

**SPECIAL TOWN MEETING
WARRANT
With
RECOMMENDATIONS**



**Monday, October 18, 2021
6:30PM
Harwich Community Center
Gymnasium
100 Oak Street**

Face coverings - mandatory

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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	Second Required	Second Not Required	Majority Vote	2/3 Vote	3/4 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	
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										

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

AVAILABLE FUNDS: Balances in the various fund types that represent nonrecurring revenue sources. As a matter of sound practice, they are frequently appropriated for unforeseen expenses, capital expenditures, or other one-time costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and retained earnings.

CHERRY SHEET: Named for the cherry-colored paper on which they were originally printed, the Cherry Sheet is the official notification to cities, towns, and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions, which provide funds based on formulas and reimbursements that provide funds for costs incurred during a prior period for certain programs or services.

FREE CASH: Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year, actual receipts in excess of revenue estimated on the tax recapitulation sheet, and unspent amounts in budget line items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash.

OVERLAY (Overlay Reserve, or Allowance for Abatements and Exemptions): An account that funds anticipated property tax abatements, exemptions, and uncollected taxes. Additions to the overlay reserve need not be funded by the normal appropriation process but instead raised on the tax rate recapitulation sheet.

RESERVE FUND: An amount (not to exceed 5 percent of the tax levy for the preceding year) set aside annually within a community's budget to provide a funding source for extraordinary or unforeseen expenditures. In a town, the finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

STABILIZATION FUND: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL c. 40 § 5B). Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund. A majority vote of town meeting is required to appropriate money into a stabilization fund.

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

CAPITAL ASSETS: – Any tangible property used in the operation of government that is not easily converted into cash and that has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and minimum initial cost.

CAPITAL BUDGET: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method to finance each recommended expenditure (e.g., tax levy or rates) and identify those items that were not recommended.

CAPITAL IMPROVEMENTS PROGRAM: – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital plan. It coordinates community planning, fiscal capacity, and physical development. While all the community's needs should be identified in the program, there is a set of criteria that prioritize the expenditures.

CAPITAL OUTLAY: The exchange of one asset (cash) for another (capital asset) with no ultimate effect on net assets. Also known as "pay as you go," it is the appropriation and use of available cash to fund a capital improvement, as opposed to incurring debt to cover the cost.

FIXED ASSETS: – Long-lived, tangible assets, such as buildings, equipment and land, obtained or controlled as a result of past transactions or circumstances.

MUNICIPAL FINANCE TERMS RELATED TO 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.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A temporary increase in the tax levy to fund a capital project or to make a capital acquisition. Such an exclusion requires a two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a communitywide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

CONTINGENT APPROPRIATION: An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL c. 59 § 21C (m), towns may make appropriations from the tax levy, available funds, or borrowing contingent on the subsequent passage of a Proposition 2½ override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if the appropriation is not approved by the applicable deadline, it is null and void. If contingent appropriations are funded through

property taxes, DLS cannot approve the tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

DEBT EXCLUSION: An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 2^{1/2}. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2^{1/2}, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

LEVY: The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is reestablished every year in accordance with Proposition 2^{1/2} provisions.

LEVY CEILING: – A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2^{1/2}). It states that, in any year, the real and personal property taxes imposed may not exceed 2^{1/2} percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, debt exclusion, or special exclusion.

LEVY LIMIT: A levy limit is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2^{1/2}). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2^{1/2} percent of the prior year's levy

NEW GROWTH: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or revaluations.

OVERRIDE: A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

OVERRIDE CAPACITY: The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

Note: The glossary definitions found on pages 4, 5 and 6 of this Warrant were derived from the ***Municipal Glossary*** published the Division of Local Services (January 2020).

The entire glossary can be found at:

<https://www.mass.gov/info-details/municipal-governance-training-and-resources>

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING WARRANT
OCTOBER 18, 2021**

BARNSTABLE, SS:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Monday, October 18, 2021 at 6:30 P.M., then and there to act on the following articles:

**FUND COSTS RELATED TO UPDATING THE COMPREHENSIVE WASTEWATER
MANAGEMENT PLAN (CWMP)**

ARTICLE 1: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to obtain engineering services needed to update the Comprehensive Wastewater Management Plan (CMWP), including all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$250,000.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

**FUND COSTS RELATED TO ADDITIONAL WASTEWATER COLLECTION SYSTEM
DESIGN**

ARTICLE 2: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to obtain engineering services for additional wastewater collection system in the East Harwich area, including permitting and design, including all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$2,100,000.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

**FUND COSTS RELATED TO WASTEWATER COLLECTION SYSTEM DESIGN ON
CONTINENTAL DRIVE AND WHIDAH DRIVE**

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to obtain engineering services for wastewater collection system of approximately 5,500 linear feet of gravity sewer main on Continental Drive and Whidah Drive, including permitting and design, including all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$400,000.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Three (3): Anderson, Ballantine, And MacAskill

Nays: One (1): Howell

**FUND COSTS RELATED TO ROUTE 28 WASTEWATER COLLECTION SYSTEM
DESIGN**

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to obtain engineering services for Route 28 wastewater collection system, including design and permitting, and all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$200,000.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

CREATE A WASTEWATER SPECIAL PURPOSE STABILIZATION FUND

ARTICLE 5: To see if the Town will vote to accept M. G. L. Chapter 40, Section 5B, Paragraph 4, thereby creating a Wastewater Special Purpose Stabilization Fund, with monies in said Fund to be used, subject to appropriation, to implement the Town's Comprehensive Wastewater Management Plan, including the development of wastewater infrastructure; provided that twenty-five (25) percent of the rooms excise tax collected by the Town in accordance with M.G.L., Chapter 64G, §3A, be dedicated to the Wastewater Special Purpose Stabilization Fund, without further appropriation, to take effect in the fiscal year beginning on July 1, 2022; and to act fully thereon. By request of the Board of Selectmen.

Two-Thirds Vote Required.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

CREATE AN AFFORDABLE HOUSING SPECIAL PURPOSE STABILIZATION FUND

ARTICLE 6: To see if the Town will vote to accept M. G. L. Chapter 40, Section 5B, Paragraph 4, thereby creating an Affordable Housing Special Purpose Stabilization Fund, with monies in said Fund to be used, subject to appropriation, for the acquisition, creation, preservation, and support of affordable housing available for occupancy by low and moderate households earning less than 100% of area wide median income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size; provided that twenty-five (25) percent of the rooms excise tax collected by the Town in accordance with M.G.L., Chapter 64G, §3A, be dedicated to the Affordable Housing Special Purpose Stabilization Fund, without further appropriation, to take effect on July 1, 2022; and to act fully thereon. By request of the Board of Selectmen.

Two-Thirds Vote Required.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

AMEND ROOMS TAX RATE PER M.G.L., CHAPTER 64G, §3A

ARTICLE 7: To see if the Town will vote to accept the provisions of M.G.L., Chapter 64G, §3A to amend the local excise rate from 4% to 6% to take effect on January 1, 2023; and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

FUND NON-UNION PERSONNEL WAGE INCREASES

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the FY 2022 budget to fund cost-of-living adjustments (COLA) for non-union personnel covered under personal service contracts and/or the Personnel Bylaws; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$39,843.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

FUND NEGOTIATED CONTRACT – FIRE FIGHTERS

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the FY 2022 Fire Department budget to implement the new contractual agreement between Harwich Permanent Fire Fighters, Local 2124, International Association of Fire Fighters and the Town of Harwich; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$86,957.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

FUND NEGOTIATED CONTRACT – WATER DEPARTMENT

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the FY 2022 Water Department budget to implement the new contractual agreement between the International Association of Machinists and Aerospace Workers, Local Lodge 264 of District 38, A.F.L.-C.I.O. and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$38,245.

Funding Source: Water Enterprise Retained Earnings

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

TRANSFER OF SURPLUS BOND PROCEEDS

ARTICLE 11: To see if the Town will vote to appropriate \$217,894.56 to pay costs of acquiring a fire quint apparatus, and to determine whether this amount shall be transferred from surplus bond proceeds, or otherwise provided; or take any other action relative thereto. By request of the Finance Director.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

LAND TAKING BY EMINENT DOMAIN

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land consisting of 2 acres, more or less, located off Pleasant Lake Avenue, Route 124, identified as Assessor's Map 82, Parcel R5, for affordable housing purposes; and to raise and appropriate or transfer from available funds a sufficient sum of money for said acquisition, including all costs incidental and related thereto, provided that upon acquisition of said parcel by the Town, said parcel be transferred to the Harwich Affordable Housing Trust to be held for affordable housing purposes; and to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$25,000.

Funding Source: Free Cash

Two-thirds vote required.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

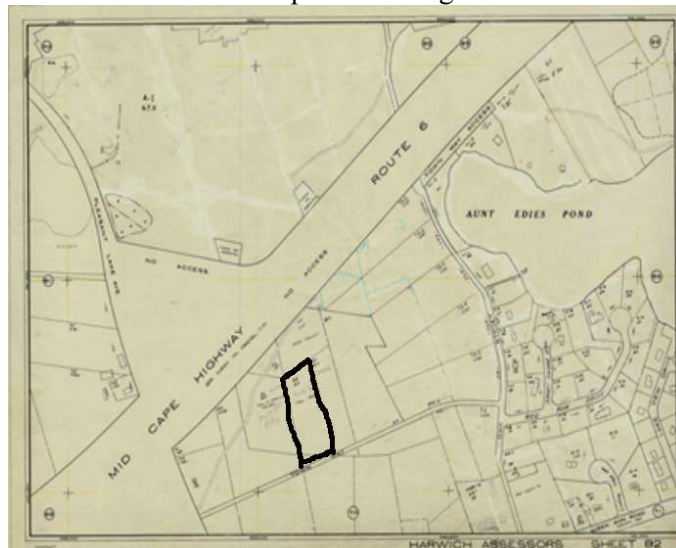
Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

Assessor's Map 82 Showing Parcel R5



PURCHASE AND EQUIP A FIRE DEPARTMENT AMBULANCE

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to purchase and equip one ambulance for the Fire Department; and to act fully thereon. By request of the Fire Chief. Estimated cost: \$378,676.

Funding Source: Free Cash

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

Nays: Zero (0)

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 14: 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 M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director. Estimated cost: \$10,405.33.

	Invoice/Debt	Description	Amount	Source
	112	Rock Harbor Respite	300.00	Free Cash
	308832	Baskin's Ace Hardware	8.98	Free Cash
	50221	Horsley Whitten Group	6,865.13	Water Retained Earnings
	5518-17680	National Grid	470.20	Free Cash
	8773 10 273 0122241	Comcast	114.77	Free Cash
	16992	Guardian Info. Technologies	326.25	Free Cash
	2020-15793	Structures North	1,360.00	CPC ATM 19 #41
	2021-15931	Structures North	320.00	CPC ATM 19 #41
	2021-16014	Structures North	640.00	CPC ATM 19 #41
		Total:	\$10,405.33	

Nine-tenths vote required.

FINANCE COMMITTEE RECOMMENDS ADOPTION

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: Seven (7): Ameres, Chorey, Doucette, Kennedy, LaMantia, Tworek, Weiner

Nays: Zero (0)

Board of Selectmen:

To accept and adopt:

Yeas: Four (4): Anderson, Howell, Ballantine, And MacAskill

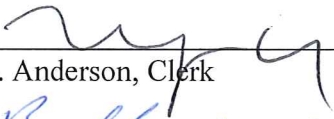
Nays: Zero (0)

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 20th day of September, 2021.



Michael D. MacAskill, Chair



Mary E. Anderson, Clerk



Larry G. Ballantine



Donald F. Howell

BOARD OF SELECTMEN

A true copy Attest:



Constable