operating Budget accomplishes this improvement while providing fiscal relief through an assessment that is \$459,615 less than Harwich’s funding of schools in FY11. Combined, this budget is saving our towns and citizens over \$2.8 million compared to the FY11 school budgets before regionalization.

Monomoy’s FY15 budget includes \$70,000 to address antiquated computer technology in our elementary schools by beginning to update elementary school computers, both in Harwich and Chatham. This budget also includes a fiscally prudent \$197,000 commitment to begin funding the district’s outstanding post-employment benefits (OPEB). To help our towns during a challenging fiscal year, the district has opted to apply a significant amount of funds from its School Choice and Circuit Breaker account to help balance FY15 budgets. While this helps balance FY15 budgets, it will make these funds unavailable if FY16 also presents fiscal challenges to the towns and/or Monomoy.

Our total General Fund Budget, without debt, for FY15 is \$30,640,998. This is a 0.2% reduction over the FY14 General Fund Budget. The FY15 debt amount is \$779,476. This is an increase over FY14 and will again increase in FY16, as the district fully completes the financing of the new Monomoy Regional High School. Harwich’s FY15 assessment is \$20,495,488, which is a .78% increase over the prior year. Harwich’s assessment is further subdivided by operations \$19,536,164, transportation \$390,307, and debt \$569,017, with each sub-category impacted by the percentage of Harwich students in Monomoy’s foundation enrollment.

APPENDIX C

Harwich is also credited with \$336,245 due to a shift in the required minimum contributions in FY14. This credit ultimately reduces Harwich's FY15 assessment to \$20,159,243.

We are excited about the great educational program and opportunities Monomoy Regional will be bringing to the children and families in our communities. You can learn more about our educational program and the new Monomoy Regional High School on our website www.monomoy.edu.

Sincerely,

Scott Carpenter
Superintendent
Monomoy Regional School District