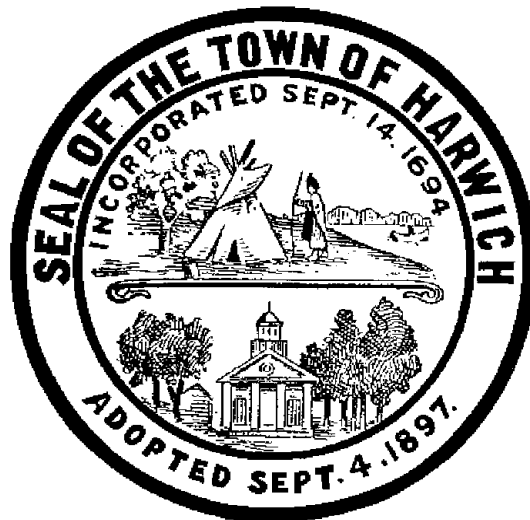


COMPLETED
ANNUAL TOWN MEETING
WARRANT



MAY 1, 2006



SPECIAL TOWN MEETING
WARRANT



MAY 2, 2006

with
RECOMMENDATIONS

TABLE OF CONTENTS
ANNUAL TOWN MEETING WARRANT

MAY 1, 2006

Voting Procedures	6
Motion Chart	7
Tax Rate Chart	8
Municipal Finance Terms	9
Proposition 2 ½ Terms	10

ARTICLES

1. Town Officers & Committees	11
2. Reports of Town Officers & Committees	11
3. Elected Officials Salaries	11
4. Fund Negotiated Contract – Superior Police Officers	12
5. Amend Personnel By-Law/Compensation Plan	12
6. Amend Classification and Compensation Plan	16
7. Budget	16
8. Capital Plan Adoption	16
9. Maintain, Update and/or Certify Real/Personal Property Valuations	20
10. Project Contemporary Competitiveness	20
11. Fund Human Services	20
12. Defray Expenses – Chase and Harwich Port Libraries	20
13. Lease or Purchase and Equip Vehicles	20
14. Purchase/Equip New Equipment	21
15. Water Department Equipment and Vehicles	22
16. Purchase Equipment and Upgrade Hardware for GIS Program	22
17. Fire Department Building Maintenance	22
18. Amend Town By-Law Regarding Littering	22
19. Replace Water Mains	23
20. Fund New Water Source Exploration	23
21. Take Land by Eminent Domain for Kelley Cemetery	24
22. Approve Revised Cemetery Rules and Regulations	24
23. Transfer Pine Grove Cemetery to the Town	27
24. Amend General By-Laws – Harwich Right to Farm By-law	27
25. Establish a Revolving Fund for Council on Aging	30
26. Road Maintenance Program	30
27. Accept State Funding for Road Maintenance and Repair	30
28. Replace Roof of Highway Maintenance Building	30
29. Hire Seasonal Staff for Highway and Maintenance	31
30. Design/Replace Lower End of Boat Ramp at Allen Harbor	31
31. Dredging Reserve	31
32. Accept Road Layouts	31
33. Establish Capital Replacement Stabilization Fund	32

34.	Conduct Demographic Study	32
35.	Conduct Benchmark Socio-Economic Study	32
36.	Technology Assessment of All Town Departments.....	32
37.	Sell Parcels of Land Owned by the Town.....	32
38.	Establishing and Funding Lead Contract Negotiator	33
39.	Adopt Town of Harwich Mission Statement.....	33
40.	Amend By-Law – Town Clerk Fees	35
41.	Refurbish Community Center Gym Floor.....	36
42.	Senior Exemption.....	36
43.	License, Maintenance and Support for Assessors Website.....	37
44.	Nitrogen Management Planning.....	37
45.	Fund Rehabilitation of the Recreation Building on Sisson Road.....	37
46.	Fund Predevelopment of the Main Street Extension Housing Development.....	37
47.	Purchase and Install Playground Equipment at Brooks Park	38
48.	Fund Earle Road Beach Improvements.....	38
49.	Fund Housing on Sites of Rec Building and W. Harwich Schoolhouse	38
50.	Update the Town Historic Property Inventory	38
51.	Fund Repairs to Brooks Academy	39
52.	Purchase Guida Property	39
53.	Resolution Urging Cessation of Combat Operations in Iraq.....	39
54.	Support the Mashpee Wampanoag Tribe’s Petition for Federal Recognition	40
55.	Utility Easement of Town Property	41
56.	Reconstruct Cove Road, Old Post Road & Wayside Road through Betterments	41
57.	Support Proposed Regional Universal Health Care Program	41
58.	Dredging Permits for Allen Harbor Basin.....	42
59.	Lease Property for Multi-Purpose Use in Harwich Center	42
60.	Lease Property for Multi-Purpose Use in West Harwich.....	43
61.	Approve Affordable Housing Proposal for Driftwood Lane	44
62.	Appoint a School Building Needs Committee	44
63.	Fund School Building Maintenance	44
64.	Fund Technology Hardware and Software for the School Department	45
65.	Fund Part-Time School Dept. Medicaid Billing Clerk & Billing Services.....	45
66.	Supplement Funds for Cultural Council Activities	45
67.	Amend By-Law Regarding Beach Parking.....	45
68.	Provide Public Health Services Through Inter-Municipal Agreement	46
69.	Purchase of Computer Software to Augment Munis System.....	46
70.	Support Lower/Outer Cape Community Coalition	46
71.	Promote Town of Harwich.....	46
72.	Defray Costs of the Harwich Athletic Association	47
73.	Replace Fuel Storage Tanks at Saquatucket	47
74.	Bunker Renovation and Range Expansion.....	47
75.	Compensation Balance Agreement	47
76.	Liability Tidal/Non Tidal Rivers.....	48
77.	Herring Fisheries	48
78.	Unpaid Bills.....	48
79.	Stabilization Fund	48

**SPECIAL TOWN MEETING WARRANT
MAY 2, 2006**

ARTICLES

1.	Membrane Roofing System – Harwich Middle School	50
2.	Partial Replacement of High School Roof	50
3.	Supplement FY 2006 Reserve Fund Account	50
4.	Additional Annual Compensation for Town Clerk	51
5.	Fund Negotiated Contract – Fire Fighters	51
6.	Fund Negotiated Contract – Water Department.....	51
7.	Fund Negotiated Contract – Highway and Maintenance	51
8.	Fund Negotiated Contract – Harwich Employees Association	52
9.	Land Bank Borrowing	52
10.	Supplement Group Health Insurance Claims Trust Fund	52
11.	Acquire Downey Property	52
12.	Regulations for Wind Energy Systems	53
13.	Inclusionary Housing	55

APPENDIX

- A. Sample Ballot
- B. Budget
- C. Citizen’s Activity Record Form

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 – 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 – 3/4 majority.
 - C. To pay unpaid bills – 4/5 majority at the Annual Town Meeting, 9/10 majority at a Special Town Meeting.
 - D. To move the previous question (terminate debate) - 3/4 majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¾ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X				X					
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

The chart below shows the amount of money required to change the FY 2006 tax rate in \$.05 increments.

<u>TAX RATE CHANGE IN \$1000</u>	<u>DOLLARS REQUIRED</u>
\$ 0.01	\$50,303
\$ 0.05	\$251,517
\$ 0.10	\$503,035
\$ 0.15	\$754,552
\$ 0.20	\$1,006,070
\$ 0.25	\$1,257,587
\$ 0.30	\$1,509,105
\$ 0.35	\$1,760,622
\$ 0.40	\$2,012,140
\$ 0.45	\$2,263,657
\$ 0.50	\$2,515,175
\$ 0.55	\$2,766,692
\$ 0.60	\$3,018,209
\$ 0.65	\$3,269,727
\$ 0.70	\$3,521,244
\$ 0.75	\$3,772,762
\$ 0.80	\$4,024,279
\$ 0.85	\$4,275,797
\$ 0.90	\$4,527,314
\$ 0.95	\$4,778,832
\$ 1.00	\$5,030,349

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 WARRANT
MAY 1, 2006**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Monday, May 1, 2006, at 7:00 P.M., then and there to act on the following articles:

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

Given under our hands this 20th day of March, 2006

s/Edward McManus, Chairman

s/Robin D. Wilkins

s/Peter Piekarski

s/Donald F. Howell

s/Lawrence P. Cole

BOARD OF SELECTMEN

A true copy Attest:

s/John E. Gaisford

Constable

April 12, 2006

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Monday 1st day of May, 2006 at the time and place for the purpose herein named by posting up attested copies hereon in the four (4) Post Office buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

s/John E. Gaisford

Constable

The Moderator, Michael D. Ford, called the meeting to order at 7:00 PM when a quorum of at least 150 registered voters were in attendance. Before town business began, Town Clerk, Anita N. Doucette read the Warrant and Return of Warrant. The May 2006 Harwich Annual Town Meeting was held in the Community Center on 100 Oak Street, the Town Meeting began with:

.

TOWN OFFICERS AND COMMITTEES

ARTICLE 1. To choose various Town Officers and Committees.
**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be
accepted and adopted. Duly seconded

ACTION: It is a vote

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

**TOWN MODERATOR APPOINTMENTS
ANNUAL TOWN MEETING – MAY 2005**

FIELD DRIVERS & FENCE VIEWERS

I appoint the duly elected Constables, John Gaisford, Oliver Pelton and Emulous E. Hall as Field Drivers and Fence Viewers.

SURVEYOR OF WOOD & LUMBER

I appoint the Building Commissioner, Roger Dias as the Surveyor of Wood and Lumber.

TRUSTEES, CALEB CHASE FUND

I appoint Paul Doane to a three year term as Trustee of the Caleb Chase Fund.

FINANCE COMMITTEE

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

Dated: May 1, 2006

s/Michael D. Ford, Esq.
Town Moderator

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2. To hear reports of all Town Officers and Committees for the year 2006.
**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be
accepted and adopted. Duly seconded

ACTION: It is a vote.

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, 2006 and ending June 30, 2007 as follows; and to act fully thereon. Estimated cost: \$64,431.00.

Selectmen (5)	\$1,500.00 (each)
Moderator.....	\$300.00
Town Clerk	\$55,131.00

Water Commissioners (3)\$500.00 (each)

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO SET SALARIES OF ELECTED OFFICIALS. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted as follows:

Selectmen (5)\$1,500.00 (each)

Moderator.....\$300.00

Town Clerk\$55,131.00

Water Commissioners (3)\$500.00 (each)

Duly seconded

ACTION: It is a vote

FUND NEGOTIATED CONTRACT – POLICE SUPERIOR OFFICERS

ARTICLE 4. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the FY 2007 Police Department budget to implement the new contractual agreement between the Harwich Superior Officers Association Local 589 and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

NO RECOMMENDATION PENDING COMPLETION OF NEGOTIATIONS.

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

ACTION: The article is indefinitely postponed.

AMEND PERSONNEL BY-LAW/COMPENSATION PLAN

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to amend the Personnel By-law Compensation Plan for FY 2007 as follows; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$81,465.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. SALARY INCREASES FOR PERSONNEL BY-LAW EMPLOYEES. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that the sum of \$74,980.00 be raised an appropriated and that the sum of \$3,660.00 be transferred from the Water Enterprise Fund and that the sum of \$2,825.00 be transferred from the Media One account, for a total of \$81,465.00 for this purpose.

Duly seconded

ACTION: It is a vote

NON-UNION COMPENSATION PLAN
EFFECTIVE JULY 1, 2006

<u>Grade</u>	<u>Position</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>
M-6	Director, Highways & Maint. Town Engineer	67,076	68,752	70,471	72,233	74,039	75,890	77,787	79,732	81,725	83,768
M-5	Computer Coordinator Deputy Assessor Deputy Fire Chief Water Supt.	61,537	63,076	64,653	66,269	67,926	69,624	71,364	73,148	74,977	76,852
M-4	Asst. Town Administrator Building Commissioner Conservation Admin. Golf Director Golf Superintendent Health Director Library Director Natural Res. Director Personnel Director Town Planner Treasurer/Tax Collector Community Center Mgr.	56,456	57,868	59,314	60,797	62,317	63,875	65,472	67,109	68,786	70,506
M-3		51,795	53,089	54,417	55,777	57,172	58,601	60,066	61,568	63,107	64,684
M-2	Ch. 18 Station Mngr. Director, COA Recreation Director Youth Counselor	47,518	48,706	49,924	51,172	52,451	53,762	55,106	56,484	57,896	59,343
M-1	Cemetery Administrator	38,014	38,965	39,939	40,937	41,961	43,010	44,085	45,187	46,317	47,475

In FY 2004, all employees covered by the Personnel By-Law who are paid at step six of the prior plan will have their anniversary date changed to July 1 for purposes of step increases. All existing longevity bonuses shall be retained, and frozen at FY 2004 percentages until the incumbent is paid one full year at Step 10, at which time the percentage bonus shall increase by 1% each year to a maximum of 7%. Longevity bonuses shall be payable on the former anniversary date.

NON-UNION COMPENSATION PLAN
**OFFICE ADMINISTRATION
AND PART-TIME POSITIONS**
EFFECTIVE JULY 1, 2006

<i>Grade</i>		<i>MIN.</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>	<i>Step 9</i>	<i>Step 10</i>
OA-4	Administrative Secretary	20.26 709.05 36,871	20.77 726.78 37,793	21.28 744.95 38,737	21.82 763.57 39,706	22.36 782.66 40,699	22.92 802.23 41,716	23.49 822.29 42,759	24.08 842.84 43,828	24.68 863.91 44,924	25.30 885.51 46,047
OA-3	Admin. Assistant Bd. of Appeals Clerk	18.46 646.06 33,595	18.92 662.22 34,435	19.39 678.77 35,296	19.88 695.74 36,178	20.38 713.13 37,083	20.88 730.96 38,010	21.41 749.24 38,960	21.94 767.97 39,934	22.49 787.17 40,933	23.05 806.84 41,956
OA-2	Board Secretary	15.51 542.91 28,231	15.90 556.48 28,937	16.30 570.40 29,661	16.70 584.66 30,402	17.12 599.27 31,162	17.55 614.25 31,941	17.99 629.61 32,740	18.44 645.35 33,558	18.90 661.48 34,397	19.37 678.02 35,257
OA-1	Board Clerk	13.49 472.10 24,549	13.83 483.90 25,163	14.17 496.00 25,792	14.53 508.40 26,437	14.89 521.11 27,098	15.26 534.13 27,775	15.64 547.49 28,469	16.03 561.17 29,181	16.43 575.20 29,911	16.85 589.58 30,658

NON-UNION COMPENSATION PLAN OFFICE ADMINISTRATION AND PART-TIME POSITIONS

OFFICE ADMINISTRATION AND PART-TIME POSITIONS

EFFECTIVE JULY 1, 2006

[illegible]

AMEND CLASSIFICATION AND COMPENSATION PLANS

ARTICLE 6. To see if the Town will vote to amend the Personnel By-law, Part 4 CLASSIFICATION AND COMPENSATION PLANS, by deleting it in its entirety and substituting the following, and to act fully thereon.

Part 4

CLASSIFICATION AND COMPENSATION PLANS

The Classification Plan is a plan classifying positions covered under this By-law into groups and classes of positions, in which incumbents perform substantially similar work or have substantially equal responsibility. The Compensation Plan is a listing of salaries and wages allocated to pay grades by classes or positions. The Personnel Administrator, with the approval of the Board of Selectmen, may from time to time amend the Classification Plan. The Board of Selectmen with a recommendation from the Personnel Administrator may annually amend the Compensation Plan, subject to sufficient appropriation by the Town Meeting.

By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. MORE EQUITABLE PROCEDURE FOR DETERMINING COMPENSATION FOR NON-UNION, COMPETENT AND VALUABLE EMPLOYEES. VOTE 4 TO 1.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted. Duly seconded

ACTION: It is a vote

BUDGET

ARTICLE 7. To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2007; and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$41,862,225.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO FUND THE CONTINUING OPERATION OF THE TOWN. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the Warrant under the column voted BOS FY2007 with the following changes:

Line # 40 Change Accountants S&W from **\$184,169.00** to **\$188,819.00**
Line # 70 Change Town Hall S&W from **\$306,749.00** to **\$326,749.00**
Line #90 Change Town Planner S&W from **\$132,363.00** to **\$157,362.00**
Line # 160 Change Police Dept. S&W from **\$2,475,439.00** to **\$2,480,033.00**
Line # 161 Change Police Dept. Expense from **\$249,058.00** to **\$254,058.00**
Line # 162 Change Police Dept. Capital Outlay from **\$0.00** to **\$52,584.00**
Line # 170 Change Fire Dept. S&W from **\$2,444,102.00** to **\$2,448,565.00**
Line # 240 Change Highways & Maintenance S&W from **\$1,399,928.00** to **\$1,459,928.00**
Line # 246 Change Hot mix, oil & improve town roads from **\$85,000.00** to **\$100,000.00**
Line # 311 Change Brooks Library expense from **\$193,189.00** to **\$215,819.00**

Line # 330 Change Com. Center Commission S&W from **\$224,106.00** to **\$231,521.00**
Line # 460 Change Finance Committee Reserve Fund from **\$150,000.00** to **\$221,945.00**
Line # 470 Change Street Lights from **\$90,000.00** to **\$80,000.00**
Line # 520 Change Grp Health Ins., Wrkrs Comp, FICA, from **\$4,924,400.00** to **\$4,664,400.00**
Line # 990 Change Total Harwich Schools from **\$12,934,718.00** to **\$13,032,559.00**

and that the sum of **\$42,095,864.00** be appropriated for this purpose. That to raise this appropriation the sum of **\$38,539,341.00** be raised from taxes, state and local receipts and that **\$2,230,350.00** be raised from Water Enterprise Fund, and that **\$956,336.00** be transferred from the CPC/Land Bank Fund, and that **\$92,587.00** be transferred from the Media One Fund, and that **\$60,000.00** be transferred from Chapter 70 Funds, and that **\$17,250.00** be transferred from the Septic Loan Betterment Fund, and that **\$75,000.00** be transferred from the Library Grant received from the Commonwealth on February 26, 1999 to Line #770 Library Construction Principal, and that **\$125,000.00** be transferred from the Waterways Management Fund. Included in the budget amount is **\$894,212.00** under Line Item #995 as the Town's share of the Cape Cod Regional Technical High School budget, which budget, as approved by the Regional School Committee is the total sum of **\$11,086,903.00** and the amount of said budget is hereby approved.

Duly seconded

AMEND MAIN MOTION: (Donald F. Howell, Selectman) I move to amend the main motion to change Line #90, Town Planner S&W, from \$157,362.00 to \$132,363.00 and that the sum of \$42,070,865.00 be appropriated for this purpose. That to raise this appropriation the sum of 38,514,342.00 be raised from taxes, state and local receipts.

Duly seconded

ACTION ON AMENDMENT: A standing count was taken, YES 130 NO, 173, this motion did not carry.

ACTION ON MAIN MOTION: It was so voted.

CAPITAL PLAN ADOPTION

ARTICLE 8. 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 2013 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO CONTINUE TO PLAN FOR CAPITAL EXPENDITURES. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted.

Duly seconded

AMEND THE MAIN MOTION: (Lawrence Cole, Selectman) I move to amend the main motion as follows:

1. Delete Town Hall Computer Upgrades \$ 150,000.00
2. Delete Decommission Brooks Park Water Tank 148,000.00
3. Change Water Main Projects from \$600,000.00 to \$300,000.00

ACTION ON AMENDMENT: It is a unanimous vote, so declared.

ACTION ON MAIN MOTION AS AMENDED: It is a unanimous vote, so declared.

FY 2006 – 2012 CAPITAL PLAN

Item	FY06	FY07	FY08	FY 09	FY 10	FY 11	FY 12
Construction Projects							
Golf Bunkers & Range Upgrade		735,000					
Golf Course Land Acquisition		500,000					
Police New Building Plans			350,000				
Build New Police Station				7,000,000			
Rec. & Youth Sand Pond Bathroom					100,000		
High School Roof		1,000,000					
High School Heating System			1,000,000				
WQTF Planning			100,000	100,000	100,000		
WQTF Design						1,000,000	
WQTF Construction							3,125,000
Wychmere Harbor Town Wooden Bulkhead							200,000
Saquatumet Harbor Piling Replacement							120,000
Total Construction	0	2,235,000	1,450,000	7,100,000	200,000	1,000,000	3,445,000
Recurring Items & Maintenance							
Highway Roads & Sidewalks Maintenance		500,000	500,000	500,000	750,000	750,000	750,000
Town Hall Computer Upgrades		150,000					
Total Recurring/Maintenance	0	650,000	500,000	500,000	750,000	750,000	750,000
Total Construction & Recurring	0	2,885,000	1,950,000	7,600,000	950,000	1,750,000	4,195,000
Vehicle Replacement							
Fire Rescue Vehicle		150,000		150,000		150,000	
Fire Engine							467,000
Highway Sweeper		160,000					175,000
Landfill Tractor			110,000				
Highway Loader					150,000		
Landfill Loader				150,000			
Land fill Refuse Trailer					110,000		
Highway Dump truck							125,000
Total Vehicle Replacement	0	310,000	110,000	300,000	260,000	150,000	767,000
Total Plan	0	3,195,000	2,060,000	7,900,000	1,210,000	1,900,000	4,962,000
Water Department							
Decommission Brooks Park Water Tank		175,000	175,000				
Water Main Projects	300,000		300,000	200,000	300,000	300,000	300,000
Water Storage Tank Rehabilitation			1,000,000				
Water New Well Source Investigation		100,000					
Repaint Lothrop Water Tank				300,000	300,000		
Water Department Total	300,000	275,000	1,475,000	500,000	600,000	300,000	300,000
Total Plan Plus Water	300,000	3,470,000	3,535,000	8,400,000	1,810,000	2,200,000	5,262,000

FY 2007 – 2013 CAPITAL PLAN

Item	FY07	FY08	FY 09	FY 10	FY 11	FY 12	FY 13
Construction Projects							
Golf Bunkers Reconstruction	640,000						
Golf Driving Range Upgrade	375,000						
New Police Station Plans		600,000					
New Police Station Construction			6,000,000				
Rec. & Youth Sand Pond Bathroom				100,000			
Replace Part of High School Roof	430,000						
Replace Middle School Membrane Roof	350,000						
New High School Plans					2,400,000		
New High School Construction (See Note 1)							15,000,000
Wastewater Treatment Planning		300,000					
Wastewater Treatment Planning					1,000,000		
Wastewater Treatment Construction						3,125,000	3,125,000
Wychmere Harbor Town Wooden Bulkhead						200,000	
Saquatucket Harbor Piling Replacement						120,000	
Total Construction	1,795,000	900,000	6,000,000	100,000	3,400,000	3,445,000	18,125,000
Recurring Items & Maintenance							
Highway Roads & Sidewalks Maintenance	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Town Hall Computer Upgrades	150,000						
Total Recurring/Maintenance	1,150,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total Construction & Recurring	2,945,000	1,900,000	7,000,000	1,100,000	4,400,000	4,445,000	19,125,000
Vehicle Replacement							
Fire Rescue Vehicle	175,000		175,000		175,000		150,000
Fire Engine						467,000	
Ladder Truck Refurbishing				250,000			
Highway Sweeper	160,000					175,000	
Roll-off Truck		170,000					
Highway Loader				150,000			
Landfill Loader			150,000				
Land fill Refuse Trailer				110,000			
Highway Dump truck						125,000	
Total Vehicle Replacement	335,000	170,000	325,000	510,000	175,000	767,000	150,000
Total Plan	3,280,000	2,070,000	7,325,000	1,610,000	4,575,000	5,212,000	19,275,000

FY 2007 – 2013 CAPITAL PLAN
(continued from previous page)

Water Department							300,000
Decommission Brooks Park Water Tank	148,000						
Water Main Projects (See Note 2)	600,000	300,000	300,000	300,000	300,000	300,000	
Water Storage Tank Rehabilitation		800,000					
New Well Source Investigation	100,000	100,000	100,000				
Repaint Lothrop Water Tank			700,000				
Remote Meter Reading				100,000	100,000		
Water Department Total	848,000	1,200,000	1,100,000	400,000	400,000	300,000	300,000
Total Plan Plus Water	4,128,000	3,270,000	8,425,000	2,010,000	4,975,000	5,512,000	19,575,000

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

ARTICLE 9. To see if the Town will vote to raise and appropriate a sufficient sum of money to maintain, update, and/or certify real and personal property valuations, and to act fully thereon. By request of the Board of Assessors. Estimated cost: \$21,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO PROPERLY SET THE TAX RATE. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$21,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

PROJECT CONTEMPORARY COMPETITIVENESS

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds for the Board of Selectmen and School Committee to award scholarships to eighth and ninth grade Harwich students to participate in Project Contemporary Competitiveness at Bridgewater State College; said monies to be used to defray the cost of tuition and related expenses, and to act fully thereon. By request of the School Committee and Board of Selectmen. Estimated cost: \$15,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO TAKE ADVANTAGE OF EDUCATIONAL
OPPORTUNITY. VOTE 4 TO 0 WITH ONE ABSTAINING.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$15,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a vote.

FUND HUMAN SERVICES

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money, to be expended under the direction of the Board of Selectmen, to help defray the expenses of certain Human Services Agencies, and to act fully thereon. By Petition. Estimated cost: \$76,500.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 3 TO 2.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$76,500.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

DEFRAY EXPENSES – CHASE AND HARWICH PORT LIBRARIES

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to help defray the expenses of the Chase Library and Harwich Port Library; said funds to be expended under the direction of the Board of Selectmen, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$22,630.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. FUNDS MOVED TO BUDGET. VOTE 5 TO 0.

MOTION: (Robin Wilkins- Member, Board of Selectmen) I move that this Article be accepted and adopted and that \$22,630.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a vote

LEASE OR PURCHASE AND EQUIP VEHICLES

ARTICLE 13. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to lease or purchase and equip the following vehicles, and to act fully thereon:

Fire Department

Estimated Purchase Cost

One (1) New Emergency Medical Vehicle (Capital Plan item) \$175,000.00

One (1) 2006 Ford F-350 Truck \$34,711.00

One (1) 2006 Ford Explorer XLT (4wd) \$28,703.00

And to further authorize the sale or trade-in of one 2000 Ford E450 Type III, Class I, emergency medical vehicle; one Ford F-350 truck; and one Crown Victoria toward the purchase price where the Board of Selectmen find it cannot be utilized elsewhere in the Town.

Highway and Maintenance

Estimated Purchase Cost

One (1) new one-ton dump truck with plow (Cemetery) \$43,600.00

One (1) new one-ton pickup truck with plow (Highway) \$32,800.00

One (1) new one-ton van (Building Maintenance) \$19,500.00

One (1) new Vacuum Sweeper (Highway) (Capital Plan item) \$160,000.00

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

One (1) 1991 Blazer

One (1) 1989 GMC Pickup Truck

One (1) 1993 Ford Van

One (1) 2000 Tymco Sweeper

Police Department

Estimated Purchase Cost

Five (5) Ford Police cruisers \$131,460.00

And to further authorize trade-in of the five police cruisers toward the purchase price where the Board of Selectmen find they cannot be utilized elsewhere in the Town.

School Department

Estimated Purchase Cost

One (1) truck \$25,000.00

And to further authorize the sale or trade-in of the existing 1993 Ford pickup truck toward the purchase price where the Board of Selectmen find it cannot be utilized elsewhere in the Town. By request of the Board of Selectmen. Estimated cost \$650,774.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$546,898.00 be transferred from available funds for the following vehicles:

Fire Dept.

One New Emergency Medical Vehicle	\$ 175,000.00
One 2006 Ford F-350 Truck	34,711.00
One 2006 Ford Explorer XLT	28,703.00

Highway & Maintenance

One new one-ton dump truck with plow (Cemetery)	43,600.00
One new one-ton pickup truck with plow (Highway)	32,800.00
One new one-ton van (Building Maintenance)	19,500.00
One new Vacuum Sweeper (Highway)	160,000.00

Police Dept.

Two Ford Police cruisers	52,584.00
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And to authorize the sale or trade-in of existing vehicles where the Board of Selectmen find they cannot be utilized elsewhere in the Town. Duly seconded

ACTION: It is a unanimous vote, so declared.

After the vote was taken on Article 22 of the Annual Town Meeting a vote to reconsider Article 13 was brought forward.

MOTION: (Edward McManus, Chairman-Board of Selectmen) I move to reconsider the vote taken on Article 13 of this Town Meeting. Duly seconded

ACTION: This motion needs a $\frac{3}{4}$ majority vote to pass and reconsider Article 13. It is a unanimous vote, so declared.

AMEND THE MAIN MOTION: (Donald Howell, Selectman) I move that the main motion be amended as follows:

<u>Police Department</u>	<u>Estimated Purchase Cost</u>
Two (2) Ford Police cruisers	\$ 52,584.00
To:	
Three (3) Ford Police cruisers	\$ 78,876.00

And that the sum of \$573,160.00 be transferred from available funds for this purpose.

Duly seconded

ACTION ON AMENDMENT: So voted.

ACTION ON MAIN MOTION AS AMENDED: Motion carries.

PURCHASE/EQUIP NEW EQUIPMENT

ARTICLE 14. To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following equipment, and to act fully thereon:

<u>Highway & Maintenance</u>	<u>Estimated Purchase Cost</u>
One (1) new Beach Cleaner (Surf Rake) (Highway)	\$50,550.00
Three (3) new 40 yard Roll-off Containers (Disposal)	\$15,000.00

And to further authorize trade-in or sale of the following old equipment toward the purchase price, where the Board of Selectmen finds that it cannot be utilized elsewhere in the Town:
One (1) 1991 Cherrington Beach Cleaner. By request of the Board of Selectmen.
Estimated Cost: \$ 65,550.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$60,495.00 be transferred from available funds for the following equipment:

Highway & Maintenance	
One new Beach Cleaner (Surf Rake)	\$45,495.00
Three new 40 yard Roll-off Containers	15,000.00

And to authorize the sale or trade in of old equipment where the Board of Selectmen find that it cannot be utilized elsewhere in Town. Duly seconded

ACTION: It is a unanimous vote, so declared.

PURCHASE WATER DEPARTMENT EQUIPMENT AND VEHICLE

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase the following:

	<u>Estimated Purchase Cost</u>
One (1) New Ford Ranger pickup truck	\$ 18,000.00
Four (4) new generators for pumping stations	\$110,000.00

And to act fully thereon. By request of the Water Commissioners.
Estimated Cost: \$128,000.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$128,000.00 be transferred from Water Enterprise Fund for the following:

One new Ford Ranger pickup truck	\$ 18,000.00
Four new generators for pumping stations	110,000.00

Duly seconded

ACTION: It is a vote

PURCHASE EQUIPMENT AND UPGRADE HARDWARE FOR GIS PROGRAM

ARTICLE 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase equipment and to upgrade hardware and data to implement a GIS program that will benefit the entire Town as follows:

GIS Program	\$120,000.00
Large format scanning equipment	\$ 9,000.00

And to act fully thereon. By request of the Board of Water Commissioners and the Water Superintendent, Computer Department, Building, Planning and Conservation Departments.
Estimated Cost: \$129,000.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO MARK TOWN MAPS WITH UNDERGROUND
UTILITIES. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$120,000.00 be transferred from the Water Enterprise Fund and \$9,000.00 be transferred from available funds, for a total of \$129,000.00, for the following:

GIS Program	\$120,000.00
Large format scanning equipment	9,000.00

Duly seconded

ACTION: It is a vote.

FIRE DEPARTMENT BUILDING MAINTENANCE

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase and install commercial flooring in the heavy traffic areas of Fire Headquarters and the East Harwich Station, and to act fully thereon. By request of the Fire Chief. Estimated Cost: \$11,500.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO MAINTAIN EXISTING ASSET OF THE TOWN. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$11,500.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

AMEND TOWN BY-LAW REGARDING LITTERING

ARTICLE 18. To see if the Town will vote to amend the Town By-law find structure regarding “Part 8 Crimes and Punishment – Section 4-108A Dumping of Rubbish and Refuse” (littering) and “Section 4-803 Violations and Penalties” to read as follows, and to act fully thereon:

4-801A “...Violations of this section shall be punished by a fine of \$500 for the first violation, \$1,000 for the second violation, and \$2,000 for the third and subsequent violations which may be enforced by the Fire Department acting through the Fire Chief or his/her authorized designees, the duly authorized Health Agent, Building Inspector, and any Officers having police powers of said Town of Harwich. Second, third, and subsequent violations are determined through official records indicating that the violator has paid a fine, had a judgment, or been found guilty for a similar offence. Restitution for the cost of mitigation and clean-up incurred by the Town of Harwich may be assessed in addition to any fine. Prosecution hereunder shall not bar any other action, civil or criminal, which by law may be taken in such a case.”

4-803 “Whoever violates sections 4-101 and 4-102 of this By-law shall, except where a different provision is made by the laws of the Commonwealth, be subject to a fine in the sum of fifty (\$50.00) dollars; such fine shall not act as bar to any civil enforcement actions.”

4-803A “Violations sections 4-801 and 4-802 of this By-law shall be punished by a fine of \$100 for the first violation, \$200 for the second violation, and \$500 for the third and subsequent violations which may be enforced by the Fire Department acting through the Fire Chief or his/her authorized designees, the duly

authorized Health Agent, Building Inspector, and any Officers having police powers of said Town of Harwich. Second, third, and subsequent violations are determined through official records indicating that the violator has paid a fine, had a judgment, or been found guilty for a similar offense. Restitution for the cost of mitigation and clean-up incurred by the Town of Harwich may be assessed in addition to any fine. Prosecution hereunder shall not bar any other action, civil or criminal, which by law may be taken in such a case.”

By request of the Board of Selectmen and Chief of Police. Estimated cost: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted, with the following changes:

In the first sentence, change the word "find" to "fine", and change "Section 4-108A" to "Section 4-801A."

In Section 4-803A, insert the word "of" after the word "Violation" in the first line.
Duly seconded

ACTION: It is a unanimous vote, so declared.

REPLACE WATER MAINS

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the purpose of replacing water main and service replacements, and to act fully thereon. By request of the Harwich Board of Water Commissioners and the Superintendent. Estimated Cost: \$300,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO FUND ONGOING REPLACEMENT OF WATER MAINS. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$300,000.00 be transferred from the Water Enterprise Fund for this purpose.
Duly seconded

ACTION: It is a vote.

NEW WATER SOURCE EXPLORATION

ARTICLE 20. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the purpose of new source exploration. The Harwich Board of Water Commissioners is requesting that this project be paid out of the Water Department's Enterprise Fund. These funds come from water rates, and to act fully thereon. By request of the Harwich Board of Water Commissioners. Estimated Cost: \$100,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO SEARCH FOR FUTURE SUPPLY OF DRINKING WATER FOR THE TOWN. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$100,000.00 be transferred from the Water Enterprise Fund for this purpose. Duly seconded

ACTION: It is a vote.

ACQUIRE LAND FOR KELLEY CEMETERY

ARTICLE 21. To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise for cemetery purposes, an unnumbered parcel of land containing unknown acreage in North Harwich and shown on Assessors Map #48 N/F Frederick Kelley adjoining Kelley Cemetery, also see further description in Barnstable County Registry of Deeds in plan Book 447, page 67, and to raise and appropriate a sufficient sum of money on such terms and conditions and with such limitations as they deem appropriate for this purpose, and to act fully thereon. By request of the Harwich Cemetery Commission. Estimated Cost: \$ _____.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO EXPAND TOWN CEMETERY CAPABILITIES.
VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted. Duly seconded

This article is an interest in land; a 2/3 majority vote is needed to pass.

ACTION: It is ruled to have received the necessary 2/3 vote.

APPROVE REVISED CEMETERY RULES AND REGULATIONS

ARTICLE 22. To see if the Town will vote to approve the revised Cemetery Department Rules and Regulations as submitted by the Harwich Cemetery Commission, and to act fully thereon.

I Rules

1. Town Cemeteries are open daily from dawn to dusk.
2. No vehicle shall be operated in any part of the cemeteries at speeds faster than 10 MPH. Violators will be subject to a speeding fine.
3. Recreational motorcycling, roller skating, skateboarding, and/or any other types of similar recreational sports are prohibited. The Town is not liable for any injuries sustained by any person participating in a recreational activity within Cemetery property. Any activity that encroaches on individual lots or graves is prohibited.
4. Any person disturbing the quiet and/or order of the grounds by loud noise, speeding, or other improper or disorderly conduct, or who shall violate any of these rules, will be removed from the grounds, and such person will be dealt with as provided by law. The entrance of any intoxicated person is prohibited.
5. No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds.
6. Gravestone repairs or rubbings require PRIOR authorization of the Cemetery Commission, or a designated agent – a copy of the Association for Gravestones Studies *Gravestone Rubbings Do's and Don'ts* will be provided.

7. Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day.

II. Interments

1. Burial lots in the cemeteries shall be used for no other purpose than a place for the interment of the human dead including cremation remains.
2. No interment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written order/interment form from the legal owner, or the legal representative of the right of burial in the lot in which interment is to be made. No grave shall be opened for interment or removal, unless the opener has been authorized by the Cemetery Commission, and the area has been flagged by Cemetery personnel.
3. All interments shall be enclosed in a cement vault except: infants shall require a fiberglass container thirty (30) inches or less in length; cremations shall require an urn or other permanent container.
4. Lot usage: In lots (4' x 10') one full burial and one cremation or four cremations. In cremation lots (4' x 3') four cremations.

III. Cemetery Lots

1. Cemetery personnel shall, upon request furnish to residents/town employees who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made.
2. The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.
3. Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An assignment form needs to be filled in, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
4. Upon the decease of title owner, a lot passes to his heirs-at-law (MGL.Ch.114, s.29), unless specifically devised by will or trust (subject to Ch. 190, sec.3).
5. A full burial lot (minimum 4'x10') containing recorded remains, may, in addition, accommodate one cremation burial, provided the cremation remains be that of an heir-at-law or family member of the prior interred remains and be so certified and approved by the Commission. Any vacant full burial lot (minimum 4'x10') may accommodate up to four cremation burials, or one full burial and one cremation burial.
6. Burial lot(s) for the interment of any indigent resident Veteran are available, and is set aside for burials of Veterans residing in the Town at the time of their enlistment and /or at the time of their death, verified by the Veterans Agent, and subject to the approval of the Cemetery Commission.
7. Single grave space may be made available and without charge for the indigent, stillborn or very young infant residing within the Town at the time of death.
8. All work performed on graves or lots by the owners, or by their order, shall be performed only with prior authorization of Cemetery personnel, in order to preserve as much as possible the natural appearance of cemeteries.
9. Maintenance of all plantings placed by a lot owner, or designee, is the responsibility of the lot owner, and the Cemetery Department reserves the right to remove any planting that becomes unsightly. The Town of Harwich is not liable for items left at a grave, or

damage to flowers, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures.

10. Annual/perennial flowers must be planted at the base of a monument/marker, so as to not interfere with maintenance department procedures
11. Fences, borders, curbing, hedges, trees, rampant-growing plantings, and crushed stone, are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite. Unless prior approval by Cemetery Commission.
12. Masons, stonecutters, and all workmen, shall at all times be under the control of Cemetery Department personnel, and must carry off all rubbish and restore roads, avenues, and paths, injured by their operations. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.
13. The Town reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location as far as possible, or as may be selected by Cemetery Commission.

IV. Markers, Headstones, Monuments

1. SINGLE LOT – 30”width (left to right) x 16” (front to back) and/or two flush markers.
2. CREMATION LOT – New Cremation Lot (4’ x 3’) maximum of 2 flush markers measuring 2’ x 1’ per marker or 1 marker not to exceed 2’ x 2’.
3. MULTIPLE LOTS – Marker is not to exceed 50% of the width of lot with a base depth of 18” maximum and height of 48”.
4. IN EXISTING CEMETERIES – Where family lots have been established, those families will be allowed to add memorials to duplicate the existing markers, headstones.
5. No markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or boulder. All monuments are to be centered at the head of lot or centered at the mid-line.
6. A marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial; therefore both a monument and a bench are not permitted.
7. The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.

V. Administration

Under the administrative direction of the Town Administrator and the policy direction of the Cemetery Commissioners, the Cemetery Administrator shall have overall responsibility for the proper administration of Town Cemeteries in accordance with these rules and regulations and applicable Federal and State laws. The Town of Harwich Home Rule Charter and MGL Ch. 114 establish the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are proscribed under MGL Ch. 114 S23 and the Town of Harwich Home Rule Charter, S 7-15-2.

VI. Active Cemeteries (*Burial space available*)

Evergreen Cemetery, Route 137 and Cemetery Road, East Harwich

Island Pond Cemetery, Harwich Center (Cremation only)

Mount Pleasant Cemetery, South Street, Harwich Port

Kelley Cemetery, Off Main Street, North Harwich

VII. Inactive Cemeteries (*No burial lots available for sale*)

Bank Street Burial Ground, Bank Street, near Long Road

Baptist Church Cemetery, Depot Street, West Harwich

Congregational Church Cemetery, Harwich Center, near church

Herring River, West Harwich, Herring River, West Harwich

Hawks Nest Cemetery, corner of Spruce and Walker Roads, East Harwich

Lothrop Cemetery, Off Lothrop Ave, West Harwich

Methodist Church Cemetery, corner Queen Anne Rd. & Church Street, EH

North Harwich Cemetery, corner Depot St. & Old Chatham Rd., NH

Old Methodist Cemetery, Queen Anne Rd., East Harwich

Old Smith Cemetery, Bells Neck Road, West Harwich

Ryder Cemetery, Route 39 near water tower

South Harwich Cemetery, Old Chatham Road, South Harwich

By request of the Cemetery Commission.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. RULES ARE NOT CLEARLY DEFINED AND TOO RESTRICTIVE FOR CITIZENS OF THE TOWN. VOTE 5 TO 0.

MOTION: (Thomas Blute) I move that this Article be accepted and adopted as printed in the warrant.
Duly seconded

ACTION: It is a vote.

TRANSFER PINE GROVE CEMETERY TO THE TOWN

ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen to accept the Decree by the Probate Court of Barnstable County upon petition of said trustee of property to transfer to the Town for cemetery purposes Pine Grove Cemetery on Pine Grove Road in Harwich, further to authorize acceptance of the Perpetual Care money held by Pine Grove Cemetery, said land is shown on sheet #18 parcel #S-5; said cemetery contains approximately 7.13 acres of land and sheet #10 parcel #B-1 contains approximately 3.05 acres for a total of 10.18 acres, and further, to authorize the Selectmen to accept a gift of said land or take same by eminent domain or otherwise for cemetery purposes therein on such terms and conditions and with such limitations as they deem appropriate a sufficient sum of money for this purpose and to act fully thereon. By request of the Harwich Cemetery Commission.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO EXPAND TOWN CEMETERY CAPABILITIES. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted.
Duly seconded

ACTION: It is a unanimous vote, so declared.

AMEND GENERAL BY-LAWS – HARWICH RIGHT FARM BY-LAW

ARTICLE 24. To see if the Town will vote to amend the General By-Laws of the Town by adding a new Article XII, entitled Harwich Right Farm By-Law, inserting the following new sections, and to act fully thereon:

ARTICLE XII HARWICH RIGHT TO FARM BY-LAW

Section 1. Purpose

12-101. The purpose and intent of this by-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth of Massachusetts under Article 97 of the Constitution and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We, the citizens of Harwich, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

12-102. This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Harwich by allowing agricultural uses and related activities to function with minimal conflict with abutters and town agencies. This by-law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

12-201. The word "farm" shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture or accessory thereto.

12-202. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- a. Farming in all its branches and the cultivation and tillage of the soil;
- b. Dairying;
- c. Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural or horticultural commodities;
- d. Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations;
- e. Keeping and raising of livestock including horses;
- f. Keeping of horses as a commercial enterprise; and
- g. Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

12-203. "Farming" shall encompass activities including but not limited to the following:

- a. Operation and transportation of slow-moving farm equipment over roads within the Town.

- b. Control of pests, including but not limited to, insects, weeds, predators and disease organism of plants and animals;
- c. Application of manure, fertilizers and pesticides;
- d. Conducting agriculture-related educational and farm-based recreational activities including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- e. Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- f. Maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- g. On-farm relocation of earth and the clearing of trees, brush and ground for farming operations.

Section 3. Right To Farm Declaration

12-301. The Right to Farm is hereby recognized to exist within the Town of Harwich. The above-described agricultural activities may occur on holidays, weekdays and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this by-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation or local zoning law.

Section 4. Disclosure Notification

12-401. Within 30 days after this by-law becomes effective, the Select Board of the Town of Harwich shall prominently post in the Town Hall and make available for distribution the following disclosure:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to activities that cause noise, dust and odors.”

12-402. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

Section 5. Resolution of Disputes

12-501. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file grievance with the Select Board, the Zoning Enforcement Officer or the Board of Health, depending upon the nature of the grievance. The

filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or the Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties and report its recommendations to the referring Town authority within an agreed upon time frame.

12-502. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

12-601. If any part of this by-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this by-law. The Town of Harwich hereby declares the provisions of this by-law to be severable. By request of the Agricultural Commission.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted as printed except that Section 4 Paragraph 12-402 be eliminated. Duly seconded

AMEND MAIN MOTION: (Foster Banford) I move that the main motion be amended by adding the following:

Under Section 12-201 by adding the phrase “5 acres or more” after the word “water bodies”

Duly seconded

A motion was made and seconded to terminate debate; this needed a $\frac{3}{4}$ majority vote to pass, and it was a unanimous vote, so declared.

ACTION ON AMENDMENT: The amendment did not carry.

ACTION ON THE MAIN MOTION: It was a unanimous vote, so declared.

ESTABLISH A REVOLVING FUND FOR COUNCIL ON AGING

ARTICLE 25. To see if the Town will vote to request annual authorization to establish a revolving fund for the purpose of funding programs with the Council on Aging, pursuant to the provisions of Chapter 44, Section 53E $\frac{1}{2}$ of the Massachusetts General Laws, and to act fully thereon. By request of the Council on Aging. Estimated Cost: \$_____.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ANNUAL RENEWAL. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted. Duly seconded

ACTION: It is a vote.

ROAD MAINTENANCE PROGRAM

ARTICLE 26. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to fund the "Road Maintenance Program" as requested in the Capital Plan for FY 2007, and to act fully thereon. By request of the Director of Highway and Maintenance. Estimated Cost: \$1,000,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ONE OF THREE FUNDING MECHANISMS FOR ONGOING ROAD MAINTENANCE PLAN. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$1,000,000.00 be raised and appropriated for this purpose, and that to raise this appropriation the Treasurer, with the approval of the Selectmen, be authorized to issue bonds pursuant to the provisions of General Laws, Chapter 44, Section 7, or any other enabling statute, for this purpose, provided however that this vote shall not take effect until the Town, at a regular or special election, votes to exempt from the limitations on total taxes imposed by the General Laws Chapter 59, Section 21C, amounts required to pay for the principal of and interest on the borrowing authorized by this vote. Duly seconded

ACTION: This article needs a 2/3 majority vote to pass; it is a unanimous vote, so declared.

ACCEPT STATE FUNDING FOR ROAD MAINTENANCE AND REPAIR

ARTICLE 27. To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the Transportation Bond Issue for maintenance, repair, and construction of primary roads; said funds to be available in Fiscal Year 2007, subject to approval by the legislature; or to take any action relative thereto, and to act fully thereon. By request of the Director of Highway and Maintenance.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ONE OF THREE FUNDING MECHANISMS FOR ONGOING ROAD MAINTENANCE PLAN. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted. Duly seconded

ACTION: It is a vote

REPLACE ROOF OF HIGHWAY MAINTENANCE BUILDING

ARTICLE 28. To see if the Town will vote to raise and appropriate a sufficient sum of money to replace a portion of the roof of the Highway Maintenance building, and to act fully thereon. By request of the Director of Highway and Maintenance. Estimated Cost: \$24,500.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO MAINTAIN ASSET OF THE TOWN. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$24,500.00 be transferred from available funds for this purpose. Duly seconded

ACTION: It is a vote

HIRE SEASONAL STAFF FOR HIGHWAYS AND MAINTENANCE

ARTICLE 29. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money to hire adequate seasonal employees to allow the department to provide services requested by residents and visitors, and to act fully thereon. By request of the Director of Highway and Maintenance. Estimated Cost: \$60,000.00

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO ACCOMPLISH SEASONAL TASKS WITHOUT HIRING FULL-TIME EMPLOYEES. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be indefinitely postponed. Duly seconded

ACTION: This article is indefinitely postponed.

DESIGN/REPLACE LOWER END OF BOAT RAMP AT ALLEN HARBOR

ARTICLE 30. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to design, permit and replace the lower end of the Allen Harbor boat ramp and perform any necessary work including dredging and to act fully thereon. By request of the Harbormaster. Estimated Cost (Engineering Dept.): \$47,369.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that the sum of \$47,369.00 be transferred from the balance on hand from Article 34 of the May 1996 Town Meeting for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

DREDGING RESERVE

ARTICLE 31. To see if the Town will vote a sufficient sum of money to dredge various harbors, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$50,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO MAINTAIN TOWN ASSET. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that the sum of \$7,369.00 be transferred from available funds and the sum of \$42,631.00 be transferred from the balance on hand from Article 34 of the May 1996 Town Meeting for a total appropriation of \$50,000.00 for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

ACCEPT ROAD LAYOUTS

ARTICLE 32. To see if the Town will vote to accept the layouts of the following roads as laid out by the Board of Selectmen:

- Old Carriage Drive, Harwich
- Courtney Road Extension, Harwich
- Walkerwoods Drive, Harwich

and to authorize the Selectmen to purchase or take by eminent domain the land or interest in the land within said layouts for use as public ways and to raise and appropriate or transfer from

available funds a sufficient sum of money for this purpose and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be indefinitely postponed. Duly seconded

ACTION: This article is indefinitely postponed.

ESTABLISH CAPITAL REPLACEMENT STABILIZATION FUND

ARTICLE 33. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to establish a capital replacement stabilization fund, pursuant to the provisions of Chapter 40, section 5B of the Massachusetts General laws, for the purpose of creating a funding source for replacement of vehicles and equipment, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ _____.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO FUND MECHANISM FOR VEHICLE REPLACEMENT. VOTE 3 TO 2.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that the town vote to establish a capital replacement stabilization fund as set forth in the article.

Duly seconded

ACTION: This article needs a 2/3 majority vote to pass. It is declared to have received the necessary 2/3 vote.

CONTRACT TO CONDUCT DEMOGRAPHIC STUDY

ARTICLE 34. To see if the Town will vote to raise and appropriate or transfer from available funds, a sufficient sum of money for the purpose of contracting to have a demographic study to aid in sizing of future capital projects and facilities planning performed on behalf of the Town, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ _____.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. TO BE DONE IN-HOUSE. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be indefinitely postponed. Duly seconded

ACTION: This article is indefinitely postponed.

STUDY OF HARWICH SOCIO-ECONOMIC DATA

ARTICLE 35. To see if the Town will vote to raise and appropriate a sufficient sum of money to conduct a benchmark study of Harwich socio-economic data, and expenditures relative to other similar communities, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$15,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. TO BE DONE IN-HOUSE. VOTE 5 TO 0.

MOTION: (Robin Wilkins, Member-Board of Selectmen) I move that this Article be accepted and adopted, and that the sum of \$15,000.00 be transferred from available funds for this purpose.
Duly seconded

ACTION: A standing count was taken, YES 67 NO 85; the motion does not carry.

TECHNOLOGY ASSESSMENT OF ALL TOWN DEPARTMENTS

ARTICLE 36. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to conduct a baseline technology assessment of all Town departments, and to act fully thereon. By request of the Board of Selectmen.

Estimated Cost: \$ _____

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO BEGIN THE PROCESS. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this Article be accepted and adopted and that \$55,000.00 be transferred from available funds for this purpose.
Duly seconded

ACTION: The motion carried

SELL PARCELS OF LAND OWNED BY THE TOWN

ARTICLE 37. To see if the Town will vote to authorize the Board of Selectmen to sell certain parcels of land owned by the Town upon such terms and conditions as the Board deems to be in the best interest of the Town, and to authorize the Board to first take such parcels by eminent domain for the purpose of clearing title thereto, and to further authorize the Board to enter into any agreements in connection with the above purpose, and to act fully thereon. The specific parcels are as follows:

<u>Address</u>	<u>Assessors Map</u>	<u>Parcel</u>	<u>Acreage</u>
0 Bank Street	32	N3-B	.20 acres
0 Main Street	39	C2	.392 acres
172 Queen Anne Rd.	58	K1-3	.68 acres
178 Queen Anne Rd.	58	K1-4	.79 acres
246 Queen Anne Rd	58	K6	1.45 acres
276 Queen Anne Rd	69	M1	2.25 acres
0 Cottonwood Road	92	H5-A	.44 acres

By request of the Board of Selectmen.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that the care, custody, management and control of the land described in the article be transferred from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of taking the land by eminent domain for the purpose of clearing title thereto and for the purpose of selling the land upon such terms and conditions as the Board of Selectmen deems to be in the best interest of the town.

Duly seconded

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

ACTION: This article is an interest in land; it needs a 2/3 majority vote to pass, motion failed.

ESTABLISHING AND FUNDING LEAD CONTRACT NEGOTIATOR

ARTICLE 38. To see if the Town will vote to raise and appropriate or transfer from available funds, a sufficient sum of money to supplement the Fiscal Year 2007 Legal Budget of the Town for the purpose of paying counsel to negotiate future labor contracts on behalf of the Town, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ 0.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO ESTABLISH THE POSITION. VOTE 5 TO 0.

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

ACTION: The motion carried.

At 10:45 PM on Monday, May 1, 2006 a motion was made and seconded to adjourn until Tuesday, May 2, 2004 at 7:00PM.

On Tuesday, May 2, 2006, the Moderator, Michael D. Ford, called the Annual Town Meeting to order at 7:00 PM after a quorum had been reached the Annual Town Meeting was opened and began with:

ADOPT TOWN OF HARWICH MISSION STATEMENT

ARTICLE 39. To see if the Town will vote to adopt the following Mission Statement and Vision Principles for the Town of Harwich, and to act fully thereon.

MISSION STATEMENT

The Mission Statement of the Town of Harwich is to ensure the safety, education, and well being of the community; to deliver efficient, effective economically viable services that respond to community needs; to encourage a community of trust and honesty; to respect cultural and economic diversity and to present the historic character of the community.

VISION PRINCIPLES / BELIEF STATEMENTS

Vibrant Villages

We will maintain our villages as attractive and vibrant centers with a mix of commercial and public activities, historical elements and parks.

Citizen Participation

We will govern ourselves in a manner that encourages participation by all, that provides adequate information for making informed choices and acts in the interests of the community as a whole. We will acknowledge the needs of others and consider compromises that are in the best interests of the Town.

Open Space

We will continue to acquire and protect open space as a crucial natural resource that helps to maintain the character of the Town appearances to both active and passive recreation, and provides an important natural system for water recharge, flood control and wildlife habitat.

Management of Natural Resources

We will manage and protect our natural resources particularly water in a manner that acknowledges our responsibility to future generations and to other communities that share those resources.

Financial Stability

We will follow prudent financial practices that balance high quality services, stable tax rates and responsible levels of debt. We will set ambitious goals but live within our means in making financial decisions. We will include an understanding of long term costs and consequences particularly to the environmental quality of the Town. We will consider regional partnerships that offer more effective and economical options, and we will manage the impact of our decisions on property values and service delivery costs relative to similar communities.

Healthy and Safe Environment

We will protect public health and safety through careful monitoring and enforcement of environmental, health and safety regulations and by continuing to provide effective and responsive fire, police protection and beneficial public health service.

Historical Heritage

We will maintain strong and consistent zoning that protects historic buildings and places and will support the institutions that protect and promote Harwich's historical heritage.

Cultural Diversity

We will be respectful of Harwich's many races, ethnicities, religious beliefs and lifestyles. We will facilitate public events that celebrate diversity and provide opportunities for sharing cultural traditions. We will not tolerate acts of hatred or persecution.

Affordable Housing

Using a variety of preservation, development and enforcement strategies, we will strive to improve the availability, affordability and quality of housing in Harwich. We will work with private, public and community partners to strengthen neighborhoods and enable more citizens to become homeowners or to rent well-maintained, affordable housing.

Human Services

Through our department of human services, other town programs, and religious institutions, we will sponsor services and programs, facilities, outreach and recognition to veterans, senior, youth and the disabled or disadvantaged among us. We will foster connections among all citizens.

Small Town Character

We will actively seek to identify those characteristics reflective of a small town.

Town Services

We will provide effective and efficient services that ensure a safe and healthy community; that maintain town infrastructure and that assists citizens in their endeavors.

Quality Education

We will offer a rich and challenging public education that builds essential skills and knowledge that support a broad range of academic and vocational options, enable successful participation in our society and culture and sustain learning in a world of new and ever changing opportunities. We will cultivate the public library as a resource for lifelong learning and enrichment and as a

catalyst for the flow of information throughout the community. We will find ways to protect the quality of these institutions through fluctuating economic cycles.

By request of the Board of Selectmen.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. DOES NOT FULLY DESCRIBE THE FABRIC OF THE COMMUNITY OF HARWICH. VOTE 5 TO 0.

MOTION: (Robin Wilkins, Selectman) I move that this article be accepted and adopted with the following change: In line 4 of the "Mission Statement" – change "present" to "preserve".

Duly seconded

AMEND MAIN MOTION: (William Doherty) I move the main motion be amended to read as follows: "To accept and adopt as a draft and referred back to the Board of Selectmen for further study."

Duly seconded

ACTION ON THE AMENDMENT: The amendment carried.

ACTION ON MAIN MOTION AS AMENDED: The motion carried.

AMEND BY-LAW – TOWN CLERK FEES

ARTICLE 40. To see if the Town will vote to amend the Harwich By-Law, Article II Town Administration, Part 2 Town Clerk Fees, as authorized by M.G.L., Chapter 262, Section 34, Clauses 1-79, by deleting Section 2-205 and inserting the following new Section 2-205: Section 2-205. The following fees may be charged by the Town Clerk: Effective date July 1, 2006.

For filing and indexing assignment for the benefit of creditors	\$10.00
For entering amendments of a record of the birth of a child born out of wedlock, subsequently legitimized.	\$10.00
For correcting errors in a record of birth	\$10.00
For furnishing certificate of birth	\$10.00
For furnishing an abstract copy of a record of birth	\$ 5.00
For entering delayed record of birth	\$10.00
For filing certificate of a person conducting business under any title other than his real name	\$40.00
For filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from or change of location of such business	\$10.00
For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$ 5.00
For recording the name and address, the date and number of the certificate issued to a person registered from the practice of podiatry in the Commonwealth	\$20.00
For correcting errors in a record of death	\$10.00
For furnishing a certificate of death	\$10.00
For furnishing an abstract copy of a record of death	\$ 5.00
For entering notice of intention of marriage and issuing certificate thereof	\$30.00
For entering certificate of marriage filed by persons married out of the	

Commonwealth of Massachusetts	\$ 5.00
For issuing a certificate of marriage	\$10.00
For furnishing an abstract copy of a record of marriage	\$ 5.00
For correcting errors in a record of marriage	\$10.00
For recording power of attorney	\$10.00
For recording certificate of registration granted to a person engaged in the practice of optometry, or issuing a certified copy thereof	\$20.00
For recording order granting locations of poles, piers, abutments, or conduits, alterations or transfers thereof, an increase in number of wires and cable or attachments under the provisions of Sec. 22 Chapter 166	\$40.00 flat rate add'l streets
For examining records or papers relating to birth, marriage or death upon the application of any person, the actual expense thereof, but not less than	\$10.00
For copying any manuscript or record pertaining to a birth, marriage or death	\$ 5.00
For receiving and filing a complete inventory of all items to be included in a "closing out" sale, etc	per page \$ 2.00 add'l page
For filing a copy of written instrument or declaration of trust by trustees of an association or trust, or any amendment thereof as provided by Section 2, Chapter 182	\$20.00

Other fees to be charged by the Town Clerk shall be established by law, and to act fully thereon.
By request of the Town Clerk.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO BRING UP TO DATE IN ACCORDANCE WITH
STATUTE. VOTE 4 TO 1.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted
and adopted, as printed in the warrant with the following change, that "\$10.00" be inserted
before the notation "add 1 streets".
Duly seconded

ACTION: So voted.

REFURBISH COMMUNITY CENTER GYM FLOOR

ARTICLE 41. To see if the Town will vote to raise and appropriate from available funds a
sufficient sum of money to completely disc, sand, wash and vacuum existing surface of the
Community Center gym floor, to receive new topcoat, game lines and logo as existing, and to act
fully thereon. By request of the Director of the Community Center. Estimated Cost: \$17,300.00.
**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
INDEFINITELY POSTPONED. NOT A PRIORITY FOR USE OF TOWN FUNDS AT
THIS TIME. VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted
and adopted and that \$17,300.00 be transferred from available funds for this purpose.
Duly seconded

ACTION: So voted

SENIOR EXEMPTION

ARTICLE 42. To see if the Town will vote to accept certain provisions of Chapter 184, Section 51 of the acts of 2002 amending General laws Chapter 59, Section 5, Clause 41C as follows:

“Change the age from 70 years old to 65 years old.”

This change to take effect for Fiscal Year 2007, and to act fully thereon. By request of the Board of Assessors. Estimated Cost: \$ 0.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO ALLOW MORE EXEMPTIONS FOR SENIORS. VOTE 5 TO 0.

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

ACTION: So voted

LICENSE, MAINTENANCE AND SUPPORT FOR ASSESSORS WEBSITE

ARTICLE 43. To see if the Town will vote to transfer from available funds a sufficient sum of money to license a website from Paul S. Kapinos & Associates, Inc. allowing the public to download actual Assessors Property Record Cards, and to act fully thereon. By request of the Board of Assessors. Estimated Cost: \$10,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. WAITING FOR TECHNOLOGY ASSESSMENT BEFORE PROCEEDING. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$10,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted

NITROGEN MANAGEMENT PLANNING

ARTICLE 44. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the purpose of conducting the final year of a three year study of acceptable nitrogen loading in Allen’s, Wychmere, and Saquatucket Harbors and Herring River under the Massachusetts Estuaries Project and to conduct critical interim wastewater management planning steps and to authorize the Board of Selectmen to accept any state or other grants available and further enter into an agreement with qualified consultants to assist the Town with said interim steps, and to act fully thereon. By request of the Water Quality Task Force. Estimated Cost: \$95,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS IS THE THIRD YEAR TO COMPLETE THE PROJECT. VOTE 4 TO 1.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$95,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted.

FUND REHABILITATION OF THE RECREATION BUILDING ON SISSON ROAD

ARTICLE 45. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) to the Harwich Historical Commission, a sum of money it determines necessary for pre-development funds for the proposed rehabilitation of the Recreation Building, located at 265 Sisson Road, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Commission.

Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$25,000.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: It is a unanimous vote, so declared

At 8:20 pm a motion was made, seconded and so moved to adjourn the Annual Town Meeting until the conclusion of the Special Town Meeting.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING WARRANT
MAY 2, 2006**

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 2, 2006 at 8:00 P.M., then and there to act on the following articles:

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

Given under our hands this 27th day of March, 2006

s/Edward McManus, Chairman

s/Robin D. Wilkins

s/Peter Piekarski

s/Donald F. Howell

s/Lawrence P. Cole

BOARD OF SELECTMEN

A true copy Attest:

s/John E. Gaisford

Constable

April 12, 2006

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Tuesday 2nd day of May, 2006 at the time and place for the purpose herein named by posting up attested copies hereon in the four (4) Post Office buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

s/John E. Gaisford

Constable

Moderator, Michael D. Ford, convened the Special Town meeting, the Town Clerk read the Warrant and return of Warrant the Special Town Meeting began with:

MEMBRANE ROOFING SYSTEM – HARWICH MIDDLE SCHOOL

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to complete the architectural design, engineering, bid development and replacement of the membrane roofing system at the Harwich Middle School and to act fully thereon. By request of the School Committee. Estimated Cost: \$350,000.00.
**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO MAINTAIN CURRENT ASSETS OF THE TOWN.
VOTE 5 TO 0.**

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$350,000.00 be raised and appropriated for this purpose, and that to raise this appropriation the Treasurer, with the approval of the Selectmen, be authorized to issue bonds pursuant to the provisions of General Laws, Chapter 44, Section 7, or any other enabling statute, for this purpose, provided however that this vote shall not take effect until the Town, at a regular or special election, votes to exempt from the limitations on total taxes imposed by General Laws, Chapter 59, Section 21C, amounts required to pay for the principal of and interest on the borrowing authorized by this vote.

Duly seconded

ACTION: It is a unanimous vote, so declared

PARTIAL REPLACEMENT OF HIGH SCHOOL ROOF

ARTICLE 2. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to complete architectural design, engineering, bid development and partial replacement of the High School roof including removal of existing roofing and deckings as needed, installation of new decking and asphalt roofing system and associated trim and to act fully thereon. By request of the School Committee. Estimated Cost: \$430,000.00.
**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO MAINTAIN CURRENT ASSETS OF THE TOWN.
VOTE 5 TO 0.**

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$430,000.00 be raised and appropriated for this purpose, and that to raise this appropriation the Treasurer, with the approval of the Selectmen, be authorized to issue bonds pursuant to the provisions of General Laws, Chapter 44, Section 7, or any other enabling statute,

for this purpose, provided however that this vote shall not take effect until the Town, at a regular or special election, votes to exempt from the limitations on total taxes imposed by General Laws, Chapter 59, Section 21C, amounts required to pay for the principal of and interest on the borrowing authorized by this vote. Duly seconded

ACTION: It is ruled to have received the necessary 2/3 majority vote to pass.

SUPPLEMENT FY 2006 RESERVE FUND ACCOUNT

ARTICLE 3. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sufficient sum of money to supplement the Fiscal Year 2006 Finance Committee Reserve Fund Account and to act fully thereon. By request of the Finance Committee. Estimated Cost: \$60,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO COVER UNEXPECTED EXPENSES, INCLUDING UTILITIES. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be accepted and adopted, and that the sum of \$60,000.00 be transferred from available funds for this purpose. Duly seconded

ACTION: It was so voted.

ADDITIONAL ANNUAL COMPENSATION FOR TOWN CLERK

ARTICLE 4. To see if the Town will vote to accept the MGL Chapter 41, Section 19K, which provides a Town Clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 percent of such regular annual compensation but not more than \$1,000 per year. By request of the Town Clerk. Estimated Cost: \$1,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THE STATUTE REQUIRES THE TOWN TO VOTE TO ACCEPT THE LAW. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted, and that the sum of \$1,000.00 be transferred from available funds for this purpose. Duly seconded

ACTION: It is a unanimous vote, so declared.

FUND NEGOTIATED CONTRACT – FIRE FIGHTERS

ARTICLE 5. 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 2007 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: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted, and that the sum of \$41,000.00 be raised and appropriated for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

FUND NEGOTIATED CONTRACT – WATER DEPARTMENT

ARTICLE 6. 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 2007 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: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman- Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – HIGHWAYS & MAINTENANCE

ARTICLE 7. 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 2007 Division of Highways & Maintenance budget to implement the new contractual agreement between the Highways & Maintenance Employees Association and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman- Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – EMPLOYEES ASSOCIATION

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 2007 budget to implement the new contractual agreement between the Harwich Employees Association and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be accepted and adopted, and that the sum of \$39,000.00 be raised and appropriated for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

LAND BANK BORROWING

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to pay the first year principal and interest on a bond

issued to pay for the purchase of land formerly owned by Keeler, and the Estate of Paul Rose, as authorized by Article 36 of the May, 2005 Annual Town Meeting and by Article 5 of the May, 2005 Special Town Meeting, respectively, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$151,350.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. EARLY BOND PLACEMENT. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be accepted and adopted, and that the sum of \$151,350.00 be transferred from Community Preservation Fund for this purpose. Duly seconded

ACTION: It is so voted.

SUPPLEMENT THE GROUP HEALTH INSURANCE CLAIMS TRUST FUND

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to supplement the Group Health Insurance Claims Trust Fund, and to act fully thereon. By request of the Board of Selectmen.

Estimated Cost: \$200,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. FIRST STEP IN FUNDING HEALTH INSURANCE CLAIMS. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be accepted and adopted, and that the sum of \$300,000.00 be raised and appropriated for this purpose. Duly seconded

ACTION: It is a unanimous vote, so declared.

ACQUIRE DOWNEY PROPERTY

ARTICLE 11. 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; 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.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be referred to the Board of Selectmen for further study. Duly seconded

ACTION: It is a vote.

REGULATIONS FOR WIND ENERGY SYSTEMS

ARTICLE 12.

To see if the Town will vote to amend the Zoning By-laws by adding a new Section XX – Regulations for Wind Energy Systems and to act fully thereon.

Explanation: This by-law is intended to create regulations for wind energy systems in Harwich. The text presented here deals with wind energy systems for individual residential lots. Future amendments to this by-law will include regulations for wind energy systems on commercial property and wind energy systems serving multiple residential properties.

SECTION XX REGULATIONS FOR WIND ENERGY SYSTEMS

A. Residential Wind Energy Systems

1.0 Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of residential wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

2.0 Findings: Harwich finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio. Small wind systems also make the residential electricity supply market more competitive by promoting customer choice.

The Commonwealth of Massachusetts has enacted a number of laws and programs to encourage the use of small-scale renewable residential energy systems including rebates, net metering, property and sales tax exemptions, and solar easements. However, many existing zoning ordinances contain restrictions, which while not intended to discourage the installation of small wind turbines, that can substantially increase the time and costs required to obtain necessary construction permits.

Therefore, it is necessary to standardize and streamline the issuance of permits for small residential wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

3.0 Definitions

3.1 Residential Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW and which is intended to reduce on-site consumption of residential utility power for a single residential lot.

3.2 Rotor: The blades and hub of the wind turbine that rotate during turbine operations.

3.3 Tower Height: The height above existing grade of the fixed portion of the tower, excluding the wind turbine itself.

4.0 Special Permit Requirements: The Planning Board is hereby established as the special permit granting authority, in connection with the construction of Residential Wind Energy Systems (RWES) in the Town of Harwich. A special permit may be issued for the erection of a RWES, as an accessory use in any designated residential district or in connection with any

residential use in a designated commercial district, provided that the following conditions are met:

4.1 Lot Size: RWES may not be placed on lots of less than 40,000 square feet.

4.2 Tower Placement: No part of the wind system, support structure, or the structure on which the rotor is located are to be located within a wetland area.

4.3 Tower Height: Tower height shall be limited to 150 feet from existing grade.

4.4 Set-back: No part of the wind system support structure, including guy wire anchors, may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located. The structure on which the rotor is located must be set back at least 10 feet from any habitable structure on the lot on which it is located. The structure on which the rotor is located must be set back from habitable structures on abutting lots in place at the time of RWES installation a distance equal to the height of the structure from ground level to the tip of the rotor blade. The structure on which the rotor is located must be set back from lot lines a distance equal to three-quarters of the height of the structure from ground level to the tip of the rotor blade. A setback from a lot line shall not be required when the abutting owner(s) grants an easement to the owner of the RWES. In a case where the applicant is also the owner of the abutting property, the setback shall be measured from the furthest lot line of the abutting property. Setback distances may be reduced with the permission of the abutting property owner(s) and the Planning Board.

4.5 Noise: The applicant shall present specifications from the manufacturer of the proposed RWES stating that the decibel (dBA) level at the lot line shall be no greater than 35dBA. In a case where the applicant is also the owner of the abutting property, the distance shall be measured from the furthest lot line of the abutting property. In addition, any RWES is required to comply with the Town of Harwich General By-law Section 4-807 (Anti-Noise Regulations -- Penalty).

4.6 Prevention of Tower Access: Climbing access to the tower shall be limited by one of the following methods: by placing climbing apparatus no lower than ten feet from the ground, or by placing shielding over climbing apparatus or access, or by installation of a fence.

4.7 Compliance with Uniform Building Code: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

4.8 Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

4.9 Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

4.10 Utility Notification: No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.11 Special Permit Approval Criteria: Any special permit granted shall meet the conditions of Section X.G.1 of the Zoning By-law.

5.0 Abandonment: A residential wind energy system (RWES) will be considered to be abandoned if it is not operated for a period of two years, or if it is designated a safety hazard by the building commissioner. Once an RWES is designated as abandoned, the owner shall be required to immediately physically remove the installation. "Physically remove" shall include, but not be limited to:

- a. Removal of RWES, any equipment shelters and security barriers from the subject property.
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c. Restoring the location of the RWES to its natural condition, except that any landscaping and grading shall remain in the after-condition.

6.0 Severability: The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

B. Commercial Wind Energy Systems
(reserved)

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this Article be accepted and adopted as printed in the warrant. Duly seconded

AMENDMENT TO MAIN MOTION: (Joseph McParland-Finance Committee) I move that the motion be amended to include the following change: under paragraph 4.5, delete the first sentence and replace it with the following sentence: "In no instance may the noise level at the lot line exceed 10 dB(A) over the ambient sound level." The remainder of the paragraph is unchanged. Duly seconded

PLANNING BOARD REPORT

April 28, 2006

To: Board of Selectmen
From: Planning Board
Re: Planning Board Report to Special Town Meeting
Article 12-Regulations for Wind Energy Systems

On April 25, 2006 the Planning Board held a public hearing on the proposed amendment to the Zoning By-law to create a new Section XX entitled Regulations for Wind Energy Systems. There were several members of the public present. There was discussion concerning the noise

section of the by-law. An amendment was proposed to clarify the section. The Board voted five in favor (La Mantia, McParland, Baldwin, Brophy, McCaffery and Widegren) and one abstention (Dinsmore) to recommend this article as amended to the Town Meeting.

ACTION ON THE AMENDMENT: The amendment carried.

After much discussion there was a motion made and seconded to terminate debate. This vote requires a $\frac{3}{4}$ majority vote to pass; a standing count was taken, Yes 228 NO 3, debate was terminated.

ACTION ON MAIN MOTION AS AMENDED: This article requires a $\frac{2}{3}$ majority vote to pass. A standing count was taken, YES 182 NO 50; it receives the necessary $\frac{2}{3}$ vote and passes.

INCLUSIONARY HOUSING

ARTICLE 13. To see if the Town will vote to amend the Zoning By-Law by adding a new Section XIX – Inclusionary Housing, and to act fully thereon

Explanation: The purpose of the by-law is that for each 10 new lots or each 10 new multi-family dwelling units created, one affordable unit must be created or a cash contribution provided. In cases where a new subdivision or new Approval Not Required plan, or multi-family dwelling project contains fewer than 10 units, the cash contribution will be calculated on a prorated basis.

Section XIX Inclusionary Housing

Preamble. There is a negative impact on Harwich residents due to the lack of affordable housing. In addition, the requirement that the Town of Harwich show progress towards a State mandate to have 10% of the Town's year-round housing classified as affordable impacts the Town's ability to qualify for many forms of State funding. The purpose of this by-law is to provide a way for new sub-divisions and lots created by Approval Note Required plans which add to the stock of market-rate housing to contribute towards the creation of additional affordable housing. Therefore, upon the effective date of this by-law all newly created subdivisions and Approval Not Required Plans will be required to contribute to the creation of affordable housing. For the creation of each 10 new lots or each 10 multi-family dwellings, one affordable unit must be created. The developer, subject to approval from the Planning Board, has the option of providing one affordable unit within the subdivision or lots created by an Approval Not Required plan, one affordable unit in another appropriate location in Harwich, or making a cash contribution to the Affordable Housing Special Revenue Fund that will be equivalent to the cost of the creation of a single unit of affordable housing. The sale price of the affordable unit, if constructed by the developer, will be based on 80% of the Barnstable County median income for the appropriate number of bedrooms. These figures are revised annually in January. For the cash contribution, 20% of the base amount of the contribution or \$50,000, whichever is higher, will be added to the base amount to help cover the cost of land. In cases where a new subdivision or new Approval Not Required plan, or multi-family dwelling project contains fewer than 10 units, the cash contribution will be calculated on a prorated basis, i.e. a

two lot subdivision or two Approval Not Required lots would contribute 20% of the cost of a single affordable unit.

All items in *italics* are defined in 2.0 Definitions.

1. Purposes and Intent. The purposes of the Inclusionary Housing By-law are to:

- 1.1. Produce quality dwelling units affordable to low- or moderate-income households.
- 1.2. Provide more housing choices in Harwich.
- 1.3. Assist the Town in providing housing units eligible for listing on the Subsidized Housing Inventory under G.L. c.40B, Sections 20-23.
- 1.4. Assist the Town in retaining Housing Certification under Executive Order 418 by encouraging construction of affordable units.

2. Definitions

- 2.1 Accessible Housing: As applied to the design, construction, or alteration of a *dwelling unit*, accessible housing is a housing unit that can be approached, entered, and used by individuals with mobility impairments.
- 2.2 Affordable Housing Special Revenue Fund: An account established and operated by the Town for the exclusive purpose of creating or preserving *affordable housing units* in the Town of Harwich.
- 2.3 Affordable Housing Unit: A *dwelling unit* available to households at or below 80% of the Barnstable County median income, as reported annually by the US Department of Housing and Urban Development (HUD), with housing costs of no more than 30% of the household's gross income. Housing costs for rental units include rent and utilities; housing costs for ownership units include mortgage principal and interest, property taxes, property insurance, mortgage insurance, and condominium and/or homeowners' association fees. It also meets the requirements of the *Local Initiative Program* or other requirements of the Commonwealth for inclusion on the Chapter 40B *Subsidized Housing Inventory*.
- 2.4 Affordable Housing Restriction: A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Harwich, that effectively restricts occupancy of an *affordable housing unit* to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. An affordable housing restriction shall be enforceable under the provisions of G.L. c.184, Section 32, and be approved by the Department of Housing and Community Development.
- 2.5 Dwelling Unit: A single-unit structure or unit within a multiple-unit structure used and designed for independent living by one household or a unit within an assisted living facility or congregate living facility, but not including a skilled nursing facility unit.

2.6 Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing. Regulations and Procedures for Accepting Comprehensive Permits Applications under the Local Initiative Program (LIP) were approved by the Harwich Board of Selectmen on May 9, 2000.

2.7 Low- or Moderate-Income Household: A household with income at or below 80% of Barnstable County median income, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development (HUD).

2.8 Maximum Affordable Purchase Price or Rent:

2.8.1 To calculate the selling price, assume a household size of one more than the number of bedrooms in the *dwelling unit* with an income of no less than 70% and no more than 80% of the Barnstable County median.

2.8.1.1 No more than 30% of the household's gross income may be allocated to housing costs (mortgage principal and interest, property taxes, property insurance, mortgage insurance, and condominium and/or homeowners' association fees).

2.8.1.2 Assume a mortgage at current interest rates offered for a 30-year, no point fixed-rate loan with a 5% down payment.

2.8.1.3 Assume current real estate taxes for the Town.

2.8.2 To calculate rentals assume the same household size and income standard as 2.8.1. Rent should be set at no more than 30% of the household income and shall include a utility allowance as calculated by the Harwich Housing Authority.

2.8.3 A selling price or monthly rent, shall meet the maximum purchase price or rent guidelines of the *Local Initiative Program* or other programs qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

2.9 Qualified Purchaser: A *low- or moderate-income household* that purchases and occupies an *affordable housing unit* as its principal residence.

2.10 Qualified Renter: A *low or moderate-income household* that rents and occupies an *affordable housing unit* as its principal residence.

2.11 Special Permit Granting Authority: For the purposes of this section, the Planning Board shall be the *Special Permit Granting Authority*.

2.12 Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

3. Applicability

3.1 This Bylaw applies to all developments involving the potential creation of one (1) or more new lots for residential use or the creation of three (3) or more dwelling units on

any lot. Lots may be created by subdivision of land or through the Approval Not Required process.

3.2 Mandatory Provision of *Affordable Housing Units*. In any development subject to this Bylaw, the tenth unit, and every tenth unit thereafter shall be an *affordable housing unit*. Nothing in this section shall preclude a developer from creating more *affordable housing units* than required under the provisions of this Bylaw.

4. Methods of Providing *Affordable Housing Units*. The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of *affordable housing units* by a development that is subject to this Bylaw. Paragraphs 4.1 to 4.4 apply to developments of ten (10) new lots or more or ten (10) units or more.

4.1 The *affordable housing units* may be constructed or rehabilitated on the locus of the development, or

4.2 The *affordable housing units* may be constructed or rehabilitated on a locus different than that of the development. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide *affordable housing units* equivalent to those required by this Bylaw in an off-site location in the Town of Harwich. All requirements of this Bylaw that apply to on-site provision of *affordable housing units* shall apply to provision of off-site *affordable housing units*. In addition, the location of the off-site units shall be approved by the Planning Board as an integral element of the development review and approval process, or

4.3 An equivalent fee in lieu of units may be paid to the Town. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to make a cash payment to the Town through its *Affordable Housing Special Revenue Fund* for each *affordable housing unit* required by Subsection C of this Bylaw.

4.3.1 For single-family dwellings, the cash payment shall be equal to the sale price of an *affordable housing unit* for a *qualified purchase*, plus twenty percent of that price or \$50,000, whichever is higher. The additional funds will cover expenses related to the purchase of a piece of property and/or a dwelling. The size of the unit shall be determined by the Planning Board.

4.3.2 For multi-family units, the cash payment shall be equal to the sale price of an *affordable housing unit* for a *qualified purchaser*. The size of the unit shall be determined by the Planning Board.

4.4 For all developments resulting in less than 10 lots or 10 units, a cash contribution will be required. The cash contribution will be calculated as a percentage (ten percent per lot or unit) of the amount calculated in paragraph 4.3.

5. General Provisions

5.1 The Planning Board shall be charged with administering this Bylaw and shall promulgate rules and regulations to implement its provisions, including but not limited to submission requirements and procedures, methods of setting the maximum affordable sale price or rent, minimum requirements for a marketing plan, and documentation required to qualify the *affordable housing units* for listing on the Chapter 40B *Subsidized Housing Inventory*.

- 5.2 Affordable *dwelling units* shall be dispersed throughout the building(s) or property in a development and shall be comparable to market-rate housing units in terms of location, quality and character, room size, bedroom distribution, lot size, and external appearance.
- 5.3 The Planning Board, in its discretion, may require the provision of an *accessible housing unit(s)*, up to 5% of the total number of *affordable housing units* and may designate when the unit(s) shall be provided during the construction process.
- 5.4 The selection of *qualified purchasers* or *qualified renters* shall be carried out under a marketing plan approved by the Planning Board. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the *Local Initiative Program* or other programs qualifying *dwelling units* for inclusion on the *Subsidized Housing Inventory*.
- 5.5 Developers may sell *affordable housing units* to the Town of Harwich, the Harwich Housing Authority, or to any non-profit housing entity identified by the Planning Board as serving the Town of Harwich, in order that such entity may carry out the steps needed to market the *affordable housing units* and manage the choice of buyers.
- 5.6 In no event shall the sale price of an *affordable housing unit* exceed the sale price of a unit that would be eligible for listing on the *Subsidized Housing Inventory* as a Local Initiative Unit and each such unit shall be subject to an *affordable housing restriction*.
6. Timing of Construction. *Affordable housing units* shall be provided coincident to the development of market-rate units. In no event shall the development of *affordable housing units* or payment of fees in lieu of providing *affordable housing units* be deferred beyond the sale of the fourth lot in the subdivision, construction of the fourth unit in a multi-unit project, or half of the total sale of lots or creation of units in the development, whichever is less.
7. Preservation of Affordability; Restrictions on Resale
 - 7.1 An *affordable housing unit* created in accordance with this Bylaw shall be subject to an *affordable housing restriction* or regulatory agreement that contains limitations on use, resale and rental. The *affordable housing restriction* or regulatory agreement shall meet the requirements of the Town and the *Local Initiative Program* or other programs qualifying *dwelling units* for inclusion on the *Subsidized Housing Inventory*, and shall be in force for the maximum period allowed by law.
 - 7.2 The *affordable housing restriction* or regulatory agreement shall be enforceable under the provisions of M.G.L. c.184.
 - 7.3 The Planning Board shall require that the applicant comply with the mandatory provision of *affordable housing units* and accompanying restrictions on affordability, including the execution of the *affordable housing restriction* or regulatory agreement.
 - 7.4 All documents necessary to ensure compliance with this Bylaw shall be subject to the review and approval of the Planning Board and review as to form by Town Counsel. Such documents shall be executed and recorded prior to and as a condition of the

issuance of any Certificate of Occupancy unless later recording is permitted by the Planning Board.

8. Severability. If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

MOTION: (Angelo La Mantia-Planning Board) I move that the article be accepted as printed in the warrant with the following changes – in the Preamble, third sentence, delete the “e” in “Note” so that it reads “Not;” in paragraph 4, last sentence, change 4.4 to 4.3; in paragraph 4.3, last sentence, delete “Subsection C” and replace it with “paragraph 4” so that it reads “...for each affordable housing unit required by paragraph 4 of this by-law. Duly seconded

PLANNING BOARD REPORT

May 1, 2006

To: Board of Selectmen
From: Planning Board
Re: Report to Special Town Meeting
Article 13-Inclusionary By-law

On March 28, 2006 the Planning Board held a public hearing on this article. There were no comments from the public. The Board voted six in favor (Angelo La Mantia, William Baldwin, Bruce Nightingale, George Dinsmore, Robert Owens, and Joseph McParland) and one opposed (Matt McCaffery) to recommend this article to the Special Town Meeting.

AMENDMENT TO MAIN MOTION: (Donald Howell-Selectman) I move to amend the motion with the following change: in 4.4 after the words “...a cash contribution” insert “or the provision of at least 1 Affordable Housing unit...” Duly seconded

ACTION ON AMENDMENT: This vote requires a 2/3 majority to pass. A standing count was taken, YES 104 NO 67. The amendment carries.

After much discussion there was a motion made and seconded to terminate debate. This vote requires a ¾ majority vote to pass. A standing count was taken, Yes 142 NO 40; debate was terminated.

ACTION ON MAIN MOTION AS AMENDED: This vote requires a 2/3 majority vote to pass. A standing count was taken, Yes 76 NO 115. Motion did not carry.

At 10:50 PM a motion was made and seconded to adjourn the Special Town Meeting, and resume the Annual Town Meeting at 7:00 PM on Wednesday, May 3, 2006.

On May 3, 2006 the Annual Town Meeting resumed at 7:00 PM when a quorum had been reached, the meeting began with:

FUND PREDEVELOPMENT OF THE MAIN STREET EXTENSION HOUSING DEVELOPMENT

ARTICLE 46. To see if the Town will vote to transfer from Community Preservation Act funds (Housing) to the Harwich Housing Authority, a sum of money it determines necessary for

pre-development of the Main Street Extension Housing Development, located on Main Street Extension, North Harwich, said property being further described in a deed recorded at the Barnstable County Registry of Deeds in Book 8625, Page 273, and shown on Town of Harwich Assessors' Map 55 as Parcel G-9, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Housing Authority. Estimated Cost: \$ _____.
NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$30,000.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: It is a unanimous vote, so declared

PURCHASE AND INSTALL PLAYGROUND EQUIPMENT AT BROOKS PARK

ARTICLE 47. To see if the Town will vote to transfer from Community Preservation Act funds (Recreation) to the Harwich Recreation and Youth Commission, a sum of money it determines necessary for playground equipment and installation at Brooks Park, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$ _____.
NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$95,186.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: So voted

FUND EARLE ROAD BEACH IMPROVEMENTS

ARTICLE 48. To see if the Town will vote to transfer from Community Preservation Act funds (Recreation) to the Harwich Recreation and Youth Commission, a sum of money it determines necessary for Earle Road beach improvements, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$ _____.
NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$99,850.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: So voted.

FUND HOUSING ON SITES OF RECREATION BUILDING AND WEST HARWICH SCHOOL

ARTICLE 49. To see if the Town will vote to transfer from Community Preservation Act funds (Housing) to the Harwich Housing Committee, a sum of money it determines necessary for predevelopment funds for housing on the sites of the Recreation Building, located at 265 Sisson Road, and the West Harwich School, located at 5 Bell's Neck Road, and to act fully thereon.

By request of the Community Preservation Committee and the Harwich Housing Committee.
Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$40,000.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: So voted

UPDATE THE TOWN HISTORIC PROPERTY INVENTORY

ARTICLE 50. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) to the Harwich Historical Commission, a sum of money it determines necessary for the purpose of updating the town historic property inventory, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Commission.
Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$25,000.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: So voted

FUND REPAIRS TO BROOKS ACADEMY

ARTICLE 51. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) to the Brooks Academy Commission a sum of money it determines necessary for repairs to Brooks Academy, and to act fully thereon. By request of the Community Preservation Committee and the Brooks Academy Commission. Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$100,000.00 be transferred from Community Preservation Act Fund for this purpose.
Duly seconded

ACTION: It is a unanimous vote, so declared

PURCHASE GUIDA PROPERTY

ARTICLE 52. To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for any of the purposes specified in the Cape Cod Land Bank Act (Chapter 293 of the Acts of 1998, as amended by Section 211 of Chapter 127 of the Acts of 1999), all or a portion of land now or formerly of Ralph W. Guida, known and numbered as 666 Julia Court and shown on the Town of Harwich Assessor's Map 68, Page E1, containing five (5) acres of land, more or less; said land being further described in Barnstable County Registry of Deeds in Book 1157, Page 67; and to transfer from Community Preservation Act funds, the sum of money it determines necessary for such acquisition; and, further, to authorize the Board of Selectmen and/or the Real Estate and Open Space Committee to file on behalf of the Town any and all applications deemed necessary for grants and/or

reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, including the grant of a conservation restriction, if required, and to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee. Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that the sum of \$150,000.00 be transferred from the Community Preservation Fund for the purpose of purchasing and/or taking by eminent domain for preservation, open space, conservation and passive recreational purposes, the land described in the article, which land is to be managed and controlled by the conservation commission under the provisions of General Laws, Chapter 40, Section 8c; and further that the Board of Selectmen and the Conservation Commission be authorized to take all actions necessary to carry out the acquisition of the land in accordance with the provisions of the article and this vote, including such terms and conditions as the Board of Selectmen shall deem appropriate. Duly seconded

ACTION: This article is an interest in land; it requires a 2/3 majority vote to pass. It is a unanimous vote, so declared.

RESOLUTION URGING CESSATION OF COMBAT OPERATIONS IN IRAQ

ARTICLE 53. To see if the Town will vote to adopt the following resolution urging the cessation of combat operations in Iraq and the return of U.S. Troops, and to act fully thereon:

Whereas, the Town and its Citizens recognize the sacrifices that the men and women serving in the United States Armed Forces in Iraq are making; and

Whereas, in October 2002, the United States Congress adopted a Joint Resolution to Authorize the use of US armed forces against Iraq, relying on statements that were untrue, when in fact:

- the US was not threatened with attack by Iraq
- Saddam Hussein had no weapons of mass destruction
- Saddam Hussein had no role in the 9/11 attacks; and

Whereas, more than 2,200+ members of the United States Armed Forces have been killed and more than 15,000 members wounded along with over 100,000 Iraqi citizens killed and wounded; and

Whereas, more than \$200 billion has been appropriated by Congress to fund military operations and reconstruction in Iraq and Barnstable County residents' share now exceeds \$41,144,105; and

Whereas, the funds spent by Barnstable County taxpayers on the war and occupation in Iraq could have provided medical insurance for one year for 127,222 children or 1,913 additional housing units, according to the National Priorities Project; and

Whereas, the war and continued occupation have resulted in the devastation of Iraq's physical and social infrastructure and led to widespread and continuous resistance to U.S. occupation that

threatens the lives of Iraqi civilians and the men and women who compose the ranks of U.S. and other occupying forces; and

Whereas, Representative William Delahunt joined more than 100 other Congresspersons in voting for a House resolution on an Iraq exit strategy;

THEREFORE, BE IT RESOLVED that the town of Harwich urges the United States government to immediately commence an orderly and rapid withdrawal of United States military personnel from Iraq; and

BE IT FURTHER RESOLVED that the town of Harwich urges the United States government to provide the people of Iraq with all the necessary non-military material aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq; and

BE IT FURTHER RESOLVED, that the financial resources used to prosecute the war be redirected to address the urgent needs of America's great urban centers and the most vulnerable portions of our population, including health, education, and homeland security; and

BE IT FUTHER RESOLVED that copy of this resolution shall be sent to George W. Bush, President of the United States, and members of the Massachusetts Congressional delegation. By Petition.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INAPPROPRIATE FOR TOWN MEETING ACTION. VOTE 5 TO 0.

MOTION: (Diane Turco) I move that this article be accepted and adopted as printed in the warrant.
Duly seconded

A motion was made and seconded to terminate debate; it needs a $\frac{3}{4}$ majority vote to pass. A standing count was taken, YES 221 NO 21, the motion passes.

ACTION: This resolution does not carry.

SUPPORT THE MASHPEE WAMPANOAG TRIBE'S PETITION FOR FEDERAL RECOGNITION

ARTICLE 54. To see if the Town will vote to support the Mashpee Wampanoag Tribe's petition for Federal recognition. The Mashpee Wampanoag people have lived on Cape Cod practicing and preserving the traditions of their culture for many years prior to the arrival of the Europeans and continue to do so today. Research documents that they have been present in the Cape Cod area for over 10,000 years. Federal recognition will provide the tribe with health education, and housing benefits, and to act fully thereon. By Petition.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INAPPROPRIATE FOR TOWN MEETING ACTION. VOTE 5 TO 0.

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

ACTION ON MAIN MOTION: Motion failed

MOTION: (Robert Wiser) I move to accept and adopt the article.

Duly seconded

ACTION: This motion passed

UTILITY EASEMENT OF TOWN PROPERTY

ARTICLE 55. To see if the Town will vote to authorize the Board of Selectmen to grant a utilities easement on town property shown on Assessors Map #63, Parcel J-6 to service Middle Road, and to act fully thereon. By Petition. Estimated Cost: \$ _____.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. SERVES NO PUBLIC BENEFIT.

MOTION: (Thomas Huckman, Housing Committee) I move that this article be accepted and adopted.

Duly seconded

AMEND MAIN MOTION: (Donald Howell, Selectman) I move that this article be accepted and adopted and that the Board of Selectmen be authorized to grant a utilities easement on town-owned property upon such terms and conditions as the Board of Selectmen deems appropriate and in such location as the Board of Selectmen deems to be in the town's best interest.

Duly seconded

ACTION ON AMENDMENT: It is a unanimous vote, so declared

ACTION ON MAIN MOTION AS AMENDED: The motion carried unanimously.

RECONSTRUCT COVE ROAD, OLD POST ROAD AND WAYSIDE ROAD THROUGH BETTERMENT PROGRAM

ARTICLE 56. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to reconstruct Cove Road, Old Post Road and Wayside Road, subject to repayment through the use of a betterment program and an inter-municipal agreement with the Town of Brewster to recover from Brewster residents who abut Wayside Road, and to act fully thereon. By Petition. Estimated Cost: \$170,000.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: This article is indefinitely postponed

SUPPORT PROPOSED REGIONAL UNIVERSAL HEALTH CARE PROGRAM

ARTICLE 57. To see if the Town will vote to adopt the following resolution to petition our County Government to support the development of a proposed universal health care program, known as Cape Care, and to act fully thereon.

WHEREAS, health care coverage has become less affordable and less available to growing numbers of people of our community, despite all efforts to date at both the state and federal levels; and

Whereas, each person who lacks adequate health care coverage faces increased risks of illness, disability and premature death, and our region has well above state average rates of uninsured people; and

WHEREAS, the families of such individuals face growing out-of-pocket costs, must confront the soaring expenses of health coverage and the worry of bankruptcy or impoverishment in the event of serious illness, combined with increased caregiver stress under the need to provide more and more uncovered care; and

WHEREAS, Small businesses face soaring expenses to cover employee health premiums, passing some of these costs to employees in the form of rising premiums and out-of-pocket payments; and

WHEREAS, our regional predominance of small businesses and self-employed sole proprietors is, understandably, a factor in the low rates of health care coverage within the local population; and

WHEREAS, our town governments struggle with the costs of health coverage for town employees so that we, the people, are regularly forced to choose among other important and customary community services for budget cutting; and

WHEREAS, our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements so that staff and services are cut or the programs close with the result that access to care for all is diminished; and Whereas, these consequences represent losses in the quality of life for many (if not all) members of the Cape and the Islands community, and a threat to our collective welfare and security, Now, therefore, we petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria:

- a. Provide broad health care coverage for ALL residents of Cape Cod and the Islands, to improve individual and community health;
- b. Control health care cost inflation by reducing superfluous administrative expenses as well as through bulk discount purchasing of necessary medications and medical supplies.
- c. Shape health care delivery to meet community needs for appropriate care through a representative policy-making board of community members and health care providers.
- d. Strengthen the ability of our existing network of health care providers and institutions to provide high quality care by assuring adequate funding for necessary services.

We call for a public hearing process in Barnstable County to be initiated by the end of the year 2006 to include analysis of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling.

By Petition.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ADDRESSES AN IMPORTANT CONCERN OF THE TOWN AND ITS CITIZENS. VOTE 5 TO 0.

MOTION: (Donald Howell, Selectman) I move that this Article be accepted and adopted provided that all references to a particular provider be deleted. Specifically, delete the phrase,

“known as Cape Care,” on line 3 and in the last sentence of the last “WHEREAS” paragraph, and delete the word “the” and insert the word “a” in the last sentence of the article. The adoption of this resolution shall only extend to the determination of feasibility. Any conclusion or recommendation must be brought back to a subsequent Town Meeting for evaluation and possible endorsement.

Duly seconded

AMEND MAIN MOTION: (Leo Cakounes) I move that this article be amended to add the clause “and participation in the proposed plan shall be on a voluntary basis by the citizens” after the words “. . . determination of feasibility” and preceding the last sentence of the motion.

Duly seconded

ACTION ON AMENDMENT: The amendment carries.

ACTION ON MAIN MOTION AS AMENDED: So voted

DREDGING PERMITS FOR ALLEN HARBOR BASIN

ARTICLE 58. To see if the Town will vote to raise and appropriate, or transfer from available funds a sufficient sum of money and seek bids, hire an engineering firm to develop a plan, which would include boring and material sampling analysis, a feasibility study report, and permits for the dredging of Allen Harbor Basin and authorize the Board of Selectmen to accept any state or other grants available for this purpose, and to come back to a future town meeting for funding the dredging, and to act fully thereon. By Petition. Estimated Cost: \$50,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT PRIORITY USE OF TOWN FUNDS.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$50,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted

LEASE PROPERTY FOR MULTI - PURPOSE USE IN HARWICH CENTER

ARTICLE 59. To see if the Town will vote to transfer the care, custody, management and control of the land and structure described in this article from the Board of Selectmen for general municipal purposes and leasing of the building and parking lot to a non profit arts, cultural, educational, or similar organization as previously authorized in Article 52 ATM 2002 to the Board of Selectmen for the purpose of leasing on a long term basis as follows:

1. The open land for the construction of rental-affordable/market rate housing units.
2. The existing building for Arts, Cultural, Educational or other use as deemed appropriate by the Board of Selectmen

And further to authorize the Board of Selectmen to issue and act upon a Request(s) For Proposal (RFP) to garner development concepts from appropriate entities, which will generate a long term lease agreement for the construction of new Building(s), the site improvements, the restoration and renovation of the existing building, for a parcel of land (1.11 acres) with an existing building (Recreation Building) as shown on the Assessor Map 40 Parcel Z 5 located at 265 Sisson Road, Harwich Center.

The Town of Harwich will maintain ownership of the land and all buildings existing and newly constructed thereon. Deed restrictions will limit the sale and/or transfer of the lease

agreement(s), will contain provisions for the affordable housing rental units to remain affordable in perpetuity, will provide standards for the lessee's maintenance of the building(s), will provide for preference to the Town of Harwich residents (regarding the housing units) to the fullest extent of the law, and provide for whatever else the Board of Selectmen deem appropriate to protect the interest of the Town of Harwich, and to act fully thereon. By request of the Harwich Housing Committee. Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant with the following change: at the end of the line numbered one, add the following language:

The market rate housing units may be included initially only to the extent necessary to make the overall project financially feasible, upon approval of a vote by the Board of Selectmen. Any such market rate housing units will be changed over to affordable housing units no more than 10 years from the date of occupancy.

Duly seconded

ACTION: This article needs a 2/3 majority vote to pass; it is determined to have received the necessary 2/3 vote and passes.

LEASE PROPERTY FOR MULTI - PURPOSE USE IN WEST HARWICH

ARTICLE 60. To see if the Town will vote to transfer the care, custody, management and control of the land and building described in this article from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of leasing on a long term basis to a non profit organization as follows:

1. The open land for the construction of rental-affordable/market rate housing units.
2. The existing building for Arts, Cultural, Educational or other use as deemed appropriate by the Board of Selectmen.

And further to authorize the Board of Selectmen to issue and act upon a Request(s) For Proposal (REP) to garner development concepts from appropriate entities, which will generate a long term lease agreement for the construction of the new Building(s), the site improvements, restoration and renovation the existing building, for a parcel of land (0.63 acres) with an existing building (West Harwich School) as shown on the Assessor Map 10 Parcel G 10 located at 5 Bells Neck Road, West Harwich.

The Town of Harwich will maintain ownership of the land and all buildings existing and newly constructed thereon. Deed restrictions, will limit the sale and/or transfer of the lease agreement(s), will contain provisions for the affordable housing rental units to remain affordable in perpetuity, will provide standards for the lessee's maintenance of the buildings and site, will provide for preference to the Town of Harwich residents (regarding the housing units) to the fullest extent of the law, and provide for whatever else the Board of Selectmen deem appropriate to protect the interest of the Town of Harwich, and to act fully thereon. By request of the Harwich Housing Committee. Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant with the following changes: the reference to parcel G 10 be changed to parcel G 1, and add the following language at the end of the line numbered one:

Market rate housing units, to the extent allowed, may be included initially only to the extent necessary to make the overall project financially feasible, upon approval of a vote by the Board of Selectmen. Any such market rate housing units will be changed over to affordable housing units no more than 10 years from the date of occupancy.

Duly seconded

AMEND MAIN MOTION: (Thomas Huckman, Housing Committee) I move that an additional amendment be made by deleting the phrase “to a non profit organization” from the first paragraph.

Duly seconded

ACTION ON THE AMENDMENT: The amendment carries.

ACTION ON THE MAIN MOTION AS AMENDED: This article needs a 2/3 majority vote to pass; it is determined to have received the necessary 2/3 vote and passes.

APPROVE AFFORDABLE HOUSING PROPOSAL FOR DRIFTWOOD LANE

ARTICLE 61. To see if the Town will vote to approve the proposal to develop housing on a parcel of land on Driftwood Lane pursuant to the requirements of Article 41 of the 2004 Annual Town Meeting. Also, to see if the Town will vote to authorize the Board of Selectmen to enter into a lease for the land and any other contracts necessary to develop affordable housing on this property. The property is shown on Assessor’s Map 53 Parcel G3-1, containing approximately nine (9) acres, and to act fully thereon. By request of the Harwich Housing Committee.

Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that the Board of Selectmen be authorized to take all actions necessary to effectuate the proposal to develop affordable housing on the land described in the article received and accepted in response to the request for proposals issued by the Board of Selectmen pursuant to Article 41 of the 2004 Annual Town Meeting, including a lease of the land and any other contracts, upon such terms and conditions as the Board of Selectmen deems necessary and appropriate to carry out the purpose of this article.

Duly seconded

ACTION: This article needs a 2/3 majority vote to pass; it is determined to have received the necessary 2/3 vote and passes.

APPOINT A SCHOOL BUILDING NEEDS COMMITTEE

ARTICLE 62. To see if the Town will vote to have the Moderator appoint a School Building Needs Committee, and to act fully thereon. By request of the School Committee.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO ASSESS NEEDS OF HIGH SCHOOL BUILDING. VOTE 5 TO 0.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted.

Duly seconded

AMEND MAIN MOTION: (Leo Cakounes) I move to amend the motion by making one change: strike the word “Moderator” and insert the phrase “Board of Selectmen.”

Duly seconded

ACTION ON AMENDMENT: It is a unanimous vote, so declared.

ACTION ON MAIN MOTION AS AMENDED: This article needs a 2/3 majority vote to pass; it is determined to have received the necessary 2/3 vote and passes

FUND SCHOOL BUILDING MAINTENANCE

ARTICLE 63. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund building maintenance at the Elementary, Middle and High Schools; said funds to be utilized to accomplish the extraordinary maintenance goals set forth by the school administration in the second year of its 5 year maintenance plan, and to act fully thereon. By request of the School Committee. Estimated Cost: \$65,500.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED FOR THE FOLLOWING PROJECTS:

1. SEALCOATING OF BLACKTOP AND PAINTING LINES AT MIDDLE SCHOOL.	\$20,000
2. REPLACEMENT OF CLASSROOM AND CORRIDOR CARPETS AT MIDDLE SCHOOL	\$18,000
3. REPLACEMENT OF BASKETBALL WINCHES AT MIDDLE SCHOOL	\$5,400
4. PLAYGROUND MAINTENANCE (STRUCTURE & WOOD) AT ELEMENTARY SCHOOL	\$8,500
5. REFINISH GYM FLOOR AT MIDDLE SCHOOL	\$12,500
6. REPLACE EXHAUST FANS AT MIDDLE SCHOOL	\$1,100
TOTAL	\$65,500

TO MAINTAIN TOWN ASSET. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$65,500.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted.

FUND TECHNOLOGY HARDWARE AND SOFTWARE FOR THE SCHOOL DEPARTMENT

ARTICLE 64. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund technology hardware and software for the School Department. By request of the School Committee. Estimated Cost: \$39,572.00.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$39,572.00 be transferred from available funds for the purchase of hardware and software.

Duly seconded

ACTION: Motion carries.

**FUND PART-TIME SCHOOL DEPARTMENT MEDICAID BILLING CLERK AND
BILLING SERVICES**

ARTICLE 65. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund a part-time School Department Medicaid Billing Clerk and fund billing services to be provided by a third party vendor in order to obtain Medicaid reimbursement for deposit to the Town General Fund, and to act fully thereon. By request of the School Committee. Estimated Cost: \$36,177.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO FACILITATE MEDICAID REIMBURSEMENT.
VOTE 5 TO 0.**

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$36,177.00 be raised and appropriated for this purpose.

Duly seconded

ACTION: Motion carries.

SUPPLEMENT FUNDS FOR CULTURAL COUNCIL ACTIVITIES

ARTICLE 66. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to supplement available funds for the Town's Cultural Council which will increase the availability of cultural activities in the Town. By request of the Harwich Cultural Council. Estimated cost: \$2,500.00.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
INDEFINITELY POSTPONED. NOT A PRIORITY USE OF FUNDS. VOTE 5 TO 0.**

MOTION: (Edward McManus-Chairman, Board of Selectmen) I move that this article be accepted and adopted and that the sum of \$2,500.00 be transferred from available funds for this purchase.

Duly seconded

ACTION: Motion carries

AMEND BY-LAW REGARDING BEACH PARKING

ARTICLE 67. To see if the Town will vote to amend the General By-Law of the Town, Part 7 Beach Parking, by deleting Sections 4-701 and 4-702 in their entirety and adopting a new Section 4-701 and 4-702 to read as follows, and to act fully thereon:

4-701 Beach parking fees for year-round and seasonal residents shall be established through beach regulations proposed by the Recreation and Youth Commission and adopted by the Board of Selectmen.

4-702 Daily, weekly, full season or other less than full season beach parking fees shall be established for residents and temporary residents at such beaches to be determined by the Recreation and Youth Commission and at rates established through beach regulations proposed by the Recreation and Youth Commission and adopted by the Board of Selectmen.

By request of the Recreation and Youth Commission.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. TO SIMPLIFY AND STREAMLINE TOWN BY-LAW.
VOTE 4 TO 1.**

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

ACTION: So voted

PROVIDE PUBLIC HEALTH SERVICES THROUGH INTER-MUNICIPAL AGREEMENT

ARTICLE 68. To see if the Town will, in accordance with G.L. c. 40, Section 4A, authorize the Board of Health to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto, and to act fully thereon. By request of the Board of Health.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO PROVIDE MORE COMPREHENSIVE HEALTH SERVICES. VOTE 5 TO 0.

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

ACTION: It is a unanimous vote, so declared.

PURCHASE OF COMPUTER SOFTWARE TO AUGMENT MUNIS SYSTEM

ARTICLE 69. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to purchase the following Munis upgrades:

Tyler Forms Processing	\$33,270.00
Permits and Code Enforcement Module	
Business License Module	\$44,790.00

And to act fully thereon. By request of the Computer Department, Water Department and the Tax Collector/Treasurer, and the Building, Planning, Health, and Conservation Departments. Estimated cost: \$78,060.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. TO MODERNIZE BILLING PROCESS. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$44,790.00 be transferred from available funds and \$33,270.00 be transferred from the Water Enterprise Fund for a total of \$78,060.00 for the following:

Tyler Forms Processing	\$33,270.00
Permits & Code Enforcement	
Business License Module	44,790.00

Duly seconded

ACTION: So voted.

SUPPORT LOWER/OUTER CAPE COMMUNITY COALITION

ARTICLE 70. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of money to support the Lower/Outer Cape Community Coalition, or to take any other action relative thereto, and to act fully thereon. By Petition. Estimated Cost: \$1,500.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF TOWN FUNDS. VOTE 5 TO 0.

MOTION: (Robert Wiser) I move that this article be accepted and adopted and that \$1,500.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: Motion carries

PROMOTE TOWN OF HARWICH

ARTICLE 71. To see if the Town will vote to raise and appropriate a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town of Harwich. Said monies to be used for promotional publication pieces and advertisements promoting the town to potential visitors, and to act fully thereon. By Petition. Estimated cost: \$12,000.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF TOWN FUNDS. VOTE 4 TO 1.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$12,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted

DEFRAY COSTS OF THE HARWICH ATHLETIC ASSOCIATION

ARTICLE 72. To see if the Town will vote to raise and appropriate the sum of Three Thousand (\$3,000.00) Dollars to help defray the cost of the Harwich Athletic Association, Inc. in sponsoring the Harwich Town Baseball Team (Harwich Mariners) a member of the Cape Cod Baseball League and other community athletic events. Said money to be spent under the direction of the Board of Selectmen, and to act fully thereon. By Petition.

Estimated Cost: \$ _____.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF TOWN FUNDS. VOTE 4 TO 1.

MOTION: (Edward McManus, Chairman-Board of Selectmen) I move that this article be accepted and adopted and that \$3,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: So voted

REPLACE FUEL STORAGE TANKS AT SAQUATUCKET HARBOR

ARTICLE 73. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to replace the fuel storage tanks, fuel lines, pumps and all associated parts at Saquatucket Harbor Fuel Dock and to act fully thereon. By request of the Harbormaster. Estimated Cost (Engineering Dept.): \$ 101,364.00.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. ENVIRONMENTAL NECESSITY. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$46,364.00 be transferred from available funds and \$55,000.00 be transferred from the Waterway Management Fund for a total of \$101,364.00 for this purpose.

Duly seconded

ACTION: Motion carries.

BUNKER RENOVATION AND RANGE EXPANSION

ARTICLE 74. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to renovate the golf bunkers and to expand the golf course driving range facility, and to act fully thereon. By request of the Golf Commission.

Estimated Cost: \$ _____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$1,175,980.00 be raised and appropriated for this purpose, and that to raise this appropriation the Treasurer, with the approval of the Selectmen, be authorized to issue bonds pursuant to the provisions of General Laws, Chapter 44, Section 7, or any other enabling statute, for this purpose, provided however that this vote shall not take effect until the Town, at a regular or special election, votes to exempt from the limitations on total taxes imposed by the General Laws Chapter 59, Section 21C, amounts required to pay for the principal of and interest on the borrowing authorized by this vote.

Duly seconded

ACTION: This article needs a 2/3 majority vote to pass; it is a unanimous vote, so declared.

COMPENSATING BALANCE AGREEMENT

ARTICLE 75. 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 2007 pursuant to Chapter 44, Section 53F of the General Laws, and to act fully thereon. Customary article.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 5 TO 0.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted.

Duly seconded

ACTION: So voted.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 76. To see if the Town will assume the liability in the manner provided by Section 29 of Chapter 91 of the General Laws as amended by Chapter 516 and 524, Acts of 1950, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts, for improvement, development, maintenance and protection of tidal and non-tidal rivers, streams, harbors, tide waters, foreshore and shores along a public beach outside of Boston Harbor, including the Merrimack and Connecticut Rivers in accordance with Section 11 of Chapter 91 of the General Laws and to authorize the Selectmen to execute and deliver a bond of indemnity to the Commonwealth, and to act fully thereon. Customary article.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 5 TO 0.

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

ACTION: So voted

HERRING FISHERIES

ARTICLE 77. To see what action the Town will take in regard to the Herring Fisheries, and to act fully thereon. Customary article.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. CUSTOMARY ARTICLE. VOTE 5 TO 0.

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

ACTION: So voted

UNPAID BILLS

ARTICLE 78. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in Chapter 170 of the Acts of 1941, and to act fully thereon. By request of the Town Accountant.

Estimated cost: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$190.36 be raised and appropriated for this purpose.

Duly seconded

ACTION: This article needs a 4/5 majority vote to pass; it is a unanimous vote so declared.

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

TOWN MODERATOR APPOINTMENTS

ANNUAL TOWN MEETING – MAY 2006

The Moderator hereby makes the following appointments to the Finance Committee:

- 1.) I appoint Michael Flores to a three (3) year term.
- 2.) I appoint Angelo LaMantia to a three (3) year term, and
- 3.) I appoint Linda Cebula to an unexpired one (1) year term

Dated: May 2, 2006

s/Michael D. Ford, Esq.
Town Moderator

The meeting continued with:

STABILIZATION FUND

ARTICLE 79. To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sum of money to be added to the Stabilization Fund, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$_____.

NO RECOMMENDATION PENDING FURTHER INFORMATION.

MOTION: (Brian Widegren-Chairman, Finance Committee) I move that this article be accepted and adopted and that \$200,000.00 be transferred from available funds for this purpose.

Duly seconded

ACTION: It is a unanimous vote, so declared.

At 11:05 PM on May 2, 2006 a motion was made to adjourn the May 2006 Annual Town Meeting, duly seconded and so voted.

**THE FOLLOWING ARTICLES WERE PASSED AT THE
ANNUAL TOWN MEETING
MAY 1, 2006**

CUSTOMARY ARTICLES

ARTICLE 1 TOWN OFFICERS AND COMMITTEES
ARTICLE 2 REPORTS OF TOWN OFFICERS & COMMITTEES
ARTICLE 76 LIABILITY TIDAL/NON TIDAL RIVERS
ARTICLE 77 HERRING FISHERIES

CAPITAL PLAN

ARTICLE 8. CAPITAL PLAN ADOPTION

LAND TAKING

ARTICLE 21 TAKE LAND BY EMINENT DOMAIN FOR KELLEY CEMETERY
ARTICLE 23 TRANSFER PINE GROVE CEMETERY TO THE TOWN

AMEND GENERAL BY-LAWS

ARTICLE 18 AMEND TOWN BY-LAW REGARDING LITTERING
ARTICLE 24 AMEND GENERAL BY-LAWS – HARWICH RIGHT TO FARM
ARTICLE 40 AMEND BY-LAW - TOWN CLERK FEES
ARTICLE 67 AMEND BY-LAW REGARDING BEACH PARKING

MISCELLANEOUS

ARTICLE 6 AMEND CLASSIFICATION AND COMPENSATION PLAN
ARTICLE 22 APPROVE REVISED CEMETERY RULES AND REGULATIONS
ARTICLE 25 ESTABLISH A REVOLVING FUND FOR COUNCIL ON AGING
ARTICLE 27 ACCEPT STATE FUNDING FOR ROAD MAINTENANCE/REPAIR
ARTICLE 33 ESTABLISH CAPITAL REPLACEMENT STABILIZATION FUND
ARTICLE 38 ESTABLISHING AND FUNDING LEAD CONTRACT NEGOTIATOR
ARTICLE 39 ADOPT TOWN OF HARWICH MISSION STATEMENT
ARTICLE 54 SUPPORT THE MASHPEE WAMPANOAG TRIBE'S PETITION
FOR FEDERAL RECOGNITION
ARTICLE 55 UTILITY EASEMENT OF TOWN PROPERTY
ARTICLE 57 SUPPORT PROPOSED REGIONAL UNIVERSAL HEALTH CARE
PROGRAM
ARTICLE 59 LEASE PROPERTY FOR MULTI-PURPOSE USE IN HARWICH
CENTER
ARTICLE 60 LEASE PROPERTY FOR MULTI-PURPOSE USE - WEST HARWICH
ARTICLE 61 APPROVE AFFORDABLE HOUSING PROPOSAL/DRIFTWOOD LN

ARTICLE 62	APPOINT A SCHOOL BUILDING NEEDS COMMITTEE
ARTICLE 68	PROVIDE PUBLIC HEALTH SERVICES THROUGH INTER-MUNICIPAL AGREEMENT
ARTICLE 75	COMPENSATION BALANCE AGREEMENT

ACCEPT MASSACHUSETTS GENERAL LAWS

ARTICLE 42	SENIOR EXEMPTION – MGL CHAPTER 59 SECTION 5 CLAUSE 41C
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APPROPRIATIONS VOTED UNDER ARTICLES
ANNUAL TOWN MEETING
MAY 1, 2006

FROM TAX LEVY

ARTICLE 5	AMEND PERSONNEL BY-LAW/COMPENSATION PLAN	\$ 74,980.00
ARTICLE 7	BUDGET	38,539,341.00
ARTICLE 65	FUND PART-TIME SCHOOL DEPT. MEDICAID BILLING CLERK & BILLING SERVICES	36,177.00
ARTICLE 78	UNPAID BILLS	190.36

TRANSFERRED FROM FREE CASH

ARTICLE 9	MAINTAIN, UPDATE AND/OR CERTIFY REAL/ PERSONAL PROPERTY VALUATIONS	\$ 21,000.00
ARTICLE 10	PROJECT CONTEMPORARY COMPETITIVENESS	15,000.00
ARTICLE 11	FUND HUMAN SERVICES	76,500.00
ARTICLE 12	DEFRAY EXPENSES–CHASE & HARWICHPORT LIBRARIES	22,630.00
ARTICLE 13	LEASE OR PURCHASE AND EQUIP VEHICLES	573,160.00
ARTICLE 14	PURCHASE/EQUIP NEW EQUIPMENT	60,495.00
ARTICLE 16	PURCHASE EQUIPMENT AND UPGRADE HARDWARD FOR GIS PROGRAM	9,000.00
ARTICLE 17	FIRE DEPARTMENT BUILDING MAINTENANCE	11,500.00
ARTICLE 28	REPLACE ROOF OF HIGHWAY MAINTENCE BUILDING	24,500.00
ARTICLE 31	DREDGING RESERVE	7,369.00
ARTICLE 36	TECHNOLOGY ASSESSMENT OF ALL TOWN DEPARTMENTS	55,000.00
ARTICLE 41	REFURBISH COMMUNITY CENTER GYM FLOOR	17,300.00
ARTICLE 43	LICENSE, MAINTENANCE AND SUPPORT FOR ASSESSORS WEBSITE	10,000.00
ARTICLE 44	NITROGEN MANAGEMENT PLANNING	95,000.00
ARTICLE 58	DREDGING PERMITS FOR ALLEN HARBOR BASIN	50,000.00
ARTICLE 63	FUND SCHOOL BUILDING MAINTENANCE	65,500.00
ARTICLE 64	FUND TECHNOLOGY HARDWARD AND SOFTWARE FOR THE SCHOOL DEPARTMENT	39,572.00
ARTICLE 66	SUPPLEMENT FUNDS FOR CULTURAL COUNCIL ACTIVITIES	2,500.00
ARTICLE 69	PURCHASE OF COMPUTER SOFTWARE TO AUGMENT MUNIS SYSTEM	44,790.00
ARTICLE 70	SUPPORT LOWER/OUTER CAPE COMMUINITY COALITION	1,500.00
ARTICLE 71	PROMOTE TOWN OF HARWICH	12,000.00

ARTICLE 72	DEFRAY COSTS OF THE HARWICH ATHLETIC ASSOCIATION	3,000.00
ARTICLE 73	REPLACE FUEL STORAGE TANKS AT SAQUATUCKET	46,364.00
ARTICLE 79	STABILIZATION FUND	200,000.00

FROM OTHER AVAILABLE FUNDS

ARTICLE 5	AMEND PERSONNEL BY-LAW/COMPENSATION PLAN	
	MEDIA ONE FUND	2,825.00
ARTICLE 7	BUDGET - MEDIA ONE FUND	92,587.00
	- CHAPTER 70 FUND	60,000.00
	- SEPTIC BETTERMENT FUND	17,250.00
	- LIBRARY GRANT	75,000.00
	- WATERWAYS MANAGEMENT FUND	125,000.00
ARTICLE 30	DESIGN/REPLACE LOWER END OF BOAT RAMP AT ALLEN HARBOR- ARTICLE 34 ATM 1996	47,369.00
ARTICLE 31	DREDGING RESERVE – ARTICLE 34 ATM 1996	42,631.00
ARTICLE 73	REPLACE FUEL STORAGE TANKS AT SAQUATUCKET WATERWAYS MANAGEMENT FUND	55,000.00

BALLOT QUESTIONS - DEBT EXCLUSION

ARTICLE 26	ROAD MAINTENANCE PROGRAM	1,000,000.00
ARTICLE 74	BUNKER RENOVATION AND RANGE EXPANSION	1,175,980.00

CPC/LAND BANK FUNDS

ARTICLE 7	BUDGET	\$ 956,336.00
ARTICLE 45	FUND REHABILITATION OF THE RECREATION BUILDING ON SISSON ROAD	25,000.00
ARTICLE 46	FUND PREDEVELOPMENT OF THE MAIN STREET EXTENSION HOUSING DEVELOPMENT	30,000.00
ARTICLE 47	PURCHASE AND INSTALL PLAYGROUND EQUIPMENT AT BROOKS PARK	95,186.00
ARTICLE 48	FUND EARLE ROAD BEACH IMPROVEMENTS	99,850.00
ARTICLE 49	FUND HOUSING ON SITES OF REC BUILDING AND W. HARWICH SCHOOLHOUSE	40,000.00
ARTICLE 50	UPDATE THE TOWN HISTORIC PROPERTY INVENTORY	25,000.00
ARTICLE 51	FUND REPAIRS TO BROOKS ACADEMY	100,000.00
ARTICLE 52	PURCHASE GUIDA PROPERTY	150,000.00

WATER ENTERPRISE FUND

ARTICLE 5	AMEND PERSONNEL BY-LAW/COMPENSATION	\$ 3,660.00
ARTICLE 7	BUDGET	2,230,350.00
ARTICLE 15	WATER DEPARTMENT EQUIPMENT AND VEHICLES	128,000.00
ARTICLE 16	PURCHASE, EQUIPMENT AND UPGRADE HARDWARE FOR GIS PROGRAM	120,000.00
ARTICLE 19	REPLACE WATER MAINS	300,000.00
ARTICLE 20	FUND NEW WATER SOURCE EXPLORATION	100,000.00
ARTICLE 69	PURCHASE OF COMPUTER SOFTWARE TO AUGMENT MUNIS SYSTEM	33,270.00

**THE FOLLOWING ARTICLES WERE PASSED AT THE
SPECIAL TOWN MEETING
MAY 2, 2006**

ARTICLE 11. ACQUIRE DOWNEY PROPERTY

ZONING BY-LAW

ARTICLE 12. REGULATIONS FOR WIND ENERGY SYSTEMS

ACCEPT MASSACHUSETTS GENERAL LAWS

ARTICLE 4 ADDITIONAL ANNUAL COMPENSATION FOR TOWN CLERK
MGL 41 SECTION 19K

**APPROPRIATIONS VOTED UNDER ARTICLES
SPECIAL TOWN MEETING
MAY 2, 2006**

FROM TAX LEVY

ARTICLE 5	FUND NEGOTIATED CONTRACT – FIRE FIGHTERS	41,000.00
ARTICLE 8	FUND NEGOTIATED CONTRACT – HARWICH EMPLOYEES ASSOCIATION	39,000.00

FROM FREE CASH

ARTICLE 3	SUPPLEMENT FY 2006 RESERVE FUND ACCOUNT	60,000.00
ARTICLE 4	ADDITIONAL ANNUAL COMPENSATION FOR TOWN CLERK	1,000.00
ARTICLE 10	SUPPLEMENT GROUP HEALTH INSURANCE CLAIMS TRUST FUND	300,000.00

BALLOT QUESTIONS – DEBT EXCLUSION

ARTICLE 1	MEMBRANE ROOFING SYSTEM - HARWICH MIDDLE SCHOOL	\$ 350,000.00
ARTICLE 2	PARTIAL REPLACEMENT OF HIGH SCHOOL ROOF	430,000.00

CPC/LAND BANK FUNDS

ARTICLE 9	LAND BANK BORROWING	151,350.00
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