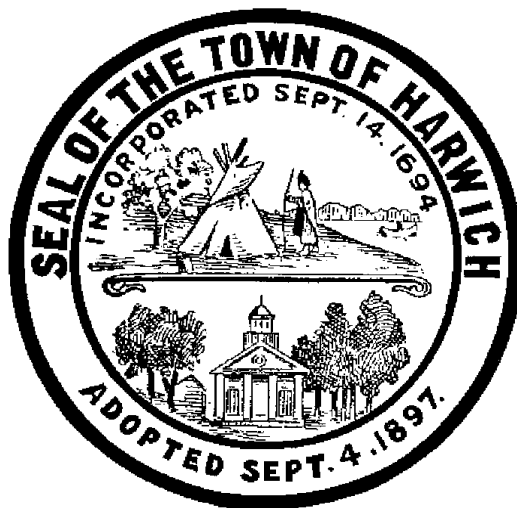


COMPLETE
ANNUAL TOWN MEETING
WARRANT



MAY 3, 2010



SPECIAL TOWN MEETING
WARRANT



MAY 4, 2010

with

RECOMMENDATIONS

WITH VOTES

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MAY 3, 2010

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VOTING PROCEDURES

- I A quorum, 150 registered voters, must be present in order to conduct business. The only motion in order when no quorum is present is a motion to adjourn.
- II A two-thirds majority of the Town Meeting shall be required for inclusion of any Capital Outlay, unless it was included in the Capital Outlay Plan adopted at the preceding Town Meeting.
- III All motions introduced at the Town Meeting shall be in writing when required by the Moderator.
- IV Voters are limited to two times speaking on any one question; the total time speaking not to exceed 10 minutes.
- V Only registered voters shall occupy the meeting “floor”.
- VI No voter will be allowed to speak until he or she is recognized by the Moderator.
- VII Motion requiring more than a simple majority to pass:
 - A. To reconsider a vote on a motion – $\frac{3}{4}$ majority (this motion must be made prior to the next adjournment of the meeting).
 - B. To consider articles in an order other than as appears on the warrant – $\frac{3}{4}$ majority.
 - C. To pay unpaid bills – $\frac{4}{5}$ majority at the Annual Town Meeting, $\frac{9}{10}$ majority at a Special Town Meeting.
 - D. To move the previous question (terminate debate) – $\frac{3}{4}$ majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

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

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

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY
REQUIRED TO CHANGE THE FY 2010 TAX RATE.

<u>TAX RATE CHANGE IN \$/1000</u>	<u>DOLLARS REQUIRED</u>
\$ 0.01	\$49,449
\$ 0.05	\$247,246
\$ 0.10	\$494,491
\$ 0.15	\$741,737
\$ 0.20	\$988,982
\$ 0.25	\$1,236,228
\$ 0.30	\$1,483,473
\$ 0.35	\$1,730,719
\$ 0.40	\$1,977,964
\$ 0.45	\$2,225,210
\$ 0.50	\$2,472,456
\$ 0.55	\$2,719,701
\$ 0.60	\$2,966,947
\$ 0.65	\$3,214,192
\$ 0.70	\$3,461,438
\$ 0.75	\$3,708,683
\$ 0.80	\$3,955,929
\$ 0.85	\$4,203,174
\$ 0.90	\$4,450,420
\$ 0.95	\$4,697,665
\$ 1.00	\$4,944,911

MUNICIPAL FINANCE TERMS

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

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

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS:

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

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

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

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

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

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

PROPOSITION 2 ½ TERMS

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

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

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

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

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

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

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

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

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

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

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

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
MAY 3, 2010**

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 3, 2010, 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 16th day of February, 2010

s/ Edward J. McManus Chairman

s/Lawrence P. Cole, Vice Chairman

s/Robin D. Wilkins, Clerk

s/Angelo S. La Mantia

s/Larry G. Ballantine

BOARD OF SELECTMEN

A true copy Attest:

s/David A. Robinson

Constable

April 13, 2010

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Monday, the 3rd day of May, 2010 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

On Monday, May 3, 2010 the Moderator, Michael D. Ford, Esq., called the meeting to order at 7:00 PM when a quorum of 150 was met, having 480 registered voters in attendance. Before town business began, Town Clerk, Anita N. Doucette read the Warrant and Return of Warrant. The Harwich Annual Town Meeting was held in the Community Center on 100 Oak Street, the Town Meeting began with:

TOWN OFFICERS AND COMMITTEES

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

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

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

ACTION: It is a vote.

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

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2. To hear reports of all Town Officers and Committees for the year 2009. Customary article.

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

MOTION: (Linda Cebula, 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, 2010 and ending June 30, 2011 as follows, and to act fully thereon. Estimated cost: \$78,955.

Selectmen (5)	\$1,500 (each)
Moderator	\$300
Town Clerk	\$ 69,655
Water Commissioners (3)	\$500 (each)

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

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

Selectmen (5)	\$1,500 (each)
Moderator	\$300
Town Clerk	\$ 69,655
Water Commissioners (3)	\$500 (each)

Duly seconded

ACTION: It is a vote.

ACCEPT PROVISIONS OF M.G.L. CH. 64L, §3A – LOCAL ROOM EXCISE
ARTICLE 4. To see if the Town will vote to amend the Town’s local occupancy excise tax under M.G.L. c. 64G, §3A on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town from the rate of 4% to the rate of 6%, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THE TOWN SHOULD REDUCE SPENDING BEFORE RAISING TAXES. VOTE: YES-6, NO-1, ABSTAIN-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be indefinitely postponed. Duly seconded
ACTION: This motion was indefinitely postponed.

ACCEPT PROVISIONS OF M.G.L. c. 64L, §2A(a) – LOCAL MEALS EXCISE
ARTICLE 5. To see if the Town will vote to accept the provisions of M.G.L. c. 64L, §2A(a) authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the town, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THE TOWN SHOULD REDUCE SPENDING BEFORE RAISING TAXES VOTE: YES- 6, NO-1, ABSTAIN-1

MOTION: (Linda Cebula, Chairman, Finance Committee) I move that the Town of Harwich accept MGL chapter 64L, section 2(a) to impose a meals tax effective July 1, 2010. Duly seconded

A motion was made and seconded to terminate debate, this requires $\frac{3}{4}$ majority vote to pass, and a standing count was taken, YES 383 NO 21, the motion carried.

ACTION: A standing count was taken, YES 253 NO 147, this motion carried.

TOWN OPERATING BUDGET

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2011, and to act fully thereon. (BUDGET – SEE APPENDIX B).

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted as printed with the following changes;

Line #	7	Accountant's S&W . . .	210,361	to	211,586
Line #	8	Accountant's Expense	1,240	to	1,000
Line #	10	Assessors' S&W	225,479	to	228,769

Line #	11	Assessors' Expense	21,620	to	19,150
		Treasurer/Tax Collector			
Line #	14	Expense .	97,388	to	96,388
Line #	17	Town Hall S&W	309,169	to	311,994
	23-	Information Tech& CH 18 S &			
Line #	a	W	170,614	to	171,264
	23-				
Line #	b	Info Tech& CH 18 Expenses	139,209	to	137,659
Line #	25	Clerk's S&W	173,915	to	177,389
		Conservation Commission			
Line #	27	S&W . . .	50,334	to	50,797
Line #	29	Town Planner S&W	109,520	to	113,319
Subtotal	-	Town Planner Subtotal	115,506	to	111,707
Subtotal	-	Planning Board Subtotal	(1,339)	to	2,460
Line #	35	Repairs to Public Buildings . . .	13,317	to	13,867
Line #	40	Police Dept S&W	2,662,388	to	2,674,408
Line #	43	Fire Dept S&W	2,709,657	to	2,701,618
Line #	48a	Emer. Telecom. S&W	561,784	to	566,075
Line #	49	Building Inspection S&W	218,044	to	222,605
Line #	59	Harwich Public Schools	15,144,050	to	15,056,596
		Town Engineer's Dept S&W . .			
Line #	60	. .	149,413	to	150,000
		Highways and Maintenance			
Line #	62	S&W	1,948,139	to	1,956,801
		Highways and Maintenance			
Line #	63	Expense	1,437,413	to	1,428,102
Line #	74	Community Center S&W	108,120	to	110,500
Line #	76	Council on Aging S&W	226,503	to	227,153
Line #	78	Youth Counselor S&W	65,003	to	65,653
Line #	84	Brooks Library S&W	428,711	to	431,627
Line #	87	Recreation and Youth S&W. . .	169,184	to	170,839

Line #	91	Harbormaster/Natural Resources S&W	188,865	to	190,283
		Golf Operations & Maintenance S&W	693,711	to	694,483
Line #	98				
Line #	103	Barnstable County Retirement	2,280,821	to	2,376,863
Line #	107	Insurance, General	519,812	to	512,929

and the sum of \$47,152,160 be appropriated for this purpose. That to raise this appropriation, the sum of \$45,290,735 be raised and appropriated, and that \$531,604 be raised and appropriated in the General Fund operating budget and allocated to the Water Enterprise Fund for funding, and that \$824,106 be transferred from the CPA Fund, undesignated fund balance to pay for current Land Bank debt service, and that \$175,300 be transferred from the Cable Fund, and that \$17,250 be transferred from the Septic Loan Betterment Fund, and that \$75,000 be transferred from the Library Grant, and that \$100,800 be transferred from the Waterways Management Fund, and that \$100,000 be transferred from Overlay Surplus, and that \$14,365 be transferred from the FEMA Fund and that \$23,000 be transferred from the Cemetery Perpetual Care Fund.

Duly seconded

ACTION: It was so voted.

WATER BUDGET

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Water Department Operating Budget for Fiscal Year 2011, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$_____.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$3,114,891 BY THE WATER ENTERPRISE FUND. WATER ENTERPRISE COSTS ARE FUNDED DIRECTLY BY RATE PAYERS. LACK OF ADEQUATE JUSTIFICATION PROVIDED FOR APPROXIMATELY 8% INCREASES OVER FY 2009 EXPENSES. FINANCE COMMITTEE HAS REDUCED EXPENSE ACCOUNTS TO REFLECT PAST USAGE. VOTE: YES-6, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$3,141,634 be appropriated to operate the Water Enterprise Fund for this purpose:

Salaries	990,774
Expenses	1,095,239
Debt	330,923
Budgeted surplus	724,698
Total	3,141,634

And that \$3,141,634 be raised from Departmental receipts, \$3,141,634.

Duly seconded

ACTION: It was so voted.

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

ARTICLE 8 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to maintain, update, and/or certify real and personal property valuations and to act fully thereon. By request of the Deputy Assessor and the Board of Assessors. Estimated Cost: \$42,100.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE INDEFINITELY POSTPONED. FUNDS ARE AVAILABLE FROM OTHER SOURCES.
VOTE: YES-7, NO-0.**

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

ACTION: This article was indefinitely postponed.

CAPITAL PLAN ADOPTION

ARTICLE 9. To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2017 as proposed by the Board of Selectmen as set forth below and to accept any additions, revisions or amendments to the first six years of the submitted seven-year Capital Outlay Plan., and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

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

AMEND THE MAIN MOTION: (Edward J. McManus, Chairman-Board of Selectmen) I move that the list of proposed amendments to the Capital Plan listed on page 14 of the Annual Town Meeting warrant book be accepted and adopted, except to delete the amendment moving the Route 39 Water Tank maintenance to FY 12. Duly seconded

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

ACTION ON MAIN MOTION AS AMENDED: This motion required a 2/3 majority to pass, it was ruled to have received the necessary 2/3 vote, the motion passed.

CAPITAL OUTLAY PLAN 2011-2017							
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17
GENERAL GOVERNMENT							
Town Hall HVAC- Phase 2							
Town Hall HVAC- Phase 3	120,000						
Total General Government	120,000						
FIRE							
Fire Rescue Vehicle	185,000		185,000		185,000		185,000
Breathing apparatus	80,000						
Fire Engine		550,000			500,000		
Expansion of fire station #2		2,000,000					
Main Station Roof Replacement						200,000	
Refurbish ladder truck							
Total Fire Department	265,000	2,550,000	185,000		685,000	200,000	185,000
SCHOOLS							
New High School Plans		2,000,000					
New High School Construction			40,000,000				
Total Schools		2,000,000	40,000,000				
PUBLIC WORKS							
Highway Paving	750,000	750,000	700,000	700,000			
New Sidewalks	100,000	50,000	50,000	50,000	50,000	50,000	
Vehicle Maintenance garage	600,000						
Vehicle replacements	219,000	325,000	172,000	280,000	250,000	302,000	242,000
Route # 137 road improvement							
Total Public Works	1,669,000	1,125,000	922,000	1,030,000	300,000	352,000	242,000
RECREATION							
Bathroom / paving @ Long Pond	100,000						
Multi- purpose Fields- Com. Ctr							
Bathroom @ Pleasant Rd	50,000						
Bathroom @ Sand Pond			50,000				
Bathroom @ Wychmere Harbor				50,000			
Bathroom @ Bank Street					50,000		
Total Recreation	150,000		50,000	50,000	50,000		

CRANBERRY VALLEY	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17
Golf Course Tee Box Upgrade							
Cart path paving	400,000						
Parking lot paving							
Maintenance Bldg. improvements				300,000			
Replace Golf cart storage building					400,000		
Total Cranberry Valley Golf	400,000		-	300,000	400,000	-	
WATERWAYS/ HARBORS							
Bathroom @ Allen Harbor		50,000					
Various Dredging	88,000	2,175,000	302,000	160,000	1,300,000		
Infrastructure Maint/Replacement	212,625	567,000	100,000	410,000	250,000	3,829,200	2,028,000
Total Waterways/ Harbors	300,625	2,792,000	402,000	570,000	1,550,000	3,829,200	2,028,000
Waste water Management							
Waste Water Mgmt. Design	200,000		1,000,000				
Waste Water Mgmt. / construct.				5,000,000	5,000,000	5,000,000	5,000,000
Total Wastewater Management	200,000		1,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Total Plan w/o Water Dept	3,104,625	8,467,000	42,559,000	6,950,000	7,985,000	9,381,200	7,455,000
WATER DEPARTMENT							
Water Main Project	300,000	300,000	300,000	300,000	1,000,000	1,000,000	300,000
New Well Source Investigation	200,000		-				100,000
Rehab/repaint Route #39 Tank							
Repaint Lothrop and route #39 water tanks	1,251,000						
New Wells Site #10		2,000,000					
design/eng Chatham Rd plant							
Treatment at Chatham Rd Wells	4,000,000						
Connect to treat. plant phase #1			3,000,000				
Connect to treat. plant phase #2				4,000,000			
Total water Department	5,751,000	2,300,000	3,300,000	4,300,000	1,000,000	1,000,000	400,000
Total Plan (including Water)	8,855,625	10,767,000	45,859,000	11,250,000	8,985,000	10,381,200	7,855,000

**PROPOSED AMENDMENTS
CAPITAL OUTLAY PLAN 2011-2017**

Fire

- Remove Breathing Apparatus from Capital Plan
- Increase FY 12 Fire Engine from 550,000 to 600,000
- Increase FY 15 Fire Engine from 500,000 to 650,000

Public Works

- Decrease FY 11 Highway Paving from 750,000 to 0
- Increase Highway Paving from 0 to 700,000 for FY 15, FY 16, FY 17
- Decrease FY 11 New Sidewalks from 100,000 to 0
- Move FY 11 Vehicle Maintenance Garage to FY 12
- Increase FY 11 Vehicle Replacement from 219,000 to 225,000
- Decrease FY 12 Vehicle Replacement from 325,000 to 247,000
- Increase FY 13 Vehicle Replacement from 172,000 to 219,000
- Increase FY 15 Vehicle Replacement from 250,000 to 275,000
- Decrease FY 16 Vehicle Replacement from 302,000 to 255,000

Recreation

- Decrease FY 11 Bathroom/Paving @ Long Pond from 100,000 to 50,000
- Remove Bathroom @ Pleasant Road FY 11, Bathroom @ Sand Pond FY 13, Bathroom @ Wychmere FY 14, and Bathroom @ Bank St. FY15 from Capital Outlay Plan

Cranberry Valley Golf

- Decrease Cart Paving FY11 from 400,000 to 0
- Combine Maintenance Building Improvements FY 14 and Golf Cart Storage Building FY 15 to read Maint./cart storage demolition/replace FY 14 at 850,000
- Add HVAC/Kitchen renovations to plan in FY14 at 100,000

Waterways/Harbor

- Decrease Various Dredging FY 12 from 2,175,000 to 175,000
- Add Channel Dredging FY 16 at 500,000
- Add Allen Harbor Basin Dredging FY 11 at 2,700,000
- Decrease Infrastructure FY11 from 212,625 to 0
- Increase Infrastructure FY 12 from 567,000 to 670,860
- Increase Infrastructure FY 13 from 100,000 to 1,433,700
- Decrease Infrastructure FY 14 from 410,000 to 392,500
- Increase Infrastructure FY 15 from 250,000 to 294,000
- Decrease Infrastructure FY 16 from 3, 829,200 to 2,197,000

Water Department

- Decrease Water Main Project in FY 15 and FY 16 from 1,000,000 to 300,000
- Decrease New Well Source Investigation FY 11 from 200,000 to 0
- Increase New Well Source Investigation FY 16 from 0 to 200,000
- Increase Route 39 Water Tank FY 11 from 1,251,000 to 1,300,000 and move to FY 12
- Add Rehab Lothrop Water Tank to FY 13 at 1,300,000
- Remove New Well Sites #10 from Plan
- Decrease Iron/Manga. Treatment at Chatham Rd. wells FY11 from 4,000,000 to 3,500,000
- Remove Connecting to Treatment Plant Phase 1 FY 13 and Phase 2 FY 14

CAPITAL OUTLAY PLAN FY 2011-2017							
	FY11	FY 12	FY 13	FY 14	FY 2015	FY 2016	FY2017
GENERAL GOVERNMENT							
Town Hall HVAC- Phase 3 (boiler)	120,000						
Total General Government	120,000						
FIRE							
Ambulance	185,000		185,000		185,000		185,000
Fire Engine		600,000			650,000		
Expansion of fire station #2		2,000,000					
Main Station Roof Replacement						200,000	
Total Fire Department	185,000	2,600,000	185,000		835,000	200,000	185,000
SCHOOLS							
New High School Plans		2,000,000					
New High School Construction			40,000,000				
Total Schools		2,000,000	40,000,000				
PUBLIC WORKS							
Highway Paving	-	750,000	700,000	700,000	700,000	700,000	700,000
New Sidewalks		50,000	50,000	50,000	50,000	50,000	50,000
Vehicle Maintenance garage		600,000					
Vehicle replacements	225,000	247,000	219,000	280,000	275,000	255,000	242,000
Total Public Works	225,000	1,647,000	969,000	1,030,000	1,025,000	1,005,000	992,000
RECREATION							
Paving @ Long Pond	'0						
Bthrooms @ Long Pond	50,000						
Total Recreation	50,000						
CRANBERRY VALLEY GOLF							
Cart path paving	'0						
Maint/cart storage demolition/replace				850,000			
HVAC/kitchen renovations				100,000			
Total Cranberry Valley Golf Course				950,000	-		
WATERWAYS/ HARBORS							
Channel Dredging	60,000	175,000	302,000	160,000	1,300,000	500,000	
Allen Basin 2/3 Town, 1/3 abutters	2,700,000						

	FY11	FY 12	FY 13	FY 14	FY 2015	2016	FY17
Infrastructure		670,860	1,433,700	392,500	294,000	2,197,000	2,028,000
Total Waterways/ Harbors	2,760,000	845,860	1,735,700	552,500	1,594,000	2,697,000	2,028,000
Waste water Management							
Waste Water Management Design	200,000		1,000,000				
Waste Water Management Construction				5,000,000	5,000,000	5,000,000	5,000,000
Total Wastewater Management	200,000		1,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Total Plan w/o Water Department	3,540,000	7,092,860	43,889,700	7,532,500	8,454,000	8,902,000	8,205,000
WATER DEPARTMENT							
Water Main Project	300,000	300,000	300,000	300,000	300,000	300,000	300,000
New Well Source Investigation					100,000	100,000	100,000
Rehab/repaint Route #39 Tank		1,300,000					
Repaint Lothrop water tank			1,300,000				
Iron/mang treatment at Chatham Rd Wells	3,500,000						
Total Water Department	3,800,000	1,600,000	1,600,000	300,000	400,000	400,000	400,000
Total Plan w/o Water Department	3,540,000	7,092,860	43,889,700	7,532,500	8,454,000	8,902,000	8,205,000
Total Plan (including Water)	7,340,000	8,692,860	45,489,700	7,832,500	8,854,000	9,302,000	8,605,000

FUND PHASE III OF THE REPLACEMENT OF THE TOWN HALL HVAC UNITS

ARTICLE 10. To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money for Phase III of the replacement of the Town Hall HVAC systems, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$120,000.

**FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT AN IMMEDIATE PRIORITY USE OF AVAILABLE FUNDS.
VOTE: YES-7, NO-0.**

MOTION: (Lawrence P. Cole, Selectman) I move that this article be accepted and adopted and that \$6,900 be transferred from Free Cash for the design engineering and bidding for a new HVAC boiler at Town Hall. Duly seconded

ACTION: It was so voted.

FIRE DEPARTMENT AMBULANCE

ARTICLE 11 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to purchase and equip a new Type III, Class I, Advanced Life Support Emergency Medical Vehicle, and to trade a 2003 Ford E450 Type III, Class I, Emergency Medical Vehicle, provided, however, that the appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 ½) the amount required to pay for the capital outlay expenditure authorized by this vote, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$185,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$194,000 AS A CAPITAL EXPENDITURE. PUBLIC SAFETY ISSUE. VOTE: YES-4, NO-3.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted to purchase a new ambulance and the sum of \$194,000 be raised and appropriated for this purpose; however, that the appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 ½) the amount required to pay for the capital outlay expenditure authorized by this vote in Fiscal Year 2011. Duly seconded

ACTION: It was so voted.

PROGRAM TO REPLACE SELF-CONTAINED BREATHING APPARATUS

ARTICLE 12 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund Phase-3 of a three phase program to replace 37 SELF-CONTAINED BREATHING APPARATUS units and associated compressors and mounting brackets. Total cost is \$240,000; Phase three is \$80,000 and to act fully thereon. By request of the Fire Chief. Estimated Cost: \$55,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED FOR \$55,000 AND FUNDED FROM AVAILABLE FUNDS TO COMPLETE THIS IMPORTANT SAFETY UPGRADE. VOTE: YES-8, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$55,000 be transferred from Free Cash for this purpose. Duly seconded
ACTION: It was a unanimous vote, so declared.

FUND PURCHASE/EQUIP VEHICLES FOR THE HARWICH DPW

ARTICLE 13 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to purchase and equip the following vehicles, and to further authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen finds that the vehicles cannot be utilized elsewhere in Town:

New Vehicles

Two (2) new 100 yd Municipal Solid.....
Waste Trailers (Highway)
One (1) new 6 wheel dump truck.....
with plow and sander

Trade-in Vehicles

Two (2) 1997 Steco 100 yd Trash
Trailers. (\$100,000)
One (1) 1993 Chevy dump truck
(\$125,000)

and to act fully thereon. By request of the DPW Director. Estimated Cost: \$225,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$100,000 FOR TWO SOLID WASTE TRAILERS AND FUNDED BY THE STABILIZATION FUND. VOTE: YES-5, NO-2.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$100,000 be transferred from Free Cash for the following:

Highway and Maintenance

Two (2) 100 yard municipal solid waste trailers (Highway) \$100,000
And to authorize the Board of Selectmen to trade-in or sell:
Two (2) solid waste trailers Duly seconded

ACTION: It was so voted.

FUND PURCHASE OF NEW VEHICLES FOR WATER DEPARTMENT

ARTICLE 14 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase and/or lease three (3) vehicles for the Water Department, and further, to authorize the trade-in or sale of the following three (3) old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in the Town:

New Vehicles

2010 Ford Ranger
2010 Ford Ranger
2010 Ford F-250 Crew Cab

Trade-in Vehicles

2004 Crown Victoria
1996 Ford Van
2000 Ford Windstar

And to further authorize the Board of Selectmen to enter into a lease purchase agreement or agreements for a term not to exceed five years; and to act fully thereon. By request of the Board of Water Commissioners and Superintendent. Estimated Cost: \$68,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$68,000 TO BE FUNDED BY THE ENTERPRISE FUND. VOTE: YES-5, NO-2.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and that \$68,000 be transferred from the Water Enterprise Fund for the following:

Water Department

Two (2) 2010 pick up trucks

One (1) 2010 crew cab truck

And to authorize the Water Commissioners to trade-in or sell:

One (1) 2004 Crown Victoria sedan

One (1) 1994 Ford van

One (1) 2000 Ford windstar

Duly seconded

ACTION: It was so voted.

CONSTRUCT GREENSAND WATER TREATMENT FACILITY

ARTICLE 15 To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow, including borrowing from the State Revolving Fund, a sufficient sum of money to construct a Greensand Water Treatment Facility capable of treating 4.5 MGD expandable to 6.5 MGD, and to act fully thereon. By request of the Harwich Board of Water Commissioners and Harwich Water Superintendent. Estimated Cost: \$3,500,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$ 3,500,000 TO BE FUNDED BY THE ENTERPRISE FUND. VOTE: YES-5, NO-1, ABSTAIN-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$3,500,000 is hereby appropriated to pay costs of designing, constructing, originally equipping and furnishing a new Greensand Water Treatment Facility, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and further, that this new facility shall be named the Bruce Cahoon Water Treatment Facility. Duly seconded

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

FUND REPAIRS TO ROUTE 39 WATER STORAGE TANK

ARTICLE 16 To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to make needed structural repairs and paint the interior and exterior of the Route 39 water storage tank having a capacity of 1.5 MG, and to act fully thereon. By request of the Harwich Board of Water Commissioners and Harwich Water Superintendent. Estimated Cost: \$1,600,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$1,600,000 AND FUNDED FROM THE WATER ENTERPRISE RESERVES FOR \$500,000, AND BY THE WATER ENTERPRISE FUND FOR \$1,100,000. VOTE: YES-6, NO-0, ABSTAIN-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$1,600,000 is hereby appropriated to pay costs of making structural repairs to and painting the interior and exterior of the Route 39 1.0 MG water storage tank, and for the payment of all other costs incidental and related thereto, and that to meet this

appropriation, \$500,000 be transferred from the Water Enterprise Fund retained earnings and the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,100,000 under and pursuant to Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds of notes of the Town therefore. Duly seconded

ACTION: It was a unanimous vote, so declared.

**PROVIDE ADDITIONAL FUNDING FOR COMPLETION OF THE TOWN'S
COMPREHENSIVE WASTEWATER MANAGEMENT PLAN**

ARTICLE 17. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money for the completion of the Town's CWMP. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, para.21C (proposition 2 ½) the amounts required to pay the principal of and interest on any borrowing authorized under this article, and to act fully thereon. By request of the Water Quality Task Force. Estimated cost \$200,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. PHASE ONE NEEDS TO BE COMPLETED (USING THE REMAINING \$250,000 FROM THE MAY 2009 APPROPRIATION OF \$500,000) BEFORE ADDITIONAL FUNDING IS CONSIDERED AND FUTURE COSTS NEED TO BE SOLIDIFIED BEFORE PROCEEDING. VOTE: YES-7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$200,000 be raised and appropriated for this purpose; however, that the appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 ½) the amount required to pay for the capital outlay expenditure authorized by this vote in Fiscal Year 2011.

Duly seconded

ACTION: It was a unanimous vote, so declared

FUND DIAGNOSTIC FEASIBILITY STUDY OF HINCKLEY POND

ARTICLE 18. To see if the Town will vote to raise and appropriate, borrow and /or transfer from available funds a sufficient amount of money to fund a diagnostic feasibility study of Hinckley Pond and to determine the sources of excess phosphorus with recommendations for remedial action, and to act fully thereon. By request of the WQTF. Estimated Cost \$30,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. MORE PRESSING NEEDS FOR AVAILABLE FUNDS. VOTE: YES-7, NO-0.

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

Duly seconded

ACTION: This article was indefinitely postponed

FUND PLEASANT ROAD BEACH RESTROOMS

ARTICLE 19: To see if the Town will vote to raise and appropriate, borrow and/or transfer a sufficient sum of money to replace the current restroom facilities at Pleasant Road Beach, and to act fully thereon. By request of the Harwich Recreation and Youth Commission. Estimated Cost: \$75,000.00

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. FUNDS ARE NOT AVAILABLE. VOTE: YES-7, NO-0.

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

ACTION: This article was indefinitely postponed

FUND SAND POND DOCKS

ARTICLE 20: To see if the Town will vote to raise and appropriate borrow and/or transfer a sufficient sum of money to replace the summer swim lesson docks at Sand Pond, and to act fully thereon. By request of the Harwich Recreation and Youth Commission. Estimated Cost: \$18,400.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$18,400 FROM AVAILABLE FUNDS. SUMMER YOUTH ACTIVITIES SHOULD BE MAINTAINED. VOTE: YES-7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$18,400 be transferred from Free Cash for this purpose. Duly seconded

ACTION: It was so voted.

REPLACE RESTROOM AT ALLEN HARBOR

ARTICLE 21 To see if the Town will vote to raise and appropriate, borrow and/or transfer a sufficient sum of money to replace the comfort Station at Allen Harbor Town Landing and to apply for and accept any State, Federal or private grant monies available for this purpose, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$65,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF AVAILABLE FUNDS. VOTE: YES-6, NO-1.

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

ACTION: This article was indefinitely postponed.

ADD TO DREDGING RESERVE FUND TO DREDGE VARIOUS ENTRANCE CHANNELS

ARTICLE 22 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money (\$100,000) to dredge various harbors and to apply for and accept any State, Federal or private grant monies available for this purpose, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$100,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF AVAILABLE FUNDS. VOTE: YES-7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$30,573 be transferred from Article 57 of the May 2007 Annual Town Meeting for this purpose. Duly seconded

AMEND THE MAIN MOTION:(Angelo LaMantia, Selectman) I move that this motion be modified to read as follows: the sum of \$64,173 be appropriated and that \$33,600 be transferred from Free Cash and \$30,573 be transferred from Article 57 of the May 2007 Annual Town Meeting for this purpose. Duly seconded

ACTION ON THE AMENDMENT: The amendment carried.

ACTION ON MAIN MOTION AS AMENDED: The motion carried

ALLEN HARBOR BULKHEAD REPAIR AND FLOAT REPLACEMENT

ARTICLE 23 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money to repair the Allen Harbor Bulkhead and whaler system and replace the floating dock, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$54,027.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NOT A PRIORITY USE OF AVAILABLE FUNDS. VOTE: YES-5, NO-2.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$19,600 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was a unanimous vote, so declared.

REPLACE WIXON DOCK

ARTICLE 24 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money to replace the Capt. Nathaniel Wixon Dock off Harbor Road, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$44,538.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$44,600 BE FUNDED FROM AVAILABLE FUNDS. PUBLIC SAFETY ISSUE. VOTE: YES-6, NO-1.

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

ACTION: This article was indefinitely postponed.

FUND CLEAN UP OF POLICE FIRING RANGE

ARTICLE 25. To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds a sufficient sum of money to fund lead clean-up at the Town's Firearms Range, installation of a lead catchment system, other measures recommended by the Massachusetts Department of Environmental Protection, and related expenses for and to act fully thereon. By Request of the Town Administrator, Water Superintendent, and Chief of Police. Estimated Cost: \$70,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND THAT \$25,000 BE FUNDED FROM AVAILABLE FUNDS. REMOVAL OF CONTAMINENTS FROM SOIL WILL MAINTAIN AND PRESERVE WATERSHED. VOTE: YES-6, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$25,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was so voted.

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

ARTICLE 26. To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to fund instructional technology hardware and software for the School Department, and to act fully thereon. By request of the School Committee. Estimated Cost: \$125,251.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$40,000 FROM AVAILABLE FUNDS. VOTE: YES-4, NO-3.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$40,000 be appropriated and to raise such appropriation \$32,670 be transferred from Article 1 of the May 1998 Annual Town Meeting & \$ 100 be transferred from Article 25 of the May 2008 Annual Town Meeting & \$263 be transferred from Article 43 of the May 2002 Annual Town Meeting& \$804 be transferred from Article 22 of the May 2007 Annual Town Meeting & \$500 be transferred from Article 10 of the May 2008 Annual town Meeting& \$5,663 be transferred from Article 10 of the May 2009 Annual town Meeting for this purpose.

Duly seconded

ACTION: The motion carried

FUND SCHOOL BUILDING MAINTENANCE

ARTICLE 27. To see if the Town will vote to raise and appropriate and/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 its 5-year maintenance plan, and to act fully thereon. By request of the School Committee. Estimated Cost: \$75,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND \$40,000 BE FUNDED FROM AVAILABLE FUNDS. VOTE: YES-7, NO-1.

MOTION: (Linda Cebula, Chairman, Finance Committee) I move that this article be accepted and adopted in the amount of \$40,000, and the sum of \$5,250 be transferred from Article 90 of the May 2007 Annual Town Meeting & \$ 34,750 be transferred from Article 15 of the May 2008 Annual Town Meeting for this purpose.

Duly seconded

ACTION: The motion carried.

FUND A PUBLIC BUILDING MAINTENANCE PROGRAM

ARTICLE 28 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to initiate a Public Building Maintenance Program. Provided however that this vote shall not take effect until the Town, at a regular or special election, votes pursuant to General Laws, Chapter 59, Section 21C (g), to exempt the amounts

herein appropriated from the limitations imposed on the total amount of taxes to be raised for FY 2011 by the provisions of general laws, Chapter 59, Section 21, Proposition 2 ½ so called, and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ _____.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. CONCEPT NEEDS DEVELOPMENT OF PROCEDURES AND USES OF FUNDS BEFORE ESTABLISHING A BUILDING MAINTENANCE PROGRAM. VOTE: YES-6, NO-2.

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

ACTION: This article was indefinitely postponed.

FUND PURCHASE OF VACCINE AND RELATED EXPENSES OF A FLU CLINIC
ARTICLE 29. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be used for the purchase of vaccines and to cover expenses associated with the administration of a flu clinic, and to act fully thereon. By request of the Board of Health. Estimated Cost: \$ 3,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND \$3,000 BE FUNDED FROM AVAILABLE FUNDS. VOTE: YES-8, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$3,000 be transferred from Free Cash for this purpose. Duly seconded

ACTION: It was so voted.

RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2011
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES
ARTICLE 30. To see if the Town will vote to reserve for future appropriation amounts from FY 2011 Community Preservation Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space excluding land for recreational use;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Fund FY 2009 Budgeted Reserve; and to act fully thereon.

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

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

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

ACTION: This article was indefinitely postponed.

RESTORATION AND PRESERVATION OF TOWN RECORDS

ARTICLE 31. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for the restoration, preservation, and codification/digitization of certain Town records maintained by the Harwich Town Clerk, and the Harwich Tax Assessor, and to act fully thereon. This is the fourth, and final phase of the Town Clerk's project, and the third and final phase of the Tax Assessor's project. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves. By request of the Community Preservation Committee, the Harwich Town Clerk, the Harwich Tax Assessor, and Harwich Board of Assessors. Estimated Cost: \$ 48,500.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$ 48,500 FROM COMMUNITY PRESERVATION FUNDS. FINAL PHASE OF MULTI-PHASE PROJECTS. VOTE: YES-6, NO-2.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$48,500 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Town Clerk and Board of Assessors for this purpose. Duly seconded

ACTION: The motion carried

ALBRO HOUSE HISTORIC RESTORATION PROJECT-PHASE II

ARTICLE 32. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to:

1. Preserve and restore, using historically appropriate materials, and/or install historically appropriate replacements as necessary, window panes, screens, and storm windows at the Historic Albro House; and to
2. Preserve and restore the roof, hip and ridgelines boards, and the second floor porch, using historically appropriate materials and/or historically appropriate replacements as necessary, at the Historic Albro House, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves.

By request of the Community Preservation Committee, the Historical & Historic District Commission, and the Youth Counselor. Estimated Cost: \$ 30,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. PROJECT PHASES AND TOTAL AMOUNT OF FUNDING NEED COMPREHENSIVE DEFINITION. VOTE: YES-8, NO-0.

MOTION: (Edward J. McManus, Chairman-Board of Selectmen) I move that this article be accepted and adopted and the sum of \$30,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Board of Selectmen for this purpose.

Duly seconded

ACTION: The motion carried

PRESERVATION OF HISTORIC BUILDINGS-PHASE II

ARTICLE 33. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to preserve threatened historic buildings via site preparation, on Town-owned land adjacent to the Brooks Academy, including historically appropriate period foundation(s), installing access pathways, providing electrical service, performing exterior building restoration and preservation, and providing interpretative signage, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves. By request of the Community Preservation Committee, and the Harwich Historical & Historic District Commission.
Estimated Cost: \$ 50,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THIS MULTI-PHASE PROJECT NEEDS A COMPREHENSIVE PLAN SO THAT THE VOTERS ARE AWARE OF THE EXTENT OF THE FUNDS TO BE REQUESTED FOR THIS BUILDING. VOTE: YES-8, NO-0.

MOTION: (Edward J. McManus, Chairman-Board of Selectmen) I move that this article be accepted and adopted and the sum of \$50,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

ACTION: The motion carried

HISTORIC HARWICH CENTER CEMETERY GRAVESTONE RESTORATION AND PRESERVATION

ARTICLE 34. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for certain preservation and restoration projects at the Historic Harwich Center Cemetery, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves. By request of the Community Preservation Committee, the Harwich Cemetery Commission, and the Harwich Cemetery Administrator. Estimated Cost: \$ 53,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$ 53,000 FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-8, NO-0.

MOTION: (Linda Cebula, Chairman, Finance Committee) I move that this article be accepted and adopted and the sum of \$53,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

ACTION: It was a unanimous vote, so declared.

CATALOG, RESTORE AND PRESERVE THE HISTORIC JOHN H. PAINE COLLECTION

ARTICLE 35. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money for the Cataloging, Restoration, and Preservation of the Paine Documents Collection, located at the Harwich Historical Society at the Brooks Academy, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves. By request of the Community Preservation Committee and the Harwich Historical Society. Estimated Cost: \$30,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-8, NO-0.

MOTION: (Edward J. McManus, Chairman-Board of Selectmen) I move that this article be accepted and adopted and the sum of \$30,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

ACTION: The motion carried

INSTALL HEATING SYSTEM AT HISTORIC CHASE LIBRARY-PHASE I

ARTICLE 36. To see if the Town will vote to transfer from Community Preservation Act funds (Historic) a sum of money to provide a grant for the Chase Library to purchase and install a new heating system to preserve the building's physical integrity, and the historic and cultural artifacts therein, and to act fully thereon. This is Phase One of an expected two-phase project. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Historic Reserves, and to authorize the Board of Selectmen to accept an historic preservation restriction on the Chase Library. By request of the Community Preservation Committee, and the Chase Library Association, Inc. Estimated Cost: \$ 5,800.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$5,800 FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-4, NO-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$5,800 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose. Duly seconded

ACTION: The motion carried, unanimously.

HARWICH AFFORDABLE HOUSING BUY-DOWN PROGRAM

ARTICLE 37. To see if the Town will vote to transfer from Community Preservation Act funds (Housing) a sum of money for the funding of an Affordable Housing "Buy-Down" program, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Affordable Housing Reserves. By request of the Community Preservation Committee, the Harwich Housing Committee, and the Harwich Housing Authority. Estimated Cost: \$ 207,928.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. TOO FEW PEOPLE ASSISTED FOR THIS AMOUNT OF MONEY. VOTE: YES-8, NO-0.

MOTION: (David Purdy, Housing Committee) I move that this article be accepted and adopted and the sum of \$207,928 be transferred from the Community Preservation Fund (Housing), undesignated fund balance, to the Harwich Housing Authority for this purpose, and to authorize the Board of Selectmen to accept affordable housing restrictions on any housing units acquired pursuant to this vote. Duly seconded

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

ACTION: The motion carried.

AFFORDABLE HARWICH RENTAL HOUSING ASSISTANCE PROGRAM

ARTICLE 38. To see if the Town will vote to appropriate from Community Preservation Act funds (Housing) the sum of \$190,000 for the purpose of funding a rental assistance program; and that to meet this appropriation the sum of \$60,000 be transferred from the appropriation under Article 47 of the May 2007 Annual Town Meeting (Community Preservation Act funds-Housing: Fund Rental Assistance Revolving Loan fund) and that the balance of \$130,000 be transferred from Community Preservation Act funds (Affordable Housing Reserve); and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Affordable Housing Reserves. By request of the Community Preservation Committee, the Harwich Housing Authority, and the Harwich Housing Committee. Estimated Cost: \$ 190,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$ 130,000 FROM COMMUNITY PRESERVATION FUNDS. THESE FUNDS WILL ASSIST A GREATER NUMBER OF PEOPLE AND FAMILIES IN A TIMELY MANNER IN THESE DIFFICULT ECONOMIC TIMES. VOTE: YES-8, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$190,000 be appropriated for this purpose. To meet this appropriation, the sum of \$130,000 from the CPA Fund, (Housing), undesignated fund balance and \$60,000 from Article 47 of the 2007 Annual Town Meeting be transferred to the Harwich Housing Committee for this purpose provided that no such transfer take place unless the Housing Authority returns \$60,000 from Article 47. Duly seconded

ACTION: It was a unanimous vote, so declared

COMPREHENSIVE LAND STEWARDSHIP AND LAND MANAGEMENT PLAN

ARTICLE 39. To see if the Town will vote to transfer from Community Preservation Act funds (Open Space) a sum of money to develop a comprehensive Town-wide land stewardship report, and a Land Management Plan for the Bells' Neck and Island Pond Conservation Areas, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Open Space Reserves. By request of the Community Preservation Committee and the Conservation Commission. Estimated Cost: \$ 20,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-6, NO-0, ABSTAIN-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$20,000 be transferred from the CPA Fund, (Open Space), undesignated fund balance, for this purpose. Duly seconded

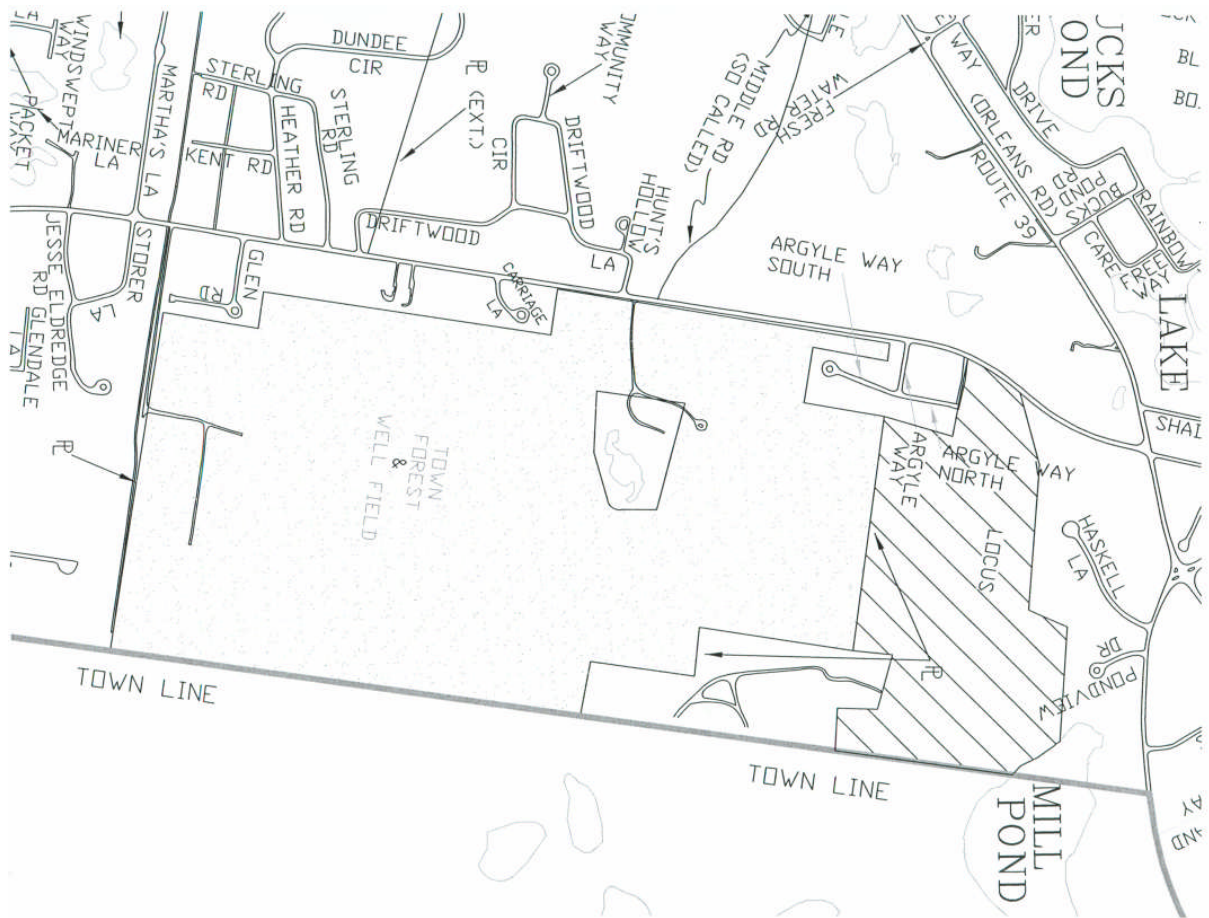
ACTION: It was a unanimous vote, so declared.

FUND PURCHASE OF LAND FOR OPEN SPACE PURPOSES

ARTICLE 40. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or take by eminent domain for open space purposes, those purposes specifically limited to passive recreation, and the protection of existing and future well fields, aquifers and recharge areas, watershed land, and forested land under the provisions of Massachusetts General Law (MGL), Ch. 40, §8C, land situated in the Town of Harwich, Massachusetts, consisting of 38.71 acres, more or less, and being all or a portion of the land identified on Assessor's Map 64

as parcels C-1, C-1A, C-2, C-3, C-4, C-5, C-6 and C-7. The parcels are more particularly shown on plans recorded in the Barnstable Registry of Deeds in Plan Book 586 Page 44, Plan Book 588 Page 86, Plan Book 588 Page 70, Plan Book 628 Page 84, Plan Book 628 Page 83, Plan Book 623 Page 64 and Plan Book 622 Page 75. Including a 50' wide right of way from Haskell Lane as shown on Plan Book 432 Page 33 and described in the deed recorded in Book 15225 Page 266. And, further, to appropriate a sum of money from the Community Preservation Act Open Space Reserve, and from the estimated annual revenues of the Community Preservation Fund Budgeted Reserve, or any other sum, for said acquisition, appraisals, and closing costs, including all expenses incidental and related thereto, receipts pursuant to the provisions of ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act; to authorize the Board of Selectmen, to apply for, and accept, any funds which may be provided by the Commonwealth or other public sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that any such funds so received shall be returned upon receipt to the Community Preservation Act Funds-Open Space Reserve; to authorize the Board of Selectmen to grant to the appropriate third party, for no consideration, a perpetual Deed Restriction, pursuant to the provisions of General Laws, ch.184, §31 through 33, allowing the aforementioned purposes, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Board of Selectmen to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen, to enter into any and all agreements, and to execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and to obtain reimbursement funding which is to be returned to the Community Preservation Act Funds-Reserve; or to take any other action relative thereto. In the event that part or all of the CPA funds appropriated under this Article are not needed to complete this land purchase, those remaining CPA funds shall be promptly returned to the Community Preservation Act Funds-Open Space Reserve. Further, in the event that this purchase does not occur, for any reason, the CPA funds appropriated under this Article shall be promptly returned to the Community Preservation Act Funds-Open Space Reserve; and to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee. Estimated Cost: \$ 338,000.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-6, NO-0, ABSTAIN-1.



MOTION: (Linda Cebula, Chairman- Finance Committee) I move that this article be accepted and adopted and that the sum of \$2,000,000.00 be appropriated for the purpose of purchasing and/or taking by eminent domain the land described in the article, said land to be under the control and management of the Conservation Commission under the provisions of M.G.L. c.40, §8C;

and that to raise said appropriation the sum of \$338,000.00 be transferred from the Community Preservation Act Fund;

and that the Board of Selectmen and/or the Conservation Commission and/or any other Town board, commission or agency, be authorized to apply for, accept, and expend any funds from any sources as set forth in the article or any other funding sources that may become available for the acquisition of the land;

and to enter into any and all agreements, and to execute any and all instruments as may be necessary on behalf of the municipality to effect the purchase of the land. Duly seconded

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

At 11:15pm on Monday May 3, 2010 a motion was made and seconded to adjourn until Tuesday, May 4, 2010 at 7:00pm.

On Tuesday, May 4, 2010, the Moderator, Michael D. Ford, Esq. called the Annual Town Meeting to order at 7:00pm after a quorum of 150 voters had been reached, having 322 registered voters in attendance, and the Annual Town Meeting was opened and began with:

**FUND SECOND BROOKS PARK BOCCE COURT
AND TOWN TRAIL SYSTEM GUIDES**

ARTICLE 41. To see if the Town will vote to transfer from Community Preservation Act Funds (Recreation) a sum of money for:

- Site preparation and construction of a second Bocce court at Brooks Park; and
- Town Trail System Guides,

and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Reserve. By request of the Community Preservation Committee, Francois Marin (Bocce court), the Recreation and Youth Commission (Bocce court), and the Harwich Trails Committee (Trail Guides). Estimated Cost: \$ 8,500.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. FUNDS SHOULD BE RETAINED FOR EARLY RETIREMENT OF LAND BANK DEBT. REQUESTED USE OF FUNDS IS NOT A PRIORITY. VOTE: YES-7, NO-0.

MOTION: (Edward J. McManus, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$8,500 be transferred from the Community Preservation Fund,(Open Space) undesignated fund balance, for this purpose. Duly seconded

ACTION: It was so voted.

**FUND ADMINISTRATIVE COSTS OF THE COMMUNITY
PRESERVATION COMMITTEE**

ARTICLE 42. To see if the Town will vote to transfer from Community Preservation Act funds (Administration) a sum of money for administrative costs, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$ 10,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$10,000 FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-6, NO-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$10,000 be transferred from CPA undesignated fund balance for this purpose. Duly seconded

ACTION: It was so voted.

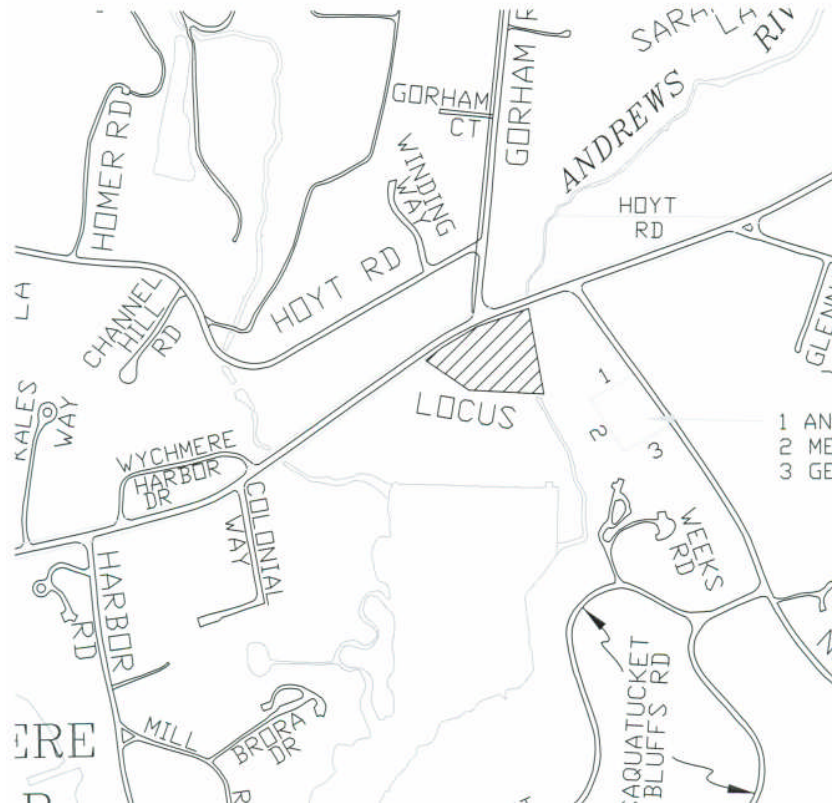
ACQUIRE DOWNEY PROPERTY

ARTICLE 43. 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.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-7, NO-1.

Article 43 – Downey Property



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

Duly seconded

ACTION: This article was indefinitely postponed.

SALE OF LAND – 172/178 QUEEN ANNE ROAD

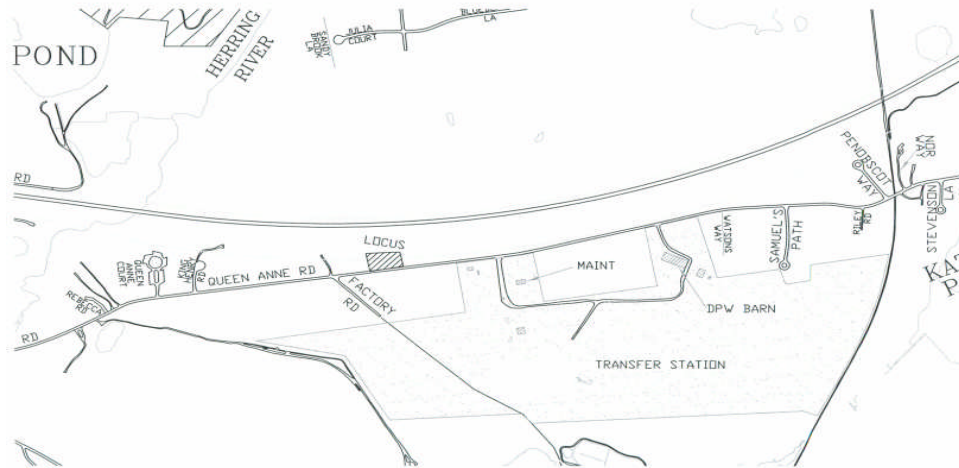
ARTICLE 44. To see if the Town will vote to transfer the care, custody, control, and management of the following described parcels to the Board of Selectmen to be held for the purpose of sale or lease, and to authorize the Board of Selectmen to sell or lease said parcels of land owned by the Town upon such terms and conditions as the Board deems to be in the best interest of the Town, and to authorize the Board to 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>Assessor's Map</u>	<u>Parcel</u>	<u>Acreage</u>
172 Queen Anne Road	58	K1-3	.68 acres
178 Queen Anne Road	58	K1-4	.79 acres

By Request of the Board of Selectmen

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-6, NO-0.

Article 44 – 172 / 178 Queen Anne Road



MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted for leasing or selling said parcels. Duly seconded

AMEND THE MAIN MOTION: (Alburt Rosenberg) I move that the main motion be amended by deleting the term “selling”. Duly seconded

ACTION ON AMENDMENT: The amendment failed

ACTION ON MAIN MOTION: This needed a 2/3 majority vote to pass, a standing count was taken, YES 101 NO 118, the motion failed.

LEASE OF TOWN-OWNED CRANBERRY BOG

ARTICLE 45 To see if the Town will vote to authorize the Board of Selectmen to enter into a 10-year lease agreement for the use of Town-owned cranberry bog described as follows:

The cranberry bog known as “*Herring River Conservation Area Bog*” and land is located off Depot Street, North Harwich, Barnstable County, Massachusetts and shown on Harwich Assessor’s Map 36 as Parcel M3, containing 11.5 acres, more or less; being further shown on the

plan recorded in Barnstable Plan Book 202 Page 33. The Deed is recorded in Barnstable Registry of Deeds in Book 8727 Page 192. Lease will be effective from April 2007 until May 2017.

The lease to be issued on such terms and conditions as established by the Board of Selectmen and to allow general agricultural use as part of the lease and to further authorize the Board of Selectmen to petition the Legislature for authority to enter into said lease pursuant to the requirements of Article 97 of the Massachusetts Constitution; and to act fully thereon. By Request of the Board of Selectmen.

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

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

ACTION: This needed a 2/3 majority vote to pass, it was a unanimous vote, so declared.

LEASE OF TOWN-OWNED CRANBERRY BOG

ARTICLE 46. To see if the Town will vote to authorize the Board of Selectmen to enter into a 10-year lease agreement for the use of Town-owned cranberry bog described as follows: The cranberry bog known as “*Jenkins Bog*” is located off Bell’s Neck Road in West Harwich, Barnstable County, Massachusetts and being a portion of Harwich Assessor’s Map 27 as Parcel M2, containing 1.5 acres, more or less; being further shown on the plan recorded in Barnstable Plan Book 202 Page 35 (31953A). The Deed is recorded in Barnstable Registry of Deeds in Book 8727 Page 173. The lease to be issued on such terms and conditions as established by the Board of Selectmen and to allow general agricultural use as part of the lease, and to further authorize the Board of Selectmen to petition the Legislature for authority to enter into said lease pursuant to the requirements of Article 97 of the Massachusetts Constitution; and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. MAKE SITE AVAILABLE FOR LEASING ARRANGEMENT SHOULD SUCH AN OPPORTUNITY BE PRESENTED. VOTE: YES-7, NO-0.

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

ACTION: This needed a 2/3 majority vote to pass, it was a unanimous vote, so declared.

ANNUAL AUTHORIZATION – COUNCIL ON AGING REVOLVING FUND

ARTICLE 47. To see if the Town will vote to establish a revolving fund pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for the purpose of funding health, recreational, nutritional and educational programs with monies generated from fees for these programs, expenditures approved by the Director of the Council on Aging and Council on Aging Board in an amount not to exceed \$20,000 per year, and to act fully thereon: By request of the Council on Aging.

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

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

ACTION: It was so voted.

CREATE A GOLF REVOLVING FUND

ARTICLE 48. To see if the Town will vote to establish a revolving fund, effective for Fiscal Year 2012, pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for the purpose of funding capital and operating expenditures with monies generated from non-resident membership fees and pull cart receipts credited to the revolving fund, expenditures approved by the Director of Golf and the Golf Committee in an amount not to exceed \$125,000 in the ensuing fiscal year, and to act fully thereon. By request of the Golf Committee.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THIS ARTICLE WOULD TRANSFER EXISTING REVENUES FROM THE OPERATING BUDGET AND CREATE A DEFICIT IN GOLF COURSE OPERATIONS. TOWN RESIDENTS WOULD THEN NEED TO SUPPLEMENT THESE DEFICITS FROM AVAILABLE FUNDS OR FROM OTHER TOWN DEPARTMENT BUDGETS. THERE ARE NO NEW OR ENHANCED SOURCES OF REVENUE TO FUND THIS REQUEST. VOTE: YES-7, NO-0.

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

ACTION: This article was indefinitely postponed.

AUTHORIZE GOLF RESTAURANT LEASE REVENUE INTO PRO SHOP REVOLVING ACCOUNT

ARTICLE 49. To see if the Town will vote to expand the current Cranberry Valley Golf Course Pro Shop Revolving Account created under MGL Chapter 44, sec. 53D to include all lease payments from the restaurant lease and to act fully thereon. By request of the Golf Committee.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$ 3,000. INCREMENTAL LEASE REVENUES ARE NEW REVENUES AND COULD BE ADDED TO EXISTING REVOLVING ACCOUNT WITHOUT NEGATIVELY IMPACTING TOWN FINANCIAL RESOURCES. VOTE: YES-7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum in excess of \$10,000.00 per year from the Restaurant lease be deposited into the Pro Shop Revolving Account. Duly seconded

ACTION: It was so voted.

CREATE A RECREATION AND YOUTH REVOLVING FUND

ARTICLE 50. To see if the Town will vote to establish a revolving account pursuant to M.G.L. Chapter 44, Section 53 E ½ for the purpose of funding recreation and youth programs with monies generated from fees for these programs, expenditures approved by the Recreation Director and Recreation and Youth Commission in an amount not to exceed \$70,000 in the ensuing fiscal year, and to close out and transfer the balance of the existing M.G.L. Chapter 44 Section 53 D recreation revolving account into this new revolving account; and to act fully thereon. By request of the Recreation and Youth Commission.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN AN AMOUNT NOT TO EXCEED \$70,000. CORRESPONDING EXPENSES HAVE BEEN ELIMINATED FROM BUDGET AND THEREFORE, THIS REVOLVING ACCOUNT WILL NOT NEGATIVELY IMPACT TOWN FINANCIAL RESOURCES. VOTE: YES-7, NO-1.

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

ACTION: It was so voted.

CREATE A CEMETERY REVOLVING FUND

ARTICLE 51. To see if the Town will vote to establish a revolving account pursuant to M.G.L. Chapter 44, Section 53E ½ for the purpose of funding maintenance, care and support of town cemetery properties, said revolving account to be funded with 90% of monies generated from lot sales and Ground Penetrating Radar services, expenditures approved by the Cemetery Administrator and Harwich Cemetery Commission, in an amount not to exceed \$40,000 per year, and to act fully thereon. By request of the Harwich Cemetery Commission.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$40,000. COMMISSION HAS CREATED A NEW REVENUE SOURCE AND THESE REVENUES CAN BE ADDED TO THE REVOLVING FUND WITHOUT NEGATIVELY IMPACTING TOWN RESOURCES. VOTE: YES-8, NO-0.

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

ACTION: It was a unanimous vote, so declared.

At 8:15 a motion was made and seconded 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 4, 2010**

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 4, 2010 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 22nd day of March, 2010

s/ Edward J. McManus Chairman

s/Lawrence P. Cole, Vice Chairman

s/Robin D. Wilkins, Clerk

s/Angelo S. La Mantia

s/Larry G. Ballantine

BOARD OF SELECTMEN

A true copy Attest:

s/David A. Robinson

Constable

April 13, 2010

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Tuesday, the 4th day of May, 2010 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

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

SUPPLEMENT FISCAL YEAR 2010 SNOW AND ICE BUDGET

ARTICLE 1 To see if the Town will vote to supplement the FY 2010 Snow and Ice Operating Budget Salaries and Wages and to act fully thereon. By request of the Board of Selectmen.
Estimated cost: \$ _____

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$ 159,135 FROM AVAILABLE FUNDS. DEFICIT NEEDS TO BE FUNDED. VOTE: YES-7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted, and the sum of \$159,135 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was a unanimous vote, so declared.

**RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2010
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES**

ARTICLE 2. To see if the Town will vote to reserve for future appropriation amounts from FY 2010 Community Preservation Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space excluding land for recreational use;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Fund FY 2009 Budgeted Reserve; and to act fully thereon.

By request of the Community Preservation Committee. Estimated Cost: \$ 22,390.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$ 22,390 FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES -7, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that the Town transfer from FY 10 estimated revenue CPA Fund the sum of \$22,390 fro the Community Housing Reserve Fund. Duly seconded

ACTION: It was a unanimous vote, so declared.

FUND REPLACEMENT OF HARBOR PUMP OUT BOAT

ARTICLE 3 To see if the Town will raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to purchase and equip a 22'-25' pump out boat, and to further authorize the sale or trade-in of the existing 1995 Alcar Environmental Boat toward the purchase price where the Board of Selectmen find it cannot be utilized elsewhere in the Town, and to accept any grant monies from the Clean Vessel act or other sources for this purpose, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$72,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$72,000 FROM STATE GRANT, AND THAT THE OLD BOAT BE DISCARDED SO AS NOT TO INCUR CONTINUING MAINTENACE COSTS ON A BOAT THAT IS BEING REPLACED. VOTE: YES-7, N0-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the old pump out boat be traded in for this purpose. Duly seconded

ACTION: It was so voted.

REPLENISH FINANCE COMMITTEE RESERVE FUND

ARTICLE 4 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to replenish the Fiscal Year 2010 Reserve Fund, and to act fully thereon. By request of the Finance Committee. Estimated cost: \$ _____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, N0-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$35,000 be appropriated for this purpose. That to meet this

appropriation, the sum of \$750 be transferred from Article 58 of the May 2007 Annual Town Meeting & \$6,250 be transferred from Article 53 of the May 2007 Annual Town Meeting & \$3,000 be transferred from Article 61 of the May 2008 Annual Town Meeting & \$25,000 be transferred from Article 10 of the May 2005 Annual Town Meeting Free Cash for this purpose.

Duly seconded

ACTION: It was so voted.

**SEEK SPECIAL LEGISLATION TO AUTHORIZE
BORROWING FOR DREDGING PROJECTS**

ARTICLE 5 To see if the Town will vote to authorize the Board of Selectmen to file legislation which will allow the town of Harwich to borrow money for dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, for a term not to exceed ten years and to amend the Harbor Dredging Betterment Cost Allocation By-Law by re-codifying the By-Law from Article II, Part 15 to Article XIV, to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. PROVIDES FOR GREATER FLEXIBILITY TO COMMUNITY. VOTE: YES-7, NO-0.

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

Duly seconded

ACTION: It was a unanimous vote, so declared.

ALLEN HARBOR DREDGING

ARTICLE 6 To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum of money to cover anticipated costs for dredging Allen Harbor and to apply for and accept any State, Federal or private grant monies available for this purpose and to act fully thereon. By request of the Board of Selectmen. Estimated cost:\$ ____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-7, NO-0.

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

Duly seconded

ACTION: The article was indefinitely postponed

**AMEND ZONING BY-LAW - OUTDOOR LIGHTING –
SECTION XXI OUTDOOR LIGHTING**

ARTICLE 7 To see if the Town will vote to amend the Zoning By-Law by adding a new section on outdoor lighting as described below and to act fully thereon:

Explanation: This new section provides standards for outdoor lighting for all parcels except those containing one and two family dwellings and other specified exemptions.

21.1 Purpose

The regulation of outdoor lighting is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement the

character of the town, reduce glare, minimize light trespass, and reduce the cost and waste of unnecessary energy consumption.

21.2 Applicability

The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts except as provided in Section 21.3.

When an existing outdoor lighting fixture is being modified, extended or expanded, all outdoor lighting on the lot shall be subject to the requirements of this section.

21.3 Exemptions

The following outdoor lighting shall be exempt from the specific requirements of this by-law but, any such lighting shall, nevertheless, be placed and directed so as to minimize the detrimental effects of glare on motorists, pedestrians and abutting lots:

- 21.3.1 Outdoor lighting that is accessory to a one or two family dwelling use on a lot where such a use is the principal use.
- 21.3.2 Outdoor temporary holiday lighting, provided it is illuminated only during traditional holiday periods.
- 21.3.3 Outdoor municipal lighting which shall be guided by a municipal outdoor lighting policy.
- 21.3.4 Street lighting and traffic lights.
- 21.3.5 Warning and alarm lights that alert to a malfunction or emergency situation.
- 21.3.6 Lighting of flag poles.

21.4 Definitions

In addition to the terms defined in Section II of this By-Law, the following technical terms applying to lighting shall have the meaning indicated below. Although set forth here for convenience, the terms shall have the same effect as if set forth in Section II, Definitions.

DIRECT LIGHT: Light emitted from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE: The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

FOOTCANDLE (FC): A measurement of the amount of light reaching an object. A footcandle is the measurement of the intensity of one lumen of light falling on one square foot of surface area one foot away from the source.

FULLY-SHIELDED LUMINAIRE: A lamp and fixture assembly designed with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

GLARE: Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

HEIGHT OF LUMINAIRE: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the luminaire.

LAMP: The component of a luminaire that produces the actual light.

LIGHT FIXTURE – A lighting device that may be secured to a wall, ceiling, pole, or post and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

LIGHT TRESPASS: The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located.

LUMEN: A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For purposes of this By-Law, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE: A complete lighting system, including a lamp or lamps and a fixture.

“Outdoor lighting” means the nighttime illumination of an outside area or object by any manmade device that produces light, including lights located indoors which are directed for outdoor illumination.

21.5 Control of Glare and Light Trespass

21.5.1 Any luminaire with a lamp or lamps rated a total of more than 2,000 lumens (as reference, a 100-watt incandescent lamp emits about 1750 lumens) shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.

21.5.2 All luminaires shall be equipped with whatever shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to minimize glare perceptible to persons on any street or abutting lot or parcel.

21.5.3 All luminaires shall be fully shielded and directed downward, except that the walls of any building or freestanding sign may be up-lit to a limited extent as long as the direct light from the light fixture shall be confined to the surface of such sign or building.

21.6 Lighting Hours

Outdoor lighting shall not be illuminated between midnight and 6:00 a.m. with the following exceptions:

21.6.1 If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half hour prior to and after the activity ceases

21.6.2 Low level lighting sufficient for the security of persons or property on the lot may be in operation between midnight and 6:00 a.m. provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

21.7 Illumination Levels

Lighting levels shall be limited to that needed for good visibility. Guidelines for average illumination levels of area to be lit are:

Parking areas	1.0 foot candles
Building exteriors – entry	5.0 foot candles
Building grounds	1.0 foot candles
Commercial roads	2.0 foot candles
Residential roads	0.4 foot candles

21.8 Lighting Plan

Wherever outside lighting is proposed, every application for a building permit, a special permit, a special permit with site plan review, a variance, or an electrical permit, shall be accompanied by a lighting plan which shall show the location and type of any outdoor luminaires, including the height of the light fixture; the light fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles; the type of lamp such as metal halide, compact fluorescent, or high pressure sodium; and a photometric plan showing the intensity of illumination at ground level, expressed in foot candles. The lighting plan shall demonstrate by manufacturer's data, cross section drawings, or other means that light trespass onto any street or abutting lot will not occur.

By request of the Planning Board.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, N0-0.

At this time Joseph McParland, Planning Board - read the Planning Board Report as follows:

To: Board of Selectmen
From: Matthew F. McCaffery, Chairman
Date: April 14, 2010

RE: STM Article 7 Proposed Amendment – Outdoor Lighting

On April 13, 2010, the Planning Board held a public hearing on the proposed amendment to the Harwich Zoning By-laws Section XXI – Outdoor Lighting (New) allowing an opportunity for all interested persons to be heard in this matter.

The Board voted unanimously to recommend the article to May 2010 Special Town Meeting.

MOTION: (Joseph McParland, Planning Board) I move that the article be accepted and adopted as amended from the printed warrant with the following changes resulting from input gathered at the Planning Board's public hearing held April 13, 2010 and to include the necessary section numbers to incorporate the new code sections:

Under Section 21.2 – Applicability

Second paragraph

- After the word “expanded”, delete the phrase “all outdoor lighting on the lot” and replace it with the word “it”
-

Under Section 21.3 – Exemptions

- In item 21.3.4 delete the words “Street lighting and” so that it reads “Traffic lights”

Section 21.8 – Lighting Plan

Last sentence

- After the word “that”, delete the remainder of the sentence that reads “light trespass onto any street or abutting lot will not occur.” and replace it with “all luminaires shall comply with the requirements of Section 21.5.” so that it reads “The lighting plan shall demonstrate by manufacturer’s data, cross section drawings, or other means that all luminaires shall comply with the requirements of Section 21.5.”
- Duly seconded

ACTION: This motion required a 2/3 majority vote to pass, it was a unanimous vote, so declared.

AMEND ZONING BY-LAW - ACCESSORY APARTMENTS
SECTION II DEFINITIONS, SECTION IV.B APPLICATION, AND SECTION X.G
ADMINISTRATIVE OFFICIAL - SPECIAL PERMIT

ARTICLE 8 To see if the Town will vote to amend Zoning By-law, Sections II, IV.B and X.G relating to Accessory Apartments by making the changes as described below and to act fully thereon:

Explanation: These amendments expand opportunities for creating accessory apartments by allowing detached units and increasing the size of accessory apartments to 900 square feet with two bedrooms.

II. Definitions:

Accessory Building – Residential: A detached structure located on the same lot with the principal residential structure to which it is accessory. Such structures include, but are not limited to, tool shed, boathouse, playhouse, shelter for domestic pets, private swimming pool and one private garage for not more than three automobiles. A residential accessory building may contain bedrooms but not a kitchen.

Dwelling, One Family with Accessory Apartment: An owner-occupied building containing two (2) dwelling units, either attached or detached, one of which has a net floor area not exceeding 900 square feet and includes not more than two (2) bedrooms, a kitchen, living room and bath which are separate from and not used in common with the principal dwelling. The principal dwelling and the detached accessory apartment must share a common septic system. For the purpose of this definition, such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absence during which the owner’s unit is not rented.

IV.B Application (second paragraph):

Existing lots lawfully laid out by plan or deed which complied at the time of layout with applicable provisions of Zoning By-laws, if any, and which had as of January 1, 1984, a single family dwelling constructed thereon may by alteration or addition to said existing dwelling be converted to a One (1) Family Dwelling with Accessory Apartment as herein defined provided:

1. The lot area equals twenty thousand (20,000) square feet if situated in an R-R, R-L or R-M district, fifteen thousand (15,000) square feet if situated in an R-H-1, C-V, C-H-1 or M-R-L district. Substandard lots in other zoning districts cannot be built upon or converted to this use without a variance.
2. The lot has frontage of at least one hundred (100) feet.

3. If an addition is to be built in connection with development of said use, the addition will be set back from front, side and rear lot lines the distance then required in the zoning district for new construction.

X.G Special Permit (seventh section):

7. Special permits for dwellings with an accessory apartment, either attached or detached, and shared housing for elderly may be granted upon determination by the Planning Board that the following additional criteria have been met:
 - a. For attached units, the dwelling shall be so designed as to have the appearance of a single-family dwelling with one (1) entrance. An entrance leading to a foyer with entrances leading to the dwelling units will be acceptable. All other entrances shall be on the side or rear of the dwelling. For detached units, the style of the two structures shall be similar, so as to give the impression that the detached structure is accessory to the primary residence.
 - b. The proposed use shall not create traffic hazards or volume greater than the capacity of the streets affected.
 - c. The proposed addition or detached structure shall not exceed the building or site coverage for the zoning district.
 - d. The units shall all access from a common driveway and use common parking areas.
 - e. The proposed use shall not violate any private deed restrictions applicable to the subject locus.
 - f. An applicant for an accessory apartment in the Water Resource (WR) Zoning District shall submit proof of recording of a covenant, enforceable by the Town, which states that the lot containing the dwelling with an accessory apartment shall not be reduced to less than 60,000 square feet by any means, unless the kitchen facilities of the apartment are removed and the property has been returned to a single-family dwelling.
8. Granting of a special permit for a dwelling with an accessory apartment shall be conditioned upon the owner maintaining occupancy of one of the units. Prior to the issuance of the special permit, a certificate in the form of a notarized affidavit to verify that the owner is or shall be in residence in one of the units, shall be submitted to the special permit granting authority and, thereafter, every two (2) years such notarized affidavit shall be submitted to the Building Inspector by January 31. Failure to comply with these provisions or termination of occupancy by the owner shall result in the special permit becoming null and void and within twelve (12) months thereafter one (1) kitchen unit shall be removed and the property returned to a single-family dwelling.

By request of the Planning Board.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, N0-0.

At this time Matthew McCaffery, Chairman–Planning Board - read the Planning Board Report as follows:

To: Board of Selectmen

From: Matthew F. McCaffery, Chairman

Date: April 14, 2010

RE: STM Article 8 Proposed Amendment – Accessory Apartments

On April 13, 2010, the Planning Board held a public hearing on the proposed amendment to the Harwich Zoning By-laws Section for Accessory Apartments allowing an opportunity for all interested persons to be heard in this matter.

The Board voted unanimously to recommend the article to May 2010 Special Town Meeting.

MOTION: (Matthew McCaffery, Chairman-Planning Board) I move that the article be accepted and adopted as amended from the printed warrant with the following changes resulting from input gathered at the Planning Board's public hearing held April 13, 2010 and to include the necessary section numbers to incorporate the new code sections:

“Change definition of not a kitchen”

Under Section II – Definitions

Item #2 – Dwelling, One Family with Accessory Apartment

- Delete the first sentence of the definition and substitute the new sentence below.
- The first sentence will now read “Dwelling, One Family with Accessory Apartment: An owner-occupied residential dwelling containing a principal dwelling unit and one (1) additional dwelling unit, either attached or detached which has a net floor area not exceeding ½ of the net floor area of the principal dwelling unit but in no event more than 900 square feet and includes not more than two (2) bedrooms, a kitchen, living room and bath which are separate from and not used in common with the principal dwelling.” [Refer to handout for specific additions and deletions]
- The final sentence of the definition remains unchanged.

Under X.G. Special Permits

Item 7. d

- Delete the entire sentence that reads “The units shall all access from a common driveway and use common parking areas.” and re-letter the remaining two items of # 7 so that it reads “7, a through e”.
- After Item # 7 insert a new section # 8 so that it reads “The intent of permitting accessory apartments is to: 1) increase the number of small dwelling units available for rent in town, 2) increase the range of choice of housing accommodations, 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.”
- Re-letter the remainder of the section to become item #9

Duly seconded

AMEND THE MAIN MOTION: (Matthew McCaffery, Chairman-Planning Board) I move that the main motion be further amended by deleting section X.G Special Permit 7 d which reads “d the proposal use shall not violate any private deed restrictions applicable to the subject locus”.

Duly seconded

ACTION ON AMENDMENT: The amendment carried.

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

**AMEND ZONING BY-LAWS SECTIONS II DEFINITIONS, III.B ZONING MAP,
SECTION X. F. APPLICATION FOR APPEALS, AND SECTION X.K SITE PLAN
REVIEW OF MUNICIPAL USES**

ARTICLE 9 To see if the Town will vote to amend the Zoning By-law, Sections II, III.B, X. F, and X.K by: (1) inserting new definitions in Section II as set forth below; (2) deleting the second paragraph of Section III.B and substituting the new paragraph set forth below; (3) deleting Section X.F and substituting the new paragraph set forth below; and (4) deleting Section X.K.3 and substituting the new language set forth below and to act fully thereon:

Explanation: *These amendments (1) change the description of average grade under the “Height” definition for consistent and equitable evaluations of building permit applications by the Building Commissioner, (2) update the Zone II boundaries to those currently on file with the Department of Environmental Protection, (3) reflect recent changes to Board of Appeals application/form requirements and in-house processing as well as allowing for a more generalized description of the appeal process, and (4) add municipal uses to those subject to site plan approval.*

II. Definitions:

“Building/Structure Height: The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow’s walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four (4) feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four (4) feet in height above the roof.”

For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight (8) inches below the top of foundation.

III.B. Zoning Map:

The Drinking Water Resource Protection Districts established hereunder are shown on a map labeled “DEP Zone II, Apr 2009”, prepared by Cape Cod Commission GIS Services, or its successor showing the most recent Zone II boundaries as approved by the Massachusetts Department of Environmental Protection, which map(s) are on file in the Office of the Town Clerk, the authenticity of said map to be established in the same manner as provided above for establishing the authenticity of the Zoning Map.

X.F. Application for Appeals

All petitions, applications and appeals to the Board of Appeals shall be made in accordance with the filing policy requirements in effect at the time of the application on forms provided by the Board of Appeals and shall be filed together with copies of all information previously submitted to the Building Inspector with or in the original application for a building permit, if any, and with the required number of copies of a site plan, as instructed on the application when a site plan is required under Section X, Paragraph K of this By-law. In addition, one (1) copy of the

application material and site plan, if any, shall be submitted to the Planning Board at the time of submission to the Board of Appeals. The Planning Board shall render an advisory opinion on the application to the Board of Appeals and if no such advisory opinion is submitted by the Planning Board prior to the Board of Appeals hearing on the application, the Board of Appeals may act without such advisory opinion.

X. K. Site Plan Approval

3. Applicability

In addition to any special permit or variance required under the Table of Use Regulations, the following development activities shall require a site plan special permit from the Planning Board:

- A. Any floor area expansion of any structure or expansion of exterior space, other than parking, serving any of the following: a commercial, industrial, multi-family, educational or municipal use, or personal wireless service facility; or the creation of a drive-up or drive-through window.
- B. Expansion or reconfiguration of an existing parking lot and/or driveway(s) in connection with a commercial, industrial, multi-family, educational or municipal use, or personal wireless service facility
- C. Establishment of any new commercial, industrial, multi-family, educational, municipal, fast food/take out restaurant or personal wireless service facility.
- D. Establishment of any new retail use(s) in the Industrial (II) Zone.

By request of the Planning Board.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, N0-0.

At this time Peter de Bakker, Planning Board - read the Planning Board Report as follows:

To: Board of Selectmen
From: Matthew F. McCaffery, Chairman
Date: April 14, 2010

RE: STM Article 9 Proposed Amendment – Miscellaneous Amendments

On April 13, 2010, the Planning Board held a public hearing on the proposed amendment to the Harwich Zoning By-laws Section for Miscellaneous Amendments allowing an opportunity for all interested persons to be heard in this matter.

The Board voted unanimously to recommend the article to May 2010 Special Town Meeting.

MOTION: (Peter de Bakker, Planning Board) I move that the article be accepted and adopted as printed in the warrant and to include the necessary section numbers to incorporate the new code sections.

Duly seconded

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

**AMEND NOVEMBER 2009 VOTE ON ARTICLE 4 -
TERM OF CONTRACTS OR LEASES**

ARTICLE 10 To see if the Town will vote to amend its vote under Article 4 of the November 12, 2009 Special Town Meeting by deleting the term of any contracts or leases limited to fifteen years and substituting with a term not to exceed twenty years, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

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

A motion was made and seconded to terminate debate, this needed a ¾ majority vote to pass, and a standing count was taken, YES 251 NO 4, the motion carried.

ACTION: The motion did not carry.

**AMEND NOVEMBER 2009 VOTE TO ALLOW
TWO WIND TURBINES ON ONE PARCEL**

ARTICLE 11 To see if the Town will vote to amend its vote under Article 4 of the November 12, 2009 Special Town Meeting by deleting the amendment “that no more than one wind turbine project with one tower be located on parcel turbine A (Assessor’s Map 89, Parcel A5), and one wind turbine project with one tower on parcel turbine B” (Assessor’s Map 89, Parcel Z1) and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

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

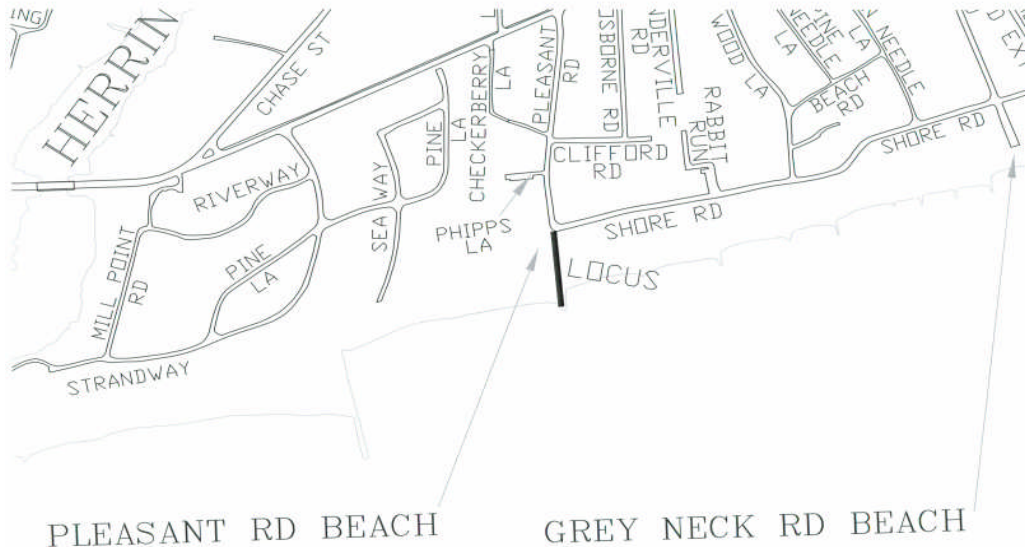
ACTION: The article was indefinitely postponed

DISCONTINUE / ACQUIRE PLEASANT ROAD

ARTICLE 12 To see if the Town will vote to discontinue a portion of Pleasant Road in West Harwich, a public way, from its intersection with Shore Road, southerly to Nantucket Sound; and to vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise; any necessary portion of the fee to the discontinued portion of Pleasant Road for beach and recreation purposes to the extent that such fee is necessary for beach and recreation purposes and is not already owned by the Town, and to authorize the transfer custody of all such land owned by the Town from the Board of Selectmen for public way purposes to the Board of Selectmen for general municipal purposes with said land to be maintained by the Recreation and Youth Commission, as part of Pleasant Road Beach and to raise and appropriate a sufficient sum of money for this purpose and expenses incidental thereto and to act fully thereon. By request of the Recreation and Youth Commission.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

Article 12 – Pleasant Road



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

ACTION: It was a unanimous vote, so declared.

NEW TOWN BYLAW – SECOND HAND DEALERS AND SECOND HAND COLLECTORS

ARTICLE 13: To see if the Town will vote to approve the addition of a new Town By-Law regarding second hand dealers and second hand collectors of precious metals, gems, or other valuables as follows, and to act fully thereon:

Section-1. Definitions:

ACCEPTABLE IDENTIFICATION means either:

- A. A current driver's license that includes the date of birth, photograph and physical description of the person offering the identification; or
- B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

LICENSING AUTHORITY means the Board of Selectmen of the Town of Harwich.

POLICE CHIEF means the Chief of Police of the Town of Harwich or his/her designee.

REGULATED PROPERTY means the following used property:

- A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate items or in combination with other items.
- B. Precious gems, including but not limited to, any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other

- precious or semi-precious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.
- C. Watches and jewelry containing precious metals or precious gems, including but not limited to rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wrist watches, or stop watches.
 - D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.
 - E. Any electronic audio, video or photographic and optical equipment along with computer or computer equipment or recordings in any form.
 - F. Any power tools or equipment.
 - G. Musical instruments.
 - H. Sporting equipment.
 - I. Automobiles, boats, planes, motorcycles in whole or taken in parts, or any other type of machinery.
 - J. Collectibles; including objects of art, coins, currency and antique objects, but not including those items identified in section H.

SECOND HAND COLLECTOR shall have the same meaning as the term “junk collector” M.G.L. C140S56.

SECOND HAND DEALER shall have the same meaning as the term “junk dealer” and keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles in M.G.L. C140S54.

Section-2. Issuance, Renewal, and Revocation of Licenses Required.

- A. Second Hand collectors and second hand dealers must obtain a license to conduct said activities.
- B. The Licensing Authority of the Town of Harwich may after notice and a public hearing deny an original or renewal application for a Second Hand Dealer or a Second Hand Collector License or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:
 - (1) The applicant, or any person who in part or whole, owns, manages, or operates the Second Hand Dealer or Second Hand Collector business, has owned or operated a Second Hand Dealer or Second Hand Collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date;
 - (2) Has had a Second Hand Dealer or Second Hand Collector License revoked for a reason that would be grounds for a denial or revocation pursuant to this ordinance: or
 - (3) The Second Hand Dealer or Second Hand Collector business has been found to constitute a public nuisance.
 - (4) The licensee applicant, or any person who in part or whole, owns, manages or operates the Second Hand Dealer or Second Hand Collector business, has been convicted of a felony or any crime involving a false statement or within fifteen years prior to the application date.
 - (5) The applicant has:
 - a. Knowingly made a false statement in the application.
 - b. Knowingly omitted information requested to be disclosed in the application; or
 - c. Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

- (6) A lawful inspection of the Second Hand Dealer or Second Hand Collector business premises by the Police Chief has been unjustifiably refused by a person who in part or whole, manages or operates the business.
- (7) The Second Hand Dealer or Second Hand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Second Hand Dealer or Second Hand Collector business, has more than five violations of these regulations, any State or Federal Law, or any combination thereof within a two year period, including the two years prior to the application date.
- (8) The Second Hand Dealer or Second Hand Collector business, the applicant or any person who in part or whole, owns, manages or operates the Second Hand Dealer or Second Hand collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of second hand business to be conducted such as, but not limited to: receiving stolen property, any form of breaking and entering, larceny from a person, or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief.
- (9) Such other grounds as the Licensing Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Harwich.

Section-3. Inspection of Property and Records.

- A. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Police Chief has reasonable grounds to believe more likely than not that a specific item of regulated property held by a Second Hand Dealer or Second Hand Collector is associated with criminal conduct the Police Chief may enter the premises of the Second Hand Dealer or Second Hand Collector at any reasonable time, provided that the premises are occupied at the time of entry and the Police Chief presents proper official identification at or near the time of entry. If entry is refused, the Police Chief shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.
- B. Authority to inspect Second Hand Dealer or Second Hand Collector premises under this regulation is in addition to and not in limitation to the authority the town or the Police Chief or any police officer would otherwise have to enter the business premises.
- C. Once allowed to enter the premises of the Second Hand Dealer or Second Hand Collector, the Police Chief may inspect property kept there. The Police Chief may also inspect the business records associated with regulated property and perform any duty imposed upon the Town or the Police Chief by this regulation.

Section-4. Record Keeping.

- A. The Police Chief shall design a purchase report form and make copies available to all Second Hand Dealers or Second Hand Collectors. Second Hand Dealers or Second Hand Collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller and the property associated with the purchase of regulated property.
- B. Whenever a Second Hand Dealer or Second Hand Collector purchases regulated property for business purposes, the Second Hand Dealer or Second

Hand Collector shall obtain acceptable identification from the seller along with the seller's current residential address. The Second Hand Dealer or Second Hand Collector shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be in legible English. The seller shall sign his or her name on the filled out form.

- C. A digital photograph will be taken by the Second Hand Dealer or Second Hand Collector of each item purchased as defined under the regulated property section, (section 1). The photographs may be stored electronically, but are subject to the same record keeping requirements as listed in this ordinance. Copies of the photographs will be made available to the Police Chief in a timely manner, and are subject to the same rights of inspection as listed in section 8.
- D. The licensee shall cause to be delivered to the Harwich Police Department on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. Included with this report will be a digital photograph of the item or items purchased. If, during the preceding week such Second Hand Dealer or Second Hand Collector has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

Section-5. Posting of Licenses and Notices.

- A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.
- B. A Second Hand Dealer shall post the following notice no smaller than eight and one half inches by eleven inches with lettering no smaller than one fourth of an inch in height outside each point of entry intended for patron use and at or near each place where a second hand dealer purchases used property in the regular course of business.

NOTICE:

The sale or attempted sale of property to a second hand dealer without the consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item. Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

If a significant number of the patrons of the regular Second Hand Dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

Section-6. Purchases by a Second Hand Dealer or Second Hand Collector.

- A. A Second Hand Dealer or Second Hand Collector shall not make any cash purchase in an amount that exceeds \$50.00
- B. A Second Hand Dealer must not carry on the business of buying or selling second hand property except at the premises designated in the dealership license.
- C. A Second Hand Dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- D. A Second Hand Dealer or Second Hand Collector may not purchase any items from any person under the age of eighteen.

Section-7. Unauthorized Sale of Property.

- A. No Second Hand Dealer or Second Hand Collector may purchase or sell property without the consent of the owner.
- B. No purchase will be made from anyone under the age of eighteen.

Section-8. Holding Periods.

- A. A copy of every purchase report form filled out as required by this ordinance shall be kept on the premises of the Second Hand Dealer or Second Hand Collector business during normal business hours for at least three years from the date of purchase. The report form shall be subject to inspection by the Police Chief.
- B. All regulated property in the categories of precious metals or precious gems, defined in Section 2, purchased by a Second Hand Dealer or Second Hand Collector and required to be recorded on a purchase report form shall be held by said Second Hand Dealer or Second Hand Collector for at least 21 days from the date of purchase.
- C. All other regulated property purchased by a Second Hand Dealer or Second Hand Collector and required to be recorded on a purchase report form shall be held by said Second Hand Dealer or Second Hand Collector for at least 15 days from the date of purchase.
- D. The Second Hand Dealer or Second Hand Collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period, the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief.
- E. The Police Chief may give written notice to a Second Hand Dealer or Second Hand Collector holding regulated property that the Police Chief has reasonable grounds to believe more likely than not, that a specific item of regulated property is associated with criminal conduct. The Second Hand Dealer or Second Hand Collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under subsection B of this section until released by the Police Chief.
- F. If the Police Department has probable cause to believe at an item or items purchased by the Second Hand Dealer or Second Hand Collector is/are stolen, the item or items will be confiscated by the Police Chief. A receipt will be issued to the Second Hand Dealer or Second Hand Collector for the item or items confiscated.
- G. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.
- H. A Second Hand Dealer or Second Hand Collector may from time to time request in writing that the Police Chief shorten the length of the holding period. If the Police Chief determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief shall provide the Second Hand Dealer or Second Hand Collector who requested relief with a written authorization to sell, transfer, or otherwise dispose of the regulated property. The request shall identify the property and state the basis of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the Second Hand Dealer or Second Hand Collector.

- I. Second Hand Dealers, retailing or wholesaling used property limited to the following, are exempt from section B above:
 - (1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery, or
 - (2) Used clothing, furniture, costume jewelry, footwear and house ware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a “registered charity” or by donations, or
 - (3) Used books, papers, or magazines.

Section-9. Testing of Weighing and Measuring Devices.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Harwich Weights and Measures Division prior to being placed in service.

Section-10. Violations and Penalties.

- A. Violations of any provision of this chapter may be prosecuted as a criminal matter or as an administrative procedure or by the method provided in Chapter 40 S 21D of the M.G.L. Each violation shall be considered separately.
- B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by methods provided in Chapter 40 Section 21D of the M.G.L. shall be subject to a fine of \$250.

Section-11. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

By request of the Chief of Police.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

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

ACTION: The motion carried.

MEDICARE EXTENSION PLANS; MANDATORY TRANSFER OF RETIREES

ARTICLE 14. To see if the Town will vote to accept M.G.L. Ch. 32B Section 18 that requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the town, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FUTURE COST SAVINGS COULD AVOID ADDITIONAL TAX LEVIES. VOTE: YES-5, NO-1, ABSTAIN-1.

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

ACTION: The motion carried.

GRANT OF EASEMENT - OLD CAMPGROUND ROAD

ARTICLE 15 To see if the Town will authorize the Board of Selectmen to grant an easement over Town owned property located at 7 Old Campground Road, being shown as Lot A3, on Town of Harwich Assessor's Map 30, to the owner of adjoining land for the purposes of resolving a boundary line dispute. Such easement to be on such terms and conditions as the Selectmen deem appropriate and further on the express condition that the granting of the easement will not prevent the lot from being used for its designated purpose as the site of an affordable house, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

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

ACTION: The motion carried.

AMBIENT SOUND STUDY RELATIVE TO PROPOSED WIND TOWERS

ARTICLE 16 To see if the Town will vote to request proposals and commence a project for an independent firm to conduct a site-specific ambient sound study in an area encompassing both neighborhoods where it is expected that noise levels will be increased by the proposed commercial wind turbines in North Harwich. This firm should be independent from firms performing studies on the behalf of Cape & Vineyard Electric Co-op or their agents. This firm should be one that will have no further role beyond this study in the wind turbine project. The study should gather data in all four (4) seasons covering a twelve (12) month period from appropriate locations, and to act fully thereon. By Petition. Estimated cost: \$17,500.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. NO FUNDING SOURCE IDENTIFIED. VOTE: YES-7, NO-0.

****SEE ARTICLE 71 OF THE ANNUAL TOWN MEETING****

MOTION: (Douglas Gammon) I move the Town vote to appropriate and transfer \$17,500 from the Stabilization Trust account to the Ambient Sound Study Account for the purposes as stated in the Warrant. Duly seconded

AMEND THE MAIN MOTION: (Sally Mahoney) I move only to the extent that the wind project approved in Article 4 of the Special Town Meeting, November 12, 2009 is not rescinded Duly seconded

ACTION ON THE AMENDMENT: The amendment carried.

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

ACTION ON MAIN MOTION AS AMENDED: This motion required a 2/3 majority vote to pass, it was ruled to have received the necessary 2/3 vote.

**REPEAL OF ARTICLE 48 OF MAY, 2007 ANNUAL TOWN MEETING –
PORTUGUESE MEN’S CLUB AFFORDABLE RENTAL HOUSING PROGRAM**

ARTICLE 17 To see if the Town will vote to rescind the vote taken under Article 48 of the May, 2007 Annual Town Meeting in its entirety and return the entire sum of funds appropriated in said Article to the Harwich Community Preservation Act Fund – Affordable Housing Reserves, and to act fully thereon. These funds were intended for certain pre-development and related general development, purposes of a proposed Portuguese Men’s Club “Affordable Rental Housing Program”. By request of the Community Preservation Committee. Estimated cost: \$100,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. THE REQUESTORS OF THE PROJECT WILL BE ABLE TO SUBMIT ANOTHER PROJECT FOR CONSIDERATION BY THE COMMUNITY PRESERVATION COMMITTEE ONCE THEIR PLANS ARE FINALIZED. VOTE: YES-5, NO-2.

MOTION: (Jack Brown, Chairman-CPA) I move that this article be accepted and adopted.

Duly seconded

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

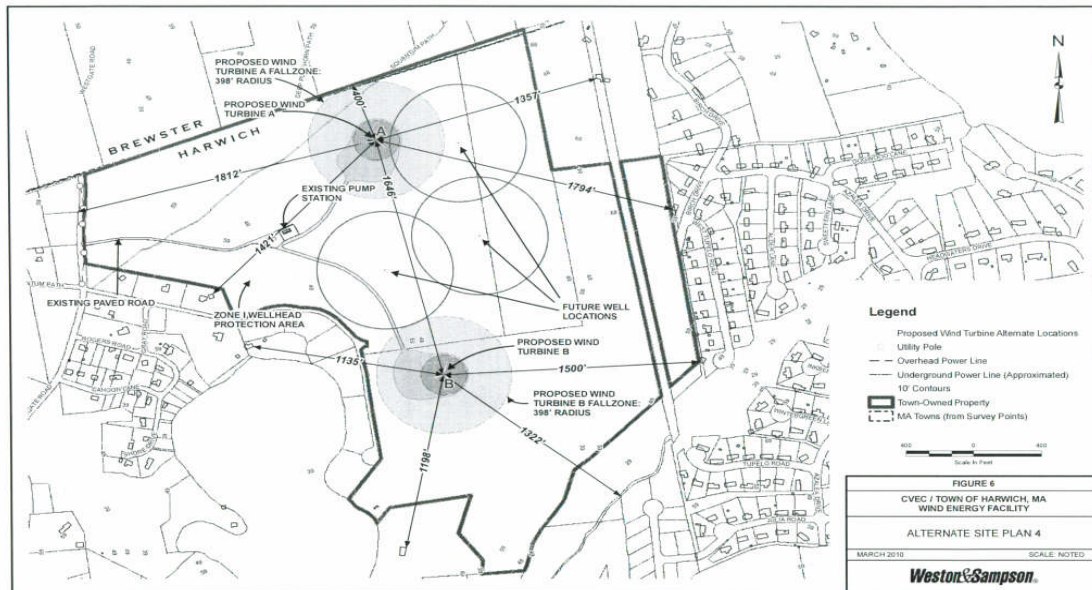
ACTION: The motion did not carry.

AMEND ARTICLE 4 OF NOVEMBER 12, 2009 SPECIAL TOWN MEETING

ARTICLE 18 To see if the Town will vote to amend Article 4 of the November 12, 2009 Special Town Meeting regarding the authorization of the Board of Selectmen to enter into contracts and leases for the Wind Turbine Project by deleting the second parcel of land described as Assessors Map 89 Parcel Z1 consisting of 19 acres more or less located at 0 Headwaters Drive under the control of the Board of Selectmen and acquired by the Town by Eminent Domain for the purpose of clearing title at Annual Town Meeting on May 5, 1991 and substitute with a new second parcel of land described as Assessors Map 79 Parcel C1-A-0-E consisting of 60.6 acres more or less located at Birch Drive under the control of the Conservation Commission and commonly referred to as the Great Swamp Bog, and to authorize the Board of Selectmen to file a Home Rule Petition under Article 97 of the Massachusetts Constitution to effectuate the transfer of this parcel and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-6, NO-0.

Article 18 – Amend Article 4 of November 12, 2009 Special Town



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

ACTION: The article was indefinitely postponed

FUND LEGAL ACCOUNTING AND OTHER RELATIVE CONSULTANT SERVICES FOR THE CHATHAM-HARWICH REGIONALIZATION BOARD

ARTICLE 19 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund legal, accounting and other relative consultant services for the Chatham-Harwich Regionalization Board to continue its school regionalization planning process and development of a proposed regional agreement. By request of the Regional School District Planning Committee. Estimated cost: \$5,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$5,000 FROM AVAILABLE FUNDS. FUNDING NEEDED TO FINALIZE THE STUDIES FOR POSSIBLE REGIONALIZATION OF THE HARWICH AND CHATHAM SCHOOLS. VOTE: YES-6, NO-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted in the amount of \$5,000 and the sum of \$1,427 be transferred from Article 57 of the May 2007 Annual Town Meeting & \$500 be transferred from Article 58 of the May 2007 Annual Town Meeting & \$55 be transferred from Article 33 of the May 2009 Annual Town Meeting & \$249 be transferred from Article 37 of the May 1997 Annual Town Meeting & \$1,141 be transferred from Article 11 of the May 2006 Annual Town Meeting & \$ 925 be transferred from Article 53 of the May 2007 Annual Town Meeting & \$ 100 be transferred from

Article 13 of the May 2005 Annual Town Meeting & \$603 be transferred from Article 15 of the May 2008 Annual Town Meeting for this purpose. Duly seconded

ACTION: It was a vote.

At 11:15pm a motion was made and seconded to adjourn the Special Town Meeting and return the Annual Town Meeting the meeting began with:

MEMORIAL TREE AND LANDSCAPING FUND FOR EVERGREEN CEMETERY

ARTICLE 52. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ten thousand dollars (\$10,000.00) for the Memorial Tree and Landscape Fund, a program to plant trees and shrubs along with appropriate landscaping at Evergreen Cemetery within the existing and newly expanded sections in East Harwich and to act fully thereon. By request of the Cemetery Commission.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. MORE IMMEDIATE URGENT NEEDS FOR SCARCE AVAILABLE FUNDS. VOTE: YES-8, NO-0.

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

ACTION: This article was indefinitely postponed.

AMEND PERSONNEL BY-LAW – PART 1 APPLICATION, PURPOSE, DISCRIMINATION, BENEFITS

ARTICLE 53. To see if the Town will vote to amend the Personnel By-law, Part 1, APPLICATION, PURPOSE, DISCRIMINATION, BENEFITS, by deleting the following language:

Application: All full-time and regular part-time positions not covered by any collective bargaining agreement, other than the School Committee and positions under their control, shall be subject to the provisions of this By-law, including the following:

*Computer Coordinator
Town Engineer
Deputy Assessor
Asst. Town Administrator
Building Commissioner
Golf Director
Treasurer/Tax Collector
Director, Council on Aging
Year-round Special Police Officers
Deputy Fire Chief
Sealer of Weights & Measures
Administrative Assistant
(Admin. Office)
Head Clerk (Admin. Office)
Principal Clerk (Admin. Office)
Board Clerks:*

*Director, Highways & Maintenance
Water Superintendent
Town Accountant
Personnel Director
Golf Superintendent
Natural Resources Director
Channel 18 Station Manager
Recreation Director
Community Center Manager
Administrative Secretary
Registrars of Voters
Plumbing Inspector
Gas Inspector
Wiring inspector
Transfer Station Monitors
Recycling /Scalehouse*

*Planning Board
Capital Outlay
Conservation Commission
Historical Commission*

*Board Secretaries:
Board of Selectmen
Board of Health*

And replacing it with the following language, and to act fully thereon:

Application: All full-time and regular part-time positions not covered by any collective bargaining agreement, other than the School Committee and positions under their control, shall be subject to the provisions of this By-law.

By request of the Board of Selectmen.

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

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

ACTION: It was so voted.

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

ARTICLE 54. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for grant awards to artists, performers and interpretive scientists who bring events to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Estimated Cost: \$2,500.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$2,000 FROM AVAILABLE FUNDS. THIS REFLECTS A REDUCTION OF \$500 FROM AMOUNT REQUESTED DUE TO SCARCE AVAILABLE FUNDS. VOTE: YES-6, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$2,500 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was a unanimous vote, so declared.

FUND NEGOTIATED CONTRACT – FIRE FIGHTERS

ARTICLE 55. 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 2011 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: \$_____.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-8, NO-0.

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – WATER DEPARTMENT

ARTICLE 56. 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 2011 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: \$_____.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-8, NO-0.

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – HIGHWAYS & MAINTENANCE

ARTICLE 57. 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 2011 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: \$_____.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-8, NO-0.

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – HARWICH EMPLOYEES ASSOCIATION

ARTICLE 58. 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 2011 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: \$_____.

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

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – POLICE FEDERATION

ARTICLE 59. 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 2011 Police Department budget to

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

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

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – SUPERIOR OFFICERS

ARTICLE 60. 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 2011 Police Department budget to implement the new contractual agreement between Harwich Superior Officers and the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen.
Estimated cost: \$_____.

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

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

ACTION: This article was indefinitely postponed.

FUND NEGOTIATED CONTRACT – S.E.I.U. LOCAL 888

ARTICLE 61. 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 2011 Town budget to implement the new contractual agreement between Harwich Manager's Union (S.E.I.U.), and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

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

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

ACTION: This article was indefinitely postponed.

FUND NON-UNION COMPENSATION PLAN

ARTICLE 62. 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 2011 and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

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

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

ACTION: This article was indefinitely postponed.

MUTUAL AID PROGRAMS FOR POLICE DEPARTMENTS

ARTICLE 63. To see if the Town will vote to accept the provisions of General Law Chapter 40, Section 8G, which authorizes the Town of Harwich to enter into an agreement with another city or town, or other cities or towns, to provide mutual aid programs for police departments, and to act fully thereon. By request of the Police Chief.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. FORMALIZES EXISTING PROCEDURES. VOTE: YES-6, NO-0.

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

ACTION: It was a unanimous vote, so declared.

**AMEND GENERAL BY-LAWS – FEES FOR
CLASS IV VEHICLE REPAIRMAN’S LICENSES**

ARTICLE 64 To see if the Town will vote to amend its General By-Laws by adding a new section, and to act fully thereon:

**ARTICLE IV
PUBLIC SAFETY**

PART 1 Licenses, Permits and Fees

4-105 Fees for Class IV Vehicle Repairman’s Licenses

No person shall engage in the repair of vehicles within the Town without first obtaining a Class IV Vehicle Repairman License from the Board of Selectmen. The Board of Selectmen shall make such rules and regulations governing Class IV Vehicle Repairman’s Licenses as may be reasonable and proper and any licensee so licensed by the Board of Selectmen under this section, who shall violate any of the rules or regulations made by the Board of Selectmen pursuant to this section, shall be subject to such penalties as are hereinafter provided, also the Selectmen may revoke such license for any violation at their pleasure.

By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. ESTABLISH STANDARDS. VOTE: YES-4, NO-2.

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

AMEND THE MAIN MOTION: (Edward McManus, Chairman-Board of Selectmen) I move that the main motion be amended to read as follows: Article be accepted and adopted as printed except that the first sentence of section 4-105 as follows: “No person shall engage in the retail business of repairing of vehicles within the Town without first obtaining a Class IV Vehicle Repairmen’s License from the Board of Selectmen”. Duly seconded

ACTION ON THE AMENDMENT: The motion carried.

AMEND THE MAIN MOTION: (Edward McManus, Chairman-Board of Selectmen) I move that the following language be added to the main motion “and to include the necessary section numbers to incorporate the new code sections”. Duly seconded

ACTION ON THE AMENDMENT: The amendment carried

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

ACTION ON MAIN MOTION AS AMENDED: The motion carried

GENERAL BY-LAW AMENDMENT – LICENSE FINES

ARTICLE 65. To see if the Town will vote to amend its General By-laws, ARTICLE IV, PUBLIC SAFETY, PART 1 Licenses, Permits and Fees, by adding the new section below, and to act fully thereon:

4-106 Violations and Penalties

Any violations of Sections 4-101, 4-102, 4-103, 4-104 and 4-105 shall be punishable by a fine of one-hundred (\$100.00) dollars

By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMENDATION PENDING RECEIPT OF FURTHER INFORMATION VOTE: YES-6, NO-0

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and to include the necessary section numbers to incorporate the new code sections.
Duly seconded

ACTION: It is a vote

AMEND GENERAL BY-LAW – ARTICLE V HISTORIC DISTRICT COMMISSION

ARTICLE 66. To see if the Town will vote to amend the General By-Laws as follows:

Delete all uses, in Article V. of the General By-law, of the titles “Historic District Commission” and “Historical Commission”, and replace with the title “Historic District and Historical Commission”, and to act fully thereon. By request of the Board of Selectman.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and to include the necessary section numbers to incorporate the new code sections.
Duly seconded

ACTION: It was a unanimous vote, so declared.

**FUND SCHOLARSHIP AWARDS FOR
PROJECT CONTEMPORARY COMPETITIVENESS**

ARTICLE 67 To see if the Town will vote to raise and appropriate and/or transfer from available funds for the Board of Selectmen and School Committee to award scholarships which will defray the cost of tuitions and related expenses to seventh, eighth and ninth grade students residing in Harwich to participate in Project Contemporary Competitiveness at Bridgewater State College and the Advanced Studies and Leadership program at Mass Maritime Academy, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$15,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. FUNDING AVAILABLE FROM OTHER SOURCES. VOTE: YES-5, NO-0.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$10,524 be transferred from Article 33 of the May 2009 Annual Town Meeting for this purpose. Duly seconded

ACTION: The motion carried.

PROMOTE THE TOWN OF HARWICH

ARTICLE 68. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and within the Town of Harwich. Said monies to be used to manage visitor/resident information services, to support the town with promotional pieces and activities, and to encourage the establishment and sustainability of business in Harwich through a partnership of economic development activities with the Town, and to act fully thereon. By Petition. Estimated Cost: \$15,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$15,000 FROM AVAILABLE FUNDS. THE BUSINESS COMMUNITY WILL BENEFIT FROM THIS SUPPORT. VOTE: YES-4, NO-1.

MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$15,000 be transferred from Free cash for this purpose, and to authorize the Board of Selectmen to accept a grant agreement. Duly seconded

ACTION: The motion carried.

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

ARTICLE 69. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and Harwich Port Library; said funds to be expended under the direction of the Chase Library and the Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated Cost: \$20,000.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$16,000 FROM AVAILABLE FUNDS. THIS REFLECTS A REDUCTION OF \$4,000 DUE TO SCARCE AVAILABLE FUNDS. VOTE: YES-4, NO-2.

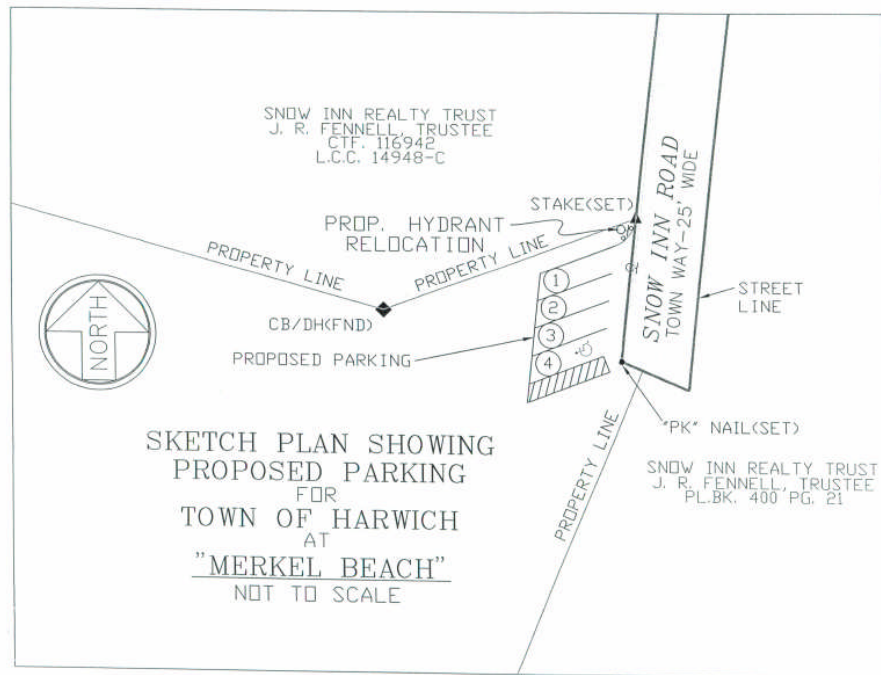
MOTION: (Linda Cebula, Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$19,000 be appropriated and that to raise such appropriation \$4,000 be transferred from Free Cash and \$5,208 be transferred from Article 1 of the May 1999 Special Town Meeting & \$ 6,433 be transferred from Article 19 of the May 2004 Annual Town Meeting & \$3,359 be transferred from Article 11 of the May 2006 Annual Town Meeting for this purpose and to authorize the Board of Selectmen to accept a grant agreement. Duly seconded

ACTION: It was a unanimous vote, so declared.

PARKING SPACES AT MERKEL BEACH

ARTICLE 70 To see if the Town will vote to appropriate a sum of money to remove the non-indigenous plants on Town-owned Merkel Beach land and to construct four (4) parking spaces using indigenous materials, and to act fully thereon. By Petition. Estimated Cost: \$ 7,200.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. ENFORCEMENT OF TOWN ACCESS NEEDS TO BE RESOLVED.
VOTE: YES-6, NO-0.**



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

ACTION: This article was indefinitely postponed

RESCIND ARTICLE 4 OF NOVEMBER 12, 2009 SPECIAL TOWN MEETING

ARTICLE 71 To see if the Town will vote to rescind the vote approving Article 4 proposed at the November 12, 2009 Special Town Meeting. This Article was related to approving authorization to proceed on issues related to Wind Turbine projects to be located on (A) Assessor's Map 89 Parcel A5 consisting of 72 acres more or less located off Westgate Road and (B) Assessor's Map 89, Parcel Z1 consisting of 19 acres more or less located at 0 Headwaters Drive. By Petition.

**FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. PREMATURE REQUEST. EXISTING REGULATIONS REQUIRE COMPREHENSIVE REVIEW OF PROJECT AND EXISTING STATE SPECIFICATIONS WILL NEED TO BE MET BEFORE PROJECT GOES FORWARD.
VOTE: YES-7, NO-0.**

****SEE ARTICLE 16 OF THE SPECIAL TOWN MEETING****

MOTION: (Donald F. Howell) 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, this required a $\frac{3}{4}$ majority to vote to pass, and a standing count was taken, YES 198 NO 2, the motion carried.

ACTION: The motion carried.

**SEEK ADDITIONAL TOWN MEETING
APPROVAL FOR LEASE AGREEMENTS**

ARTICLE 72. To see if the Town will vote to require the Board of Selectmen to seek additional Town Meeting approval prior to the Town entering into any lease agreement pursuant to the approval granted by the voters under Article 4 of the November 12, 2009 Special Town Meeting and to act fully thereon. By Petition.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ARTICLE WOULD CREATE UNNECESSARY COMPLICATIONS AND HINDER ELECTED OFFICIALS IN THE PERFORMANCE OF THE VOTES OF TOWN MEETING. VOTE: YES-7, NO-0.

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

ACTION: This article was indefinitely postponed.

At 11:45pm a motion was made and seconded to adjourn until 7:00pm in Wednesday.

On Wednesday, May 5, 2010, the Moderator, Michael D. Ford, Esq. called the Annual Town Meeting to order at 7:00pm after a quorum of 150 voters had been reached, having 166 registered voters in attendance, and the Annual Town Meeting was opened and began with:

COMPENSATING BALANCE AGREEMENT

ARTICLE 73. To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements with banking institutions for fiscal year 2011 pursuant to Chapter 44, Section 53F of the General Laws and to act fully thereon. Customary Article.

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

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

ACTION: It was so voted.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 74. 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.

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

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

ACTION: It was so voted.

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

**MAY 2010 ANNUAL TOWN MEETING
Appointment of the Moderator**

The Moderator makes the following appointments:
I appoint Geoff Larson as the Surveyor of Wood and Lumber.

FINANCE COMMITTEE

I appoint Linda Cebula to a three-year term to the Finance Committee
I appoint Pamela Groswald to a three-year term to the Finance Committee

May 5, 2010

s/Michael D. Ford, Esq.
Town Moderator

HERRING FISHERIES

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

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-1.

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

ACTION: It was a unanimous vote, so declared.

At 8:05pm a motion was made and seconded to adjourn the Annual Town Meeting.

**THE FOLLOWING ARTICLE WERE PASSED AT THE
ANNUAL TOWN MEETING
MAY 3, 2010**

CUSTOMARY ARTICLES

ARTICLE 1	Town Officers and Committees
ARTICLE 2	Report of Town Officers and Committees
ARTICLE 3	Elected Officials Salaries
ARTICLE 73	Compensating Balance Agreement

ARTICLE 74 Liability Tidal/Non Tidal Rivers
ARTICLE 75 Herring Fisheries

LOCAL MEALS TAX OPTION

ARTICLE 5 Local Meals Tax

CAPITAL PLAN

ARTICLE 9 Capital Plan - Adoption

AMEND GENERAL BY-LAWS

ARTICLE 64 Class IV Vehicle Repairman's License
ARTICLE 65 Licenses Fines
ARTICLE 66 Merge Historical Commission/Historic District Commission

REVOLVING ACCOUNTS

ARTICLE 50 Create Revolving Accounts - Recreation
ARTICLE 51 Create Revolving Accounts - Cemetery
ARTICLE 47 Authorize revolving account – Council on Aging
ARTICLE 49 Authorize Golf Restaurant Lease Revenue into
Pro Shop Revolving Account

MISCELLANEOUS

ARTICLE 45 Lease of Town-Owned Cranberry Bog
ARTICLE 46 Lease of Town-Owned Cranberry Bog
ARTICLE 53 Approve Personal By-law Amendments/Application
ARTICLE 63 Mutual Aid Programs for Police Departments

**APPROPRIATIONS VOTED UNDER ARTICLES
ANNUAL TOWN MEETING
MAY 3, 2009**

FROM TAX LEVY

ARTICLE 4. Budget \$ 45,290,735.00

TRANSFERRED FROM FREE CASH

ARTICLE 10	Fund Phase III of the Replacement of Town Hall HVAC	6,900.00
ARTICLE 12	Fund Phase III to Replace Self Contained Breathing Apparatus	55,000.00
ARTICLE 13	Fund Purchase/Equip Vehicle for the DPW	100,000.00
ARTICLE 20	Fund Sand Pond Docks	18,400.00
ARTICLE 22	Add to Dredging Reserve Fund	33,600.00
ARTICLE 23	Fund Allen Harbor Bulkhead Repair and Float Replacement	19,600.00
ARTICLE 25	Fund Clean-up of Police Dept. Firing Range	25,000.00
ARTICLE 29	Fund Vaccine and Expenses of Flu Clinic	3,000.00
ARTICLE 54	Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants	2,500.00
ARTICLE 68	Promote the Town of Harwich	15,000.00
ARTICLE 69	Defray Expenses of the Chase and Harwich Port Libraries	4,000.00

OTHER AVAILABLE FUNDS

ARTICLE 6	Budget – Cable Fund	175,300.00
	- Septic Loan Betterment Fund	17,250.00
	- Library Grant	75,000.00
	- Waterways Management Fund	100,800.00
	- Transferred from Overlay Surplus	100,000.00
	- FEMA fund	14,365.00
	- Cemetery Perpetual Care Fund	23,000.00
ARTICLE 22	Add to Dredging Reserve Fund – Article 57 ATM May’98	30,573.00
ARTICLE 26	School Technology – Article 25 ATM May’08	100.00
	- Article 43 ATM May’02	263.00
	- Article 22 ATM May’07	804.00
	- Article 10 ATM May’08	500.00
	- Article 10 ATM May’09	5,663.00
	- Article 90 ATM May’07	5,250.00
	- Article 15 ATM May’08	34,750.00
ARTICLE 38	Harwich Rental Assistance Program – Article 47 ATM May’07	60,000.00
ARTICLE 67	Fund Scholarship Awards for Project Contemporary Competitiveness	
ARTICLE 69	Defray Expenses of the Chase and Harwich Port Libraries	

BORROWING

ARTICLE 15	Fund New Greensand Water Treatment Plant	3,500,000.00
ARTICLE 16	Route 39 Water Storage Tank Repairs	1,100,000.00

CPC/LAND BANK FUNDING

ARTICLE 6	Budget	\$ 824,106.00
ARTICLE 31	Restoration and Preservation of Town Records	48,500.00
ARTICLE 32.	Albro House Historic Restoration Project – Phase II	30,000.00
ARTICLE 33.	Preservation of Historic Buildings – Phase II	50,000.00
ARTICLE 34.	Historic Harwich Center Cemetery Gravestone Restoration and Preservation	53,000.00
ARTICLE 35.	Catalog, Restore and Preserve the Historic John H. Paine Collection	30,000.00
ARTICLE 36.	Install Heating System at Historic Chase Library – Phase I	5,800.00
ARTICLE 37.	Harwich Affordable Housing Buy-Down Program	207,928.00
ARTICLE 38.	Harwich Rental Assistance Program	130,000.00
ARTICLE 39.	Comprehensive Land Stewardship and Land Management Plan	20,000.00
ARTICLE 40.	Fund Purchase of Land for Open Space Purposes	338,000.00
ARTICLE 41.	Fund Second Brooks Park Bocce Court and Town Trail System Guides	8,500.00
ARTICLE 42.	Fund Administrative Costs of the Community Preservation Committee	10,000.00

CAPITAL EXCLUSION

ARTICLE 11	Fund New Ambulance	
ARTICLE 17	Provide Additional Funding for Completion of the Town’s CWMP	

WATER ENTERPRISE

ARTICLE 6	Budget	534,604.00
ARTICLE 7	Water Operating Budget	3,141,634.00
ARTICLE 14	Fund Purchase or Lease of Water Department Vehicles	68,000.00
ARTICLE 16	Route 39 Water Storage Tank Repairs	500,000.00

**THE FOLLOWING ARTICLE WERE PASSED AT THE
SPECIAL TOWN MEETING
MAY 4, 2010**

HARBOR

ARTICLE 3	Authorize Replacement of Harbor Pump-out-Boat
ARTICLE 5	Seek Special Legislation to Authorize Borrowing for Dredging Projects

ROADS

ARTICLE 12	Discontinue/Acquire Pleasant Bay Road
ARTICLE 15	Grant Easement of Old Campground Road

WIND TURBINE-SOUND STUDY

ARTICLE 16	Ambient Sound Study Relative to the Proposed Wind Town Project
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ADOPT MASSCHUSETTS GENERAL LAW

ARTICLE 14	Adopt Provisions of M.G.L. Chapter 32B, Section 18-Medicare Extension Plans
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AMEND ZONING BY-LAW

ARTICLE 7	Zoning By-Law Amendment – Section XXI – Outdoor Lighting
ARTICLE 8	Zoning By-Law Amendment – Section II and X - Accessory Apartment
ARTICLE 9	Amend Zoning By-Laws – Sections II Definitions, III.B Zoning Map, Section X. F. Application for Appeals, and Section X.K Site Plan Review Of Municipal Uses

NEW TOWN BY-LAW

ARTICLE 13	Second Hand Dealers and Second Hand Collectors
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**APPROPRIATIONS VOTED UNDER ARTICLES
SPECIAL TOWN MEETING
MAY 4, 2009**

FREE CASH

ARTICLE 1	Supplement FY 2010 Snow and Ice Budget	159,135.00
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OTHER AVAILABLE FUNDS

ARTICLE 4	Replenish Finance Committee Reserve Fund –	
	Article 58 ATM May'07	750.00
	Article 53 ATM May'07	6,250.00
	Article 61 ATM May'08	3,000.00
	Article 10 ATM May'05	25,000.00

ARTICLE 19	Fund Legal Accounting and Other Relative Consultant Services for the Chatham-Harwich Regionalization Board	
	- Article 57 ATM May'07	1,427.00
	Article 58 ATM May'07	500.00
	Article 33 ATM May'09	55.00
	Article 37 ATM May'97	249.00
	Article 11 ATM May'06	1,141.00
	Article 53 ATM May'07	925.00
	Article 13 ATM May'05	100.00
	Article 15 ATM May'08	603.00

CPC/LAND BANK

ARTICLE 2	Reserve for Future Appropriation Amounts from FY 2010 Community Preservation Fund Estimated Annual Revenues	22,390.00
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APPENDIX A

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL ELECTION BALLOT**

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 18, 2010, then and there to act on the following ballot:

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

To choose on one (1) ballot the following Town Officers and Committees: two (2) Selectmen for three (3) years; one (1) Town Clerk for three (3) years; one (1) School Committee Member for three (3) years; one (1) Water Commissioner for three (3) years; one (1) Water Commissioner for a one year unexpired term; two (2) Library Trustees for three (3) years; one (1) Housing Authority Member for five (5) years.

BALLOT QUESTIONS

1. "Shall the Town of Harwich be allowed to assess an additional \$194,000 in real estate and personal property taxes for the purpose of purchasing and equipping a new Type III, Class I, Advanced Life Support Emergency Medical Vehicle for the fiscal year beginning July 1, 2010?"

YES_____ NO_____

2. "Shall the Town of Harwich be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purpose of continuing the Comprehensive Wastewater Management Plan to address Federal and State imposed nitrogen limits for the fiscal year beginning July 1, 2010?."

YES_____ NO_____

3. "Shall the Town be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purpose of funding the FY 2011 Operating Budget of the Town, as outlined in Article 6 of the May 2010 Annual Town Meeting Warrant for the fiscal year beginning July 1, 2010?"

YES_____ NO_____

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

Given under our hands this 30th day of March, 2010

s/Edward J. McManus, Chairman
s/Lawrence P. Cole, Vice Chairman
s/Robin D. Wilkins, Clerk
s/Angelo S. LaMantia
Larry G. Ballantine
BOARD OF SELECTMEN

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

April 13, 2010

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, the 18th day of May, 2010 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich

s/David A. Robinson
Constable

The following persons will report to the Town Clerk at the Harwich Community Center Gymnasium, to sworn in as and Election Officer at **6:45** AM.

:	PRECINCT I	PRECINCT II
Warden	Arkaline Silverio	Ursula Corbett
Clerk:		Ann Kaplan
Insp.Ck In:	Judy Davis	Lee Chase
Insp.Ck Out	Janet Silverio	Mary Clarke

	PRECINCT III	PRECINCT IV
Warden	Donna Eaton	David Bassett
Clerk:	Sheila Bowen	Hilda Dagenais
Insp.Ck In:	Dorothy Harrington	Evelyn Robinson
Insp. Ck Out:	Susan Mills	Ray Gottwald

The following election officers will report to the Town Clerk at the Community Center Gymnasium at 11:45PM until 6:00PM or 2:00PM and work until the close of the polls.

	PRECINCT I	PRECINCT II
Dep.Warden:	Wilfred Remillard	Ursula Corbett
Dep. Clerk	Richard Bowers	Janet Kaiser
Dep.Insp.In:	Philip Gaudet	Mary Eagan
Dep.Insp.Out:	Virginia Burke	Mary Clarke

PRECINCT III
 Dep. Warden: Donna Eaton
 Dep. Clerk Shiela Bowen
 Dep. Insp. In: Janet Bowers
 Dep. Insp. Out: Susan Mills

PRECINCT IV
 David Bassett

 Virginia Burke
 Joyce Bearse

Precinct I, Precinct II, Precinct III, and Precinct IV ballot boxes were examined by the Town Clerk, and the Wardens of each precinct. Each ballot box was found to register “zero”. The Town Clerk read the Warrant and Return of Warrant. At 7:00 A.M. the polls were then declared open.

The voters were directed to their respective precinct polling places in the Community Center gymnasium. Voting proceeded until 8:00 P.M. at which time, with no voters in sight or waiting to vote, the Town Clerk declared the polls closed. The ballot boxes were checked and registered a total of 2311 included 111 absentee ballots. The voting list of each precinct showed the same number of names checked as ballots cast.

These ballots were cast by Precincts as follows:
 Precinct I 688, including 43 absentee votes
 Precinct II 660, including 37 absentee votes
 Precinct III 520, including 17 absentee votes
 Precinct IV 443, including 14 absentee votes

The Town Clerk, Anita N. Doucette, announced the results on May 18, 2010 at 8:45 P.M as follows:

Precincts	1	2	3	4	Total
BOARD OF SELECTMEN					
EDWARD JAMES MCMANUS	396	327	266	217	1,206
LINDA A CEBULA	362	320	260	159	1,101
BRUCE WM GIBSON	166	148	108	92	514
DEAN A KNIGHT	251	298	241	185	975
RICHARD M TOMA	71	94	95	153	413
all others	0	1	2	0	3
blanks	130	132	68	80	410
TOWN CLERK					
ANITA N. DOUCETTE	577	542	441	369	1,929
all others	3	3	1	2	9
blanks	108	115	78	72	373
SCHOOL COMMITTEE					
THOMAS J. BLUTE	419	413	280	265	1,377
SHARON A. STOUT	221	194	202	143	760
all others	2	0	0	0	2
blanks	46	53	38	35	172

TRUSTEES, BROOKS FREE LIBRARY

WILLIAM D. CROWELL	529	509	378	354	1,770
DIANE S. SCHOENFELDER	444	412	336	277	1,469
all others	0	1	0	2	3
blanks	403	398	326	253	1,380

WATER COMMISSIONER for a 3 (three) year term

DANETTE L. GONSALVES	543	505	404	352	1,804
all others	0	1	2	1	4
blanks	145	154	116	90	503

**WATER COMMISSIONER for a 1 (one) year
unexpired term**

ALLIN P. THOMPSON, JR.	567	515	418	361	1,861
all others	0	1	0	1	2
blanks	121	144	102	81	448

HOUSING AUTHORITY

PAM BRIDGEWATER PARMAKIAN	524	469	383	338	1,714
all others	0	1	0	1	2
blanks	164	190	137	104	595

QUESTION #1

Advanced Life Support Emergency
Medical Vehicle

YES	386	386	285	277	1,334
NO	273	244	227	150	894
blanks	29	30	8	16	83

QUESTION #2

Comprehensive Wastewater Management Plan

YES	394	373	256	250	1,273
NO	269	258	254	175	956
blanks	25	29	10	18	82

QUESTION #3

Fund the FY 2011 Operating Budget

YES	253	245	162	181	841
NO	382	369	329	235	1,315
blanks	53	46	29	27	155

APPENDIX B

	FY 2011 OPERATING BUDGET			1/6/2010	Amendment #2 3/25/10
	Includes amendment #2		11/12/2009	Town Admin	B O S
	(March 30, 2010)		Town Meeting	Recommended	Recommended
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
1	Moderator S&W	<u>300</u>	<u>300</u>	<u>300</u>	<u>300</u>
2	Selectmen's S&W	7,500	7,500	7,500	7,500
3	Selectmen's Expense	<u>5,781</u>	<u>6,200</u>	<u>5,900</u>	<u>5,900</u>
	Sub-Total	13,281	13,700	13,400	13,400
4	Finance Committee S&W	2,357	2,500	2,500	2,500
5	Finance Committee Expense	<u>420</u>	<u>420</u>	<u>420</u>	<u>420</u>
	Sub-Total	2,777	2,920	2,920	2,920
6	Finance Committee Reserve Fund. .	<u>5,048</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>
	Sub-Total	5,048	150,000	150,000	150,000

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	<u>Includes amendment #2</u>		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
7	Accountant's S&W	212,208	210,046	211,586	210,361
8	Accountant's Expense	1,135	1,640	1,240	1,240
9	Audit	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>
	Sub-Total	249,342	247,686	248,826	247,601
10	Assessors' S&W	204,549	227,719	228,769	225,479
11	Assessors' Expense	<u>19,967</u>	<u>21,171</u>	<u>21,620</u>	<u>21,620</u>
	Sub-Total	224,515	248,890	250,389	247,099
12	Postage	<u>37,585</u>	<u>36,000</u>	<u>46,000</u>	<u>46,000</u>
	Sub-Total	37,585	36,000	46,000	46,000
13	Treasurer/Tax Collector S&W . . .	226,922	235,737	235,737	235,737
14	Treas/Tax Collector Expense	72,322	79,381	97,388	97,388
15	Treasurer Bonding/Tax Title	-	-	20,000	20,000

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
	Treasurer/Collector Sub-Total	299,244	315,118	353,125	353,125
Line					
16	Medicare Town Share	<u>299,318</u>	<u>329,588</u>	<u>329,588</u>	<u>329,588</u>
		299,318	329,588	<u>329,588</u>	329,588
17	Town Hall S&W	292,553	309,966	311,994	309,169
18	Town Hall Expense	114,063	113,039	111,191	102,932
19	Town Hall Capital Outlay	<u>2,374</u>	<u>3,379</u>	<u>5,000</u>	<u>5,000</u>
	Sub-Total	408,990	426,384	428,185	417,101
20	Legal Services	130,000	140,000	140,000	140,000
21	Claims & Suits	225	400	400	400
22	Land Transactions	-	-	-	-
	Sub-Total	130,225	140,400	140,400	140,400

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
23a	IT & CH 18 S & W	151,464	173,638	171,264	170,614
23b	IT & CH 18 Expenses	<u>118,219</u>	<u>141,312</u>	<u>139,209</u>	<u>139,209</u>
23c	Sub-Total	269,683	314,950	310,473	309,823
24	Constable Salaries	375	375	375	375
25	Clerk's S&W	161,467	170,172	172,261	173,915
26	Clerk's Expense	<u>24,442</u>	<u>23,330</u>	<u>23,896</u>	<u>32,028</u>
	Sub-Total	185,909	193,502	196,157	205,943
27	Conservation S&W . . .	47,810	50,636	50,797	50,334
28	Conservation Expense.	<u>5,490</u>	<u>5,192</u>	<u>4,663</u>	<u>4,663</u>
	Sub-Total	53,300	55,828	55,460	54,997
29	Town Planner S&W	118,060	104,152	113,319	109,520
30	Town Planner Expense	<u>2,120</u>	<u>2,187</u>	<u>2,187</u>	<u>2,187</u>

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line	Town Planner Sub-Total	120,180	106,339	115,506	115,506
31	Planning Board S&W	1,200	2,000	2,000	2,000
32	Planning Board Expense	<u>505</u>	<u>560</u>	<u>460</u>	<u>460</u>
	Sub-Total	1,705	2,560	2,460	(1,339)
33	Board of Appeals S&W	1,000	5,100	5,100	5,100
34a	Board of Appeals Expense.	<u>309</u>	<u>360</u>	<u>360</u>	<u>360</u>
	Sub-Total	1,309	5,460	5,460	5,460
34b	Agricultural Committee	-	-	-	-
35	Repairs to Public Buildings . . .	-	50,000	7,993	13,317
36	Town & Finance Committee Reports	14,150	13,000	13,000	13,000
37	Miscellaneous Printing.	-	-	-	-
38	Advertising	3,500	3,500	3,500	3,500

APPENDIX B

	FY 2011 OPERATING BUDGET		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
39	Telephone	60,637	54,340	48,900	48,900
	Sub-Total	78,287	120,840	73,393	78,717
40	Police Dept S&W	2,648,463	2,647,670	2,694,408	2,662,388
41	Police Dept Expense	368,021	242,286	260,000	270,000
42	Police Dept Capital Outlay . . .	<u>56,680</u>	<u>-</u>	<u>88,500</u>	<u>88,500</u>
	Sub-Total	3,073,164	2,889,956	3,042,908	3,020,888
43	Fire Dept S&W	2,600,528	2,574,334	2,721,618	2,709,657
44	Fire Dept Expense	203,383	221,311	186,237	186,237
45	Fire Capital Outlay	-	-	-	-
46	Emergency Medical Services O/T	100,000	108,001	100,000	100,000
47	Emergency Medical Services Expenses. . .	<u>69,467</u>	<u>75,058</u>	<u>70,000</u>	<u>70,000</u>
	Sub-Total	2,973,378	2,978,704	3,077,855	3,065,894

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
48a	Emer. Telecom. S&W	443,657	511,104	550,000	561,784
48b	Emer. Telecom. Expenses	<u>5,498</u>	<u>10,163</u>	<u>105,028</u>	<u>105,028</u>
	Sub-Total	449,155	521,267	655,028	666,812
49	Building Inspection S&W	218,634	220,986	222,605	218,044
50	Building Inspection Expense . . .	10,746	8,200	8,341	8,341
51	Building Capital Outlay	296	-	-	-
	Sub-Total	229,677	229,186	230,946	226,385
52	Emerg. Mgt S&W		8,960	5,000	5,000
	Emerg Mgt. Expense	4,954	8,080	9,365	9,365
53	Emergency Management Expense	4,954	17,040	14,365	14,365
54	Animal Control S&W	-	51,370	52,174	52,174
55	Animal Control Expense	-	14,530	13,602	13,602
	Sub-Total	-	65,900	65,776	65,776

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
56a	Natural Resources S&W .		81,274	81,274	81,274
56b	Natural Resources Expense	<u>28,267</u>	<u>27,650</u>	<u>27,650</u>	<u>27,650</u>
	Sub-Total	28,267	108,924	108,924	108,924
57	Pleasant Bay Alliance Expense	17,323	17,040	16,855	16,855
	<u>Schools</u>				
58	Cape Cod Reg Tech High School	841,453	789,972	865,769	940,122
59	Harwich Public Schools	<u>14,423,616</u>	<u>14,509,519</u>	<u>14,884,964</u>	<u>15,144,050</u>
	Sub-Total	15,265,069	15,299,491	15,750,733	16,084,172
60	Town Engineer's Dept S&W	146,614	154,633	150,000	149,413
61	Town Engineer's Dept Expense . .	<u>4,250</u>	<u>5,243</u>	<u>4,500</u>	<u>4,500</u>
	Sub-Total	150,864	159,876	154,500	153,913
62	Highways and Maintenance S&W	1,729,353	1,923,867	1,956,801	1,948,139
63	Highways and Maintenance Expense	1,529,805	1,462,111	1,402,413	1,437,413
64	Hot Mix,Oil,& Improve Town Rds. .		-	-	-

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	<u>Includes amendment #2</u>		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
65	Hwy Snow Removal Wages	86,879	25,000	40,000	40,000
66	Hwy Snow Removal Materials . . .	233,121	30,000	50,000	50,000
67	Hwy Snow Removal Equipment . . .	<u>45,000</u>	<u>45,000</u>	<u>45,000</u>	<u>45,000</u>
	Sub-Total	3,624,158	3,485,978	3,494,214	3,520,552
68	Street Lights	<u>88,334</u>	<u>85,000</u>	<u>82,400</u>	<u>82,400</u>
69	Cemetery S&W	39,402	40,679	42,558	42,558
70	Cemetery Expense	<u>2,850</u>	<u>1,650</u>	<u>2,130</u>	<u>2,130</u>
	Sub-Total	42,252	42,329	44,688	44,688
71	Board of Health S&W	244,927	256,931	248,515	248,515
72	Board of Health Expense	19,994	16,320	16,320	16,320
73	Flax Pond Monitoring	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	Sub-Total	264,921	273,251	264,835	264,835

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	<u>Includes amendment #2</u>		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
74	Community Center Comm S&W	214,155	104,064	110,500	108,120
75	Community Center Comm Exp.	<u>151,933</u>	<u>134,496</u>	<u>133,196</u>	<u>133,196</u>
	Sub-Total	366,088	238,560	243,696	241,316
76	Council on Aging S&W	222,589	226,213	227,153	226,503
77	Council on Aging Expense	<u>33,392</u>	<u>49,309</u>	<u>49,309</u>	<u>49,309</u>
	Sub-Total	255,981	275,522	276,462	275,812
78	Youth Counselor S&W	62,897	65,003	65,653	65,003
79	Youth Counselor Expense . . .	<u>3,837</u>	<u>3,740</u>	<u>3,700</u>	<u>3,700</u>
	Sub-Total	66,733	68,743	69,353	68,703
80	Veterans' Services Expense . . .	27,719	30,000	28,000	28,000
81	Veterans' Benefits	<u>13,408</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>
	Sub-Total	41,127	45,000	43,000	43,000

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
82	Disability Rights Com Exp.	<u>255</u>	<u>440</u>	<u>300</u>	<u>300</u>
	Sub-Total	255	440	300	300
83	Jim Noonan Human Services	70,625	76,500	76,500	76,500
84	Brooks Library S&W	388,666	418,625	428,711	428,711
85	Brooks Library Expense	<u>229,327</u>	<u>225,402</u>	<u>232,161</u>	<u>232,161</u>
	Sub-Total	617,993	644,027	660,872	660,872
86	Recreation & Youth Seasonal Help	175,620	176,704	154,802	154,802
87	Recreation and Youth S&W.	146,878	166,466	170,839	169,184
88	Recreation and Youth Expense. . .	58,096	57,695	54,030	54,030
89	Aid to Various Programs	-	-	-	-
	Sub-Total	380,593	400,865	379,671	378,016
91	Harbormaster/Natural Resources S&W	241,065	188,066	190,283	188,865

APPENDIX B

	<u>FY 2011 OPERATING BUDGET</u>		11/12/2009	Town Admin	B O S
	<u>Includes amendment #2</u>		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
92	Harbormaster Expense	89,370	86,450	87,550	87,550
93	Harbormaster Capital Outlay . . .	-	8,000	2,500	2,500
	Sub-Total	330,435	282,516	280,333	278,915
94	Brooks Museum Commission Expense	14,263	11,508	11,508	11,508
	Sub-Total	14,263	11,508	11,508	11,508
95	Historical Commission S&W	-	-	1,500	1,500
96	Historical Commission Expense . .	540	1,000	1,000	1,000
	Sub-Total	540	1,000	2,500	2,500
97	Memorial & Veterans' Day	1,529	1,900	2,900	2,900
98	Golf Operations & Maintenance S&W	646,323	703,423	694,483	693,711
99	Golf Operations & Maintenance Expense	465,407	559,278	563,196	563,196
100	Golf Capital . .	-	-	24,000	24,000
	Sub-Total	1,111,730	1,262,701	1,281,679	1,280,907

APPENDIX B

	FY 2011 OPERATING BUDGET		11/12/2009	Town Admin	B O S
	Includes amendment #2		Town Meeting	Recommended	Recommended
	(March 30, 2010)	Actual	Budget	Budget	Budget
	DESCRIPTION	FY 2009	FY 2010	FY 2011	FY 2011
Line					
101	Total Departmental Budgets	<u>16,286,395</u>	<u>16,564,983</u>	<u>16,974,896</u>	<u>16,935,963</u>
	(Excludes Medicare, HPS & CCRTHS)				
102	Total Debt SERVICE (PRIN & INT)	4,844,016	5,224,197	5,052,255	4,721,332
103	Barnstable County Retirement	1,920,708	2,073,473	2,280,821	2,280,821
104	Special Retirement Pension	3,552	3,551	3,552	3,552
105	Unemployment Compensation	73,896	60,000	50,000	50,000
106	Group Health Insurance/ Life	5,159,094	5,787,474	6,220,300	6,159,074
107	Insurance, General	399,543	494,255	519,812	519,812
108	Insurance Deductibles/Exclusions.	<u>3,491</u>	<u>15,225</u>	<u>6,913</u>	<u>6,913</u>
	Sub-Total	7,560,284	8,433,978	9,081,398	9,020,172
109	Total Town Budget w/o HPS & CCRTHS	<u>28,690,695</u>	<u>29,999,033</u>	<u>30,884,423</u>	<u>30,702,467</u>
	Total Operating Budget FY 10				
110	<u>Including HPS & CCRTHS</u>	<u>\$ 44,255,083</u>	<u>\$ 45,746,622</u>	<u>\$ 47,188,868</u>	<u>\$ 47,116,227</u>

