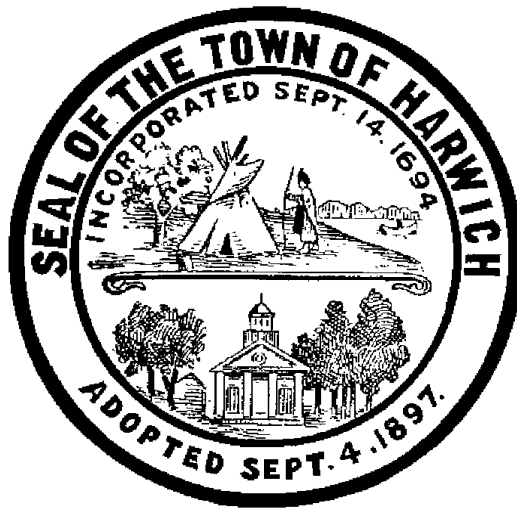


COMPLETE
**ANNUAL TOWN MEETING
WARRANT**



MAY 2, 2011



**SPECIAL TOWN MEETING
WARRANT**



MAY 3, 2011

**with
RECOMMENDATIONS**

TABLE OF CONTENTS
ANNUAL TOWN MEETING WARRANT
MAY 2, 2011

Voting Procedures	4
Motion Chart	5
Tax Rate Chart	6
Municipal Finance Terms.....	7
Proposition 2 ½ Terms	8

ARTICLES

1. Town Officers and Committees	9
2. Reports of Town Officers and Committees	9
3. Elected Officials Salaries.....	9
4. Local Rooms Tax	10
5. Town Budget	10
6. Water Operating Budget	10
7. Maintain, Update, and/or Certify Real/Personal Property Valuations.....	11
8. Capital Plan Adoption.....	11
9. Fund Phase III of the Town Hall HVAC Project (boiler).....	19
10. Fire Department Pumper and Refurbishment Program	19
11. Replace Mobile and Portable Radios for Fire and Police.....	19
12. Fund Highway Paving and Sidewalks	20
13. Fund Highway Department Vehicle Replacement.....	20
14. Fund Bike Trail Root Control and Paving.....	20
15. Fund Pleasant Road Beach Restrooms	20
16. Add to Dredging Reserve Fund to Dredge Various Entrance Channels.....	21
17. Allen Harbor Basin Dredging.....	21
18. Acquire Downey Property	21
19. Supplemental Funds for Drainage Wetlands Projects	22
20. Replace Wixon Dock	23
21. Wychmere Harbor Restrooms	23
22. Allen Harbor Floating Dock System Replacement.....	23
23. Fund Cart Path Renovations at Cranberry Valley Golf Course	23
24. Additional Funding for Completion of the Town's Comprehensive Wastewater Management Plan	24
25. School Building Maintenance	24
26. Reserve For Future Appropriation Amounts From FY 2011 Community Preservation Fund Estimated Annual Revenues	24
27. Preserve Restore Historic Stained Glass Windows at First Congregational	25
28. Preserve Restore Historic Harwich Outbuildings: Powder House and Outhouse.....	25
29. Preserve Restore the Historic Harwich Port Library	25
30. Preserve Restore the Historic Chase Library.....	26
31. Fund Purchase of Land for Open Space Purposes	26
32. Multi-Purpose Biking/Pedestrian Path	27

33. Brooks Park Expansion Plan – Phase I Design	27
34. Fund Administrative Costs of the Community Preservation Committee	27
35. Hire New Building Maintenance Manager.....	28
36. Town Hall Parking Lot Safety Improvements	28
37. Brooks Library HVAC System	28
38. Brooks Library Lighting System Repairs	28
39. Brooks Library Parking Lot Modifications and Lighting.....	29
40. Fund Diagnostic Feasibility Study of Hinckley and Seymour Ponds.....	29
41. Home Rule Charter Amendment – Regional School District	29
42. Demolition Delay – Proposed By-Law Amendment	30
43. Second Hand Dealers and Collectors By-Law	31
44. Create a Community Center Revolving Account.....	32
45. Annual Authorization for the Golf Revolving Fund	32
46. Create New Golf Revolving Fund.....	33
47. Annual Authorization of the Recreation and Youth Revolving Fund	33
48. Annual Authorization of the Council on Aging Revolving Fund	33
49. Amend Personnel By-Law.....	34
50. Approve Funding for Fire Union Contract	34
51. Approve Funding for Water Union Contract.....	34
52. Approve Funding for Highway & Maintenance Union Contract.....	35
53. Approve Funding for Harwich Employees Union Contract.....	35
54. Approve Funding for Police Federation Union Contract	35
55. Approve Funding for Superior Officers Union Contract.....	35
56. Approve Funding for Management Employees Union Contract	36
57. Fund Non-Union Employee’s Compensation Plan	36
58. Fund Compensation Schedule for Contract Employees	36
59. Sale of Two Commercial Properties	36
60. Memorial Tree and Landscaping Fund for Evergreen Cemetery.....	37
61. South Harwich Cemetery Land Swap.....	38
62. Cemetery Rules and Regulations	39
63. Promote the Town of Harwich	42
64. Fund Reconstruction of McGuerty Road.....	43
65. Defray Expenses of Chase and Harwich Port Libraries	43
66. Re-grade of Council on Aging Outreach Worker	43
67. Re-grade of Council on Aging Principal Clerk	44
68. Re-name portion of Factory Road.....	44
69. Rescind Authorized Debt.....	44
70. Compensating Balance Agreement.....	44
71. Liability Tidal/Non Tidal Rivers.....	44
72. Herring Fisheries	45

TABLE OF CONTENTS
SPECIAL TOWN MEETING
MAY 3, 2011
TABLE OF CONTENTS

1. Home Rule Petition - Expansion of Room Occupancy Tax To Seasonal Vacation Rentals	47
2. Accept Provisions of M.G.L. c. 64G, §3A – Local Rooms Excise... ..	48
3. Fund Police/Fire Claims Trust Fund	49
4. Snow and Ice Deficit.....	49
5. Fund HEA Equity Adjustment	49
6. Saquatucket Harbor Engineering Study.....	49
7. Route 137 Appraisals / Easements.....	50
8. Cranberry Valley Septic System	50
9. Acquisition of Tax Title Properties.....	50
10. Lease/Purchase and Equip New Police Cruisers.....	51
11. Lease or Purchase New Public Safety Equipment	51
12. Wireless Lease Agreement for Lothrop Street and Rte 39 Water Storage Facilities.	52
13. Grant Utility Easement for Pleasant Lake Water Storage Facility	52
14. Fund Repairs to the Route 39 Water Storage Tank.....	53
15. Stabilization Fund	53
16. Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants.....	53
17. Repeal of Article 48 of May, 2007 Annual Town Meeting – Portuguese Men’s Club Affordable Rental Housing Program	53
18. Allen/Saquatucket Harbors Parking Lot Lease	54
19. Home Rule Charter Amendments – Chapter 9, Section 6 (Capital Outlay Plan)	54
20. Amend Town By-Laws – Anti Noise Regulation	55
21. Floodplain By-Law Amendments.....	57
22. Local Comprehensive Plan	61
23. Use Regulations By-Law Amendments....	61
24. Special Permits Amendments.....	62
25. Rental Registration.....	63
26. Health Insurance for Elected Officials.....	65
27. Lease or Purchase of Town-owned Land on Queen Anne Road	66
28. Resolution to End Funding for War in Iraq, Afghanistan and Pakistan	68

APPENDICES

A. Sample Ballot.....	70
B. Budget.....	73
C. Citizen’s Activity Record Form	87

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 271-11
(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					

NOTES:

1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.
2. See § 271-9

TAX RATE CHART

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

MUNICIPAL FINANCE TERMS

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

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

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate. It cannot exceed 5% of the levy.

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

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

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

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

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

PROPOSITION 2 ½ TERMS

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

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

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

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

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

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

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

GENERAL OVERRIDE: A general override ballot question can be placed on a referendum if a majority of the Board of Selectmen votes 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 2, 2011**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Monday, May 2, 2011 at 7:00 P.M., then and there to act on the following articles:

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

Given under our hands this 22nd day of February, 2011

s/ Angelo S. La Mantia Chairman

s/Larry G. Ballantine, Vice Chairman

s/Linda A. Cebula, Clerk

s/Edward J. McManus

s/Robin D. Wilkins

BOARD OF SELECTMEN

A true copy Attest:

s/Gerald Beltis

Constable

April 13, 2011

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Monday, the 2nd day of May, 2011 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

s/ Gerald Beltis
Constable

On Monday, May 2, 2011 the Moderator, Michael D. Ford, Esq., called the meeting to order at 7:00 PM when a quorum of 150 was met, having 299 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.

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

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

ACTION: It is a vote

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2. To hear reports of all Town Officers and Committees for the year 2010. Customary article.

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

MOTION: (Peter Hughes, Vice 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, 2011 and ending June 30, 2012 as follows, and to act fully thereon. Estimated cost: \$78,955.

Selectmen (5)	\$1,500.00 (each)
Moderator	\$300.00
Town Clerk.....	\$ 69,655.00
Water Commissioners (3).....	\$500.00 (each)

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

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

Selectmen (5).....	\$ 1,500.00 each
Moderator	\$ 300.00
Town Clerk.....	\$69,655.00
Water Commissioners (3).....	\$ 500.00 each

Duly seconded

ACTION: It is a vote.

SPECIAL LEGISLATION / ROOMS OCCUPANCY TAX

ARTICLE 4 To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for Special Home Rule Legislation as follows, and to act fully thereon:

Notwithstanding any general or special law to the contrary, the Town of Harwich may impose a room occupancy tax, in addition to any such occupancy tax currently allowed by law, on any vacation or leisure accommodation, including but not limited to apartments, single or multiple family housing, cottages, condominiums and time share units or any other such temporary occupancy not currently defined in Massachusetts General Laws, chapter 64G. Vacation or leisure accommodation is defined as occupancy for a price to be paid and intended at the time of contract to be for a period of sixty consecutive days or less regardless of whether such use and possession is as a lessee, tenant, guest or licensee. The maximum room occupancy tax for such occupancy shall be at the same rate as the municipal portion of the room occupancy for the town of Harwich under Massachusetts General Laws, chapter 64G.

By request of the Board of Selectmen.

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

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

ACTION: The article is indefinitely postponed.

BUDGET

ARTICLE 5 To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2012, and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$_____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant as the Board of Selectmen's FY 12 Budget Amendment #1 with the following change:

Line 6 Reserve Fund be increased from \$150,000 to \$210,000; and the sum of \$47,924,383 be appropriated for this purpose. That to raise this appropriation, the sum of \$46,140,019 be raised and appropriated, and that \$469,035 be raised and appropriated in the General Fund operating budget and allocated to the Water Enterprise Fund for funding, and that \$782,497 be transferred from the CPA Fund, undesignated fund balance to pay for current Land Bank debt service, and that \$199,890 be transferred from the Cable Fund, and that \$17,227 be transferred from the Septic Loan Betterment Fund, and that \$59,100 be transferred from the Library Grant, and that \$70,000 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 \$12,250 be transferred from the Road Betterment Fund and \$60,000 be transferred from Free Cash. Duly seconded

ACTION: The motion carried

WATER 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 Water Department Operating Budget for Fiscal Year 2012, 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 \$3,176,392 BY THE WATER ENTERPRISE FUND. WATER ENTERPRISE COSTS ARE FUNDED DIRECTLY BY RATE-PAYERS. VOTE: YES-9, NO-0

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$3,415,868 be appropriated to operate the Water Enterprise Fund for this purpose:

Salaries	1,012,556
Expenses	1,054,665
Debt	790,136
Budgeted surplus	558,511
Total	3,415,868

And that \$3,415,868 be raised as follows: \$2,857,357 from Departmental Receipts and \$558,511 from Budgeted surplus.

Duly seconded

ACTION: It is a vote

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

ARTICLE 7 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: \$27,100

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$27,100 AND FUNDED BY FREE CASH. VOTE: YES-7, NO-1.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$27,100 be transferred from Free Cash to maintain, update and /or certify real /personal property valuations.

Duly seconded

ACTION: It is a vote

CAPITAL PLAN ADOPTION

ARTICLE 8. To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2018 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED AS A VALUABLE TOWN PLANNING TOOL. VOTE: YES-9, NO-0

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

AMENDMENT TO MAIN MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that the list of proposed amendments to the Capital Plan listed on page 14 and 15 of the Annual Town Meeting warrant book be accepted and adopted. Duly seconded

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

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

**CAPITAL PLAN APPROVED AT
2010 ANNUAL TOWN MEETING**

(FY 2018 added)

(FY2011 deleted)

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY2018
GENERAL GOVERNMENT							
Town Hall HVAC- Phase 3 (boiler)	100,000						
Total General Government	100,000						
FIRE							
Fire Rescue Vehicle		185,000		185,000		185,000	
Breathing apparatus							
Fire Engine	600,000			650,000			
Expansion of fire station #2	2,000,000						
Main Station Roof Replacement					200,000		
Refurbish ladder truck							
Total Fire Department	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	700,000
New Sidewalks	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Vehicle Maintenance garage	600,000						
Vehicle replacements	247,000	219,000	280,000	275,000	255,000	242,000	242,000
Total Public Works	1,647,000	969,000	1,030,000	1,025,000	1,005,000	992,000	992,000
CRANBERRY VALLEY GOLF							
Main/cart storage demolition/replace			850,000				
HVAC/kitchen renovations			100,000				
Total Cranberry Valley Golf Course			950,000				
WATERWAYS/ HARBORS							
Channel Dredging	175,000	302,000	160,000	1,300,000	500,000		220,000
Infrastructure Maint/Replacement	670,860	1,433,700	392,500	294,000	2,197,000	2,028,000	
Total Waterways/ Harbors	845,860	1,735,700	552,500	1,594,000	2,697,000	2,028,000	220,000
WASTE WATER MANAGEMENT							
Waste Water Management Design		1,000,000					
Waste Water Management construct.			5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Total Wastewater Management		1,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Total Plan w/o Water Department	7,192,860	43,889,700	7,532,500	8,454,000	8,902,000	8,205,000	6,212,000

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
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 and rt. #39 tank		1,300,000					
Total water Department	1,600,000	1,600,000	300,000	400,000	400,000	400,000	300,000
Total Plan (including Water)	8,792,860	45,489,700	7,832,500	8,854,000	9,302,000	8,605,000	6,512,000

RECOMMENDED AMENDMENTS FY 2012-2017 W/O WATER DEPARTMENT
(\$-36,815,778)

1. Town Hall - HVAC-\$100,000 is recommended in FY 2012 to finish the upgrade of the HVAC system in Town Hall
2. Fire Department
 - 1) In FY2012, reduce \$600,000 to \$475,000, expected fire truck purchase. Add \$50,000 to upgrade a retrofitted pumper replacement.
 - b) In FY2012, move \$2,000,000 for expansion of fire station #2 into FY2013 absent any move of regionalization.
 - c) In FY2013, FY2015 and FY2017, increase costs of new ambulance replacements from \$185,000 to \$240,000 each.
3. Police Department - In 2012, \$118,595 is recommended for replacement of mobile and portable radios for both the Police and fire departments. This amount has been recently reduced by a grant to the fire department
4. School Department - In FY 2013, \$40,000,000 and in FY 2012, \$2,000,000 have been deleted as a result of the recent regionalization votes that placed such capital expense within the new district operating budget.
5. Recreation and Youth - In FY 2012, \$100,000 has been added to build a new bathroom at Pleasant Road Beach., and \$100,000 has been added in FY 2013 for bathroom at Long Pond
6. Division of Highways and Maintenance
 - a) DPW Maintenance Garage In order to accommodate the centralization of vehicle maintenance at the highway yard, \$600,000 is still recommended, but is moved to FY2013 in response to the current economic downturn.
 - b) Highway Roads & Sidewalk Maintenance is reduced in FY2012 from \$800,000 to \$145,000, relying instead on Chapter #90 and in recognition of additional work load below in addition to Allen Harbor Work. In FY years 2013-2017, \$50,000 for sidewalks is included as part of Highway Paving, resulting in a total of \$750,000 for each year
 - c) Bike Trail Root Control and Repaving \$ 50,000 is added to FY2012 as a safety action.
 - d) Vehicle Replacement is amended as follows:
FY2012, reduce from \$247,000 to \$210,000.
FY2013, reduce from \$219,000 to \$172,000.
FY2015, reduce from \$275,000 to \$250,000.
FY2016, increase from \$255,000 to \$302,000.
7. Cranberry Valley Golf Course
 - 1) \$50,000 is recommended in FY 2012 for cart maintenance and paving which should be paid under the budget. \$369,000 requested was deemed inappropriate.

2) \$100,000 is moved from FY 2014 for HVAC/kitchen renovation to FY 2015.

8. Water ways and Harbors

1) Allen Harbor basin dredging \$3,800,000 is recommended in FY 2012. This represents the total cost of a bond issue which will be shared approximately 2/3 by the town, 1/3 by abutters.

2) Downey Property \$700,000 is recommended in FY 2012 for purchase

3) In FY 2012, reduce infrastructure for \$670,000 to \$215,000.

9. Schools - Technology equipment and building maintenance is recommended in FY 2012 at total of \$192,627, although it will be funded under the School budget

10. Waste Water Management - In FY 2012, \$200,000 is recommended to ensure continuous progress.

RECOMMENDED CHANGES IN WATER DEPARTMENT (ENTERPRISE FUNDED)
FY 2012-2017

1. Lothrop Road Water Tank - move \$1,300,000 from FY 2013 to FY 2016.

2. \$100,000, new well source investigation, is deleted in each of FY 2015-2017.

CAPITAL PLAN 2012-2018
Recommend

	FY2012	FY2013	FY2014	FY 2015	FY2016	FY2017	FY2018
GENERAL GOVERNMENT							
Town Hall HVAC- Phase 3 (boiler)	100,000						
Total General Government	100,000						
FIRE							
Ambulance		240,000		240,000		240,000	
Fire Engine #68	475,000			500,000			
Fire Engine #64 replace with Refurbish	50,000						
Expansion of fire station #2		2,000,000					
Main Station Roof Replacement					200,000		
Total Fire Department	525,000	2,240,000	-	740,000	200,000	240,000	-
POLICE/FIRE							
Replace mobile and portable radios	118,595						
Total Police/Fire Departments	118,595						
PUBLIC WORKS							
Highway Paving & Sidewalks	145,000	750,000	750,000	750,000	750,000	750,000	750,000
(FY13-FY18 includes \$50,000 Sidewalks)							
Route #124 upgrade/paving to Brewster	-	350,000					
Vehicle Maintenance garage	-	600,000					
Vehicle replacements	210,000	172,000	280,000	250,000	302,000	242,000	242,000
Bike Trail Root Control & Paving	50,000						
Total Public Works	405,000	1,872,000	1,030,000	1,000,000	1,052,000	992,000	992,000
RECREATION							
Pleasant Road Beach Bathroom	100,000						
Long Pond Bathroom		100,000					
Total Recreation	100,000	100,000				-	-
WATERWAYS/ HARBORS							
Allan Harbor Dredging	100,000	92,000					70,000
Allen Basin 2/3 Town, 1/3 abutters	3,800,000						
Allen Harbor Bulkhead Replace/maint			242,500	44,000			
Allen Harbor Jetty Reconstruction					1,200,000		
Round Cove Dredging	75,000						
Saquatucket Dredging		120,000					150000
Saquatucket Bulkhead Replace/Maintenance			50,000		1,497,000	2,028,000	
Saquatucket Basin Dredging				1,000,000			
Saquatucket Float Maintenance				250,000			

CAPITAL PLAN 2012-2018
(continued)

	Recommend						
	FY2012	FY2013	FY2014	FY 2015	FY2016	FY2017	FY2018
Wychmere Dredging		40,000	160,000	300,000			
Herring River Dredging		50,000					
Round Cove Replace Ramp		100,000					
Downey Property	700,000						
Drainage, Saquatucket, Red River, Wychmere	120,000						
Replace Wixon Dock	45,000						
Herring River Paved Ramp			100,000				
Restroom at Wychmere Harbor	50,000						
Wychmere Harbor Bulkhead Replacement		1,333,700					
Total Waterways/ Harbors	4,890,000	1,735,700	552,500	1,594,000	2,697,000	2,028,000	220,000
CRANBERRY VALLEY GOLF							
Cart Path Maintenance/Repair	50,000						
Maint/cart storage demolition/replace			850,000				
HVAC/kitchen renovations				100,000			
Total Cranberry Valley Golf Course	50,000	-	850,000	100,000	-		
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	5,000,000
Total Wastewater Management	200,000	1,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
HARWICH HOUSING							
Land Purchase							
Total Housing							
SCHOOLS							
Technology	104,385						
Maintenance	88,242						
TOTAL SCHOOLS	192,627						
Total Plan w/o Water Department	6,581,222	6,947,700	7,432,500	8,434,000	8,949,000	8,260,000	6,212,000

Water Department (paid by water Fund)

Water Main Project	300,000	300,000	300,000	300,000	300,000	300,000	300,000
Repaint Lothrop Water Tank					1,300,000		
Total Water Department	300,000	300,000	300,000	300,000	1,600,000	300,000	300,000
Total Plan with Water	6,881,222	7,247,700	7,732,500	8,734,000	10,549,000	8,560,000	6,512,000

Proposed Free Cash	1,363,595
Proposed Debt Financing	5,025,000
Water Enterprise	300,000
School Financing	192,627
Total Recommended Funding and Sources	<u>6,881,222</u>

FUND PHASE III OF THE TOWN HALL HVAC PROJECT (BOILER REPLACEMENT)

ARTICLE 9. 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: \$100,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED AND FUNDED FOR \$100,000.00 FROM AVAILABLE FUNDS. VOTE: YES- 8, NO- 0

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$100,000 be transferred from Free Cash for the purchase and installation of a new HVAC boiler at Town Hall. Duly seconded

ACTION: It was a unanimous vote, so declared.

FIRE ENGINE / PUMPER PURCHASE & REFURBISHMENT PROGRAM

ARTICLE 10. To see if the town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase, equip one [1] new fire pumper and to refurbish one [1] 1987 Pierce fire pumper and all costs incidental and related thereto, and to further authorize trade-in or sale of one [1] 1976 Mack pumper and one [1] 1985 Seagrave pumper, and to authorize the board of selectmen to take all actions necessary to carry out the project. 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 is: \$525,000.00

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. PRESENTLY THE FIRE DEPARTMENT HAS TWO (2) PUMPER UNITS (1976 AND 1985). BOTH NEED CONSIDERABLE REFURBISHMENT AT VERY EXPENSIVE COSTS. THE FIRE DEPARTMENT HAS RECENTLY ACQUIRED A USED PUMPER THAT IS IN EXCEPTIONAL CONDITION AND NEEDS VERY LITTLE MECHANICAL AND/OR COSMETIC RECONDITIONING. WITH THE ACQUISITION OF THIS PUMPER AND A NEW PUMPER, THE TOWN WILL BE WELL SERVED FOR AT LEAST THE NEXT 25 YEARS. VOTE: YES -7, NO - 2

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted to purchase a new fire pumper and refurbish one 1987 Pierce fire pumper and to trade in or sell one 1976 Mack Pumper and one 1985 Seagrave pumper and the sum of \$525,000 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 2012. Duly seconded

ACTION: It was a unanimous vote, so declared.

PURCHASE NEW PUBLIC SAFETY EQUIPMENT

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase mobile and portable radios for the Police and Fire Departments, and to act fully thereon. Estimated Cost: \$118,595.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. SEVERAL MOBILE AND PORTABLE RADIOS THAT ARE USED 24/7 BY OUR PUBLIC SAFETY DEPARTMENTS (POLICE & FIRE) ARE PRESENTLY NOT FUNCTIONING WELL AND AT TIMES FAILED IN THEIR ABILITY TO COMMUNICATE WITH THE STATION'S. THIS APPROPRIATION WILL ENSURE A HIGHER LEVEL OF SAFETY AND SERVICE FOR OUR PERSONNEL AND THE PUBLIC. VOTE: YES-8, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$118,595 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

FUND HIGHWAY PAVING AND SIDEWALKS

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 Highway paving and sidewalk repairs, and to act fully thereon. By request of the Director of Highways and Maintenance. Estimated cost: \$145,000

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$145,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

LEASE OR PURCHASE AND EQUIP VEHICLES

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to lease or purchase and equip the following vehicles for the Highway and Maintenance Department, and further to authorize the Town to enter into a lease/purchase agreement or agreements for a term of up to five years, and to act fully thereon:

One (1) new Class 7 Dump Truck fully equipped with central hydraulics, body, plow and sander.

And to further authorize trade-in or sale of one (1) 1993 Chevy Dump Truck toward the purchase price where the Board of Selectmen finds that the vehicle cannot be utilized elsewhere in the Town.

One (1) new Semi-Trailer (trash hauler)

1998 Steco Semi-Trailer has reached the end of its useful life

One (1) new John Deere Mower

To replace 1999 John Deere Mower used by Parks Dept.

By request of the Director of Highways and Maintenance. Estimated Cost: \$210,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$210,000 TO BE FUNDED FROM FREE CASH ADHERING TO THE LONG-TERM VEHICLE REPLACEMENT PLAN.

VOTE: YES-8, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$210,000 be transferred from Free Cash for the following:

Highway and Maintenance

One (1) Class 7 Dump Truck (Highway)

One (1) Semi- Trailer (Transfer Station)

One (1) Mower (Parks)

And to authorize the Board of Selectmen to trade-in or sell:

One (1) 1993 Chevy Dump Truck.

One (1) 1998 Steco Semi- Trailer

One (1) John Deere mower

Duly seconded

ACTION: It was a unanimous vote, so declared.

FUND BIKE TRAIL PAVING AND ROOT CONTROL

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 make bike trail repairs, and to act fully thereon. By request of the Director of Highways and Maintenance. Estimated cost: \$50,000

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$50,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

FUND PLEASANT ROAD BEACH RESTROOMS

ARTICLE 15 To see if the Town will vote to raise and appropriate 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: \$100,000.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$100,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

ADD TO DREDGING RESERVE FUND TO DREDGE VARIOUS ENTRANCE CHANNELS

ARTICLE 16 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money to dredge sand from various harbors as outlined in the Capital Outlay Plan 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: \$175,000.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED FOR THE REDUCED AMOUNT OF \$ 82,000 FROM AVAILABLE FUNDS. THE BALANCE OF THE REQUEST FOR \$ 175,000 SHOULD COME FROM EXISTING FUNDS FROM PREVIOUSLY APPROVED TOWN MEETING ARTICLES. VOTE: YES– 9, NO– 0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted for a total appropriation of \$175,000 and that \$82,000 be transferred from Free Cash and \$93,000 be transferred from **Article 15 ATM May 2008, “Pilings Replacement”** for this purpose. Duly seconded

ACTION: It is a vote.

ALLEN HARBOR BASIN DREDGING

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 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 assess betterments as approved in the November 12, 2009 Special Town Meeting Article 13, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$3,800,000.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED WITH FUNDS FROM A DEBT EXCLUSION. THIS PROJECT WILL IMPROVE THE FUNTIONALITY OF AN IMPORTANT TOURIST ATTRACTION. VOTE: YES– 8, NO–1.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move to accept and adopt to appropriate \$2,900,000 to dredge Allen Harbor and all costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$2,900,000 under Chapter 44 of the General Laws or any other enabling authority; and the Board of Selectmen is authorized to assess betterments and expend all funds available for the project and take any other action necessary to carry out the project; however, that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by M.G.L. c.59 Sec 21C (Proposition 2 ½) amounts required to pay the principal of and the interest on any borrowing authorized by this vote. Duly seconded

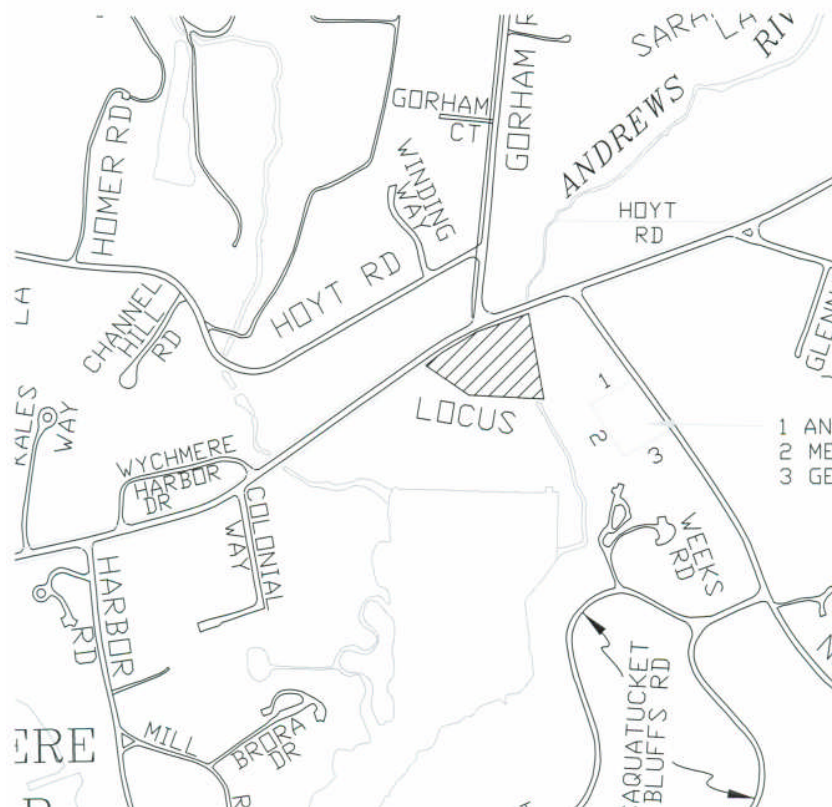
ACTION: This article required a 2/3 majority vote to pass, it was ruled to have received the necessary 2/3 vote. The article passed.

ACQUIRE DOWNEY PROPERTY

ARTICLE 18 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, The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$700,000

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

Article 18 – Downey Property



MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: This article is indefinitely postponed.

SUPPLEMENTAL FUNDS FOR DRAINAGE WETLANDS PROJECTS

ARTICLE 19 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money to supplement a Federal American Recovery and Reinvestment Act grant for various drainage and wetlands projects at Old Wharf Road, Deep Hole Road and Uncle Venies Road, Wychmere Harbor Town Pier and Saquatucket Harbor and Allen Harbor; and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$120,000

The Harwich grants total \$680,000 with the Town responsible for 25% of the cost of \$170,000 were made available through the Federal American Recovery and Reinvestment Act. The Town's share will come from in-kind services provided by the Division of Highways and Maintenance, but supplemental funds will likely be required by the Town as Highway team may be drawn away from parts of this project as Allen Harbor Basin is being dredged 2011-2013.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$120,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was a unanimous vote, so declared.

REPLACE WIXON DOCK

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 Capt. Nathaniel Wixon Dock off Harbor Road, and to act fully thereon. By request of the Harbormaster. Estimated Cost: \$45,000.

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED WITH \$45,000 FROM AVAILABLE FUNDS. VOTE: YES-7, NO-1.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$45,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

REPLACE RESTROOM AT WYCHMERE 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 Wychmere 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 Harbormaster. Estimated Cost: \$50,000.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that article be indefinitely postponed.

Duly seconded

ACTION: This article was indefinitely postponed.

ALLEN HARBOR FLOAT REPLACEMENT

ARTICLE 22 To see if the Town will vote to raise and appropriate, borrow, and/or transfer a sufficient sum of money to replace the floating dock, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$45,000.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that article be indefinitely postponed. Duly seconded

ACTION: This article was indefinitely postponed.

CART PATH RENOVATIONS AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 23 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to start the first phase of cart path renovations at Cranberry Valley Golf Course, and to act fully thereon. By request of the Golf Committee and Golf Director. Estimated cost: \$50,000

This project, when completed, will result in a weather proof system and enhanced "safety" access for the golf course. New revenue will be generated by use of golf carts in poor weather conditions.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED, NOT A CRITICAL TOWN UNDERTAKING. VOTE: YES-7, NO-1

MOTION: (Angelo LaMantia, Chairman, Board of Selectman) I move that this article be accepted and adopted and that \$50,000 be transferred from Free Cash for this purpose. Duly seconded

ACTION: This motion did not carry.

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

ARTICLE 24 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money for the completion of the Town's CWMP, and to act fully thereon. By request of the Water Quality Task Force. Estimated cost: \$ 200,000

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$100,000 TO BE FUNDED FROM FREE CASH TO PROVIDE ON-GOING ENGINEERING TO RESTORE THE HEALTH OF TOWN ESTUARIES. VOTE: YES-6, NO-2

MOTION: (Larry Ballantine – Selectman) I move that this article be accepted and adopted and the sum of \$100,000 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 2012. Duly seconded

ACTION: The motion carried.

FUND SCHOOL BUILDING MAINTENANCE

ARTICLE 25 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: \$88,242.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that article be indefinitely postponed. Duly seconded

ACTION: This article was indefinitely postponed.

RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2011
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES

ARTICLE 26 To see if the Town will vote to reserve for future appropriations amounts from the FY 2012 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 recreation;
- 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 2010 Budgeted reserve; and to act fully thereon.

By request of the Community Preservation Committee.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that the Town transfer from FY 12 estimated revenue CPA Fund the sum of \$62,226 for the Historic Reserve Fund and \$137,226 for the Community Housing Reserve Fund.

Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: The motion carried unanimously.

PRESERVE AND RESTORE HISTORIC STAINED
GLASS WINDOWS AT THE FIRST CONGREGATIONAL CHURCH

ARTICLE 27 To see if the Town will vote to transfer from Community Preservation funds (Historic Reserve) a sum of money to provide a grant for the restoration, preservation, and replacement as necessary, using historically appropriate materials, of three historically and culturally significant stained glass windows in the First Congregational Church in Harwich Center, 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 Board of Trustees of The First Congregational Church. Estimated Cost: \$34,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-9, NO-0.

MOTION: (Edward McManus - Selectman) I move that this article be accepted and adopted and the sum of \$34,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, for this purpose and further to authorize the Board of Selectmen to enter into a grant agreement detailing the terms under which the funds may be expended and to authorize the Board of Selectmen to accept an historic preservation restriction on the property.

Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: The motion carries.

PRESERVE AND RESTORE HISTORIC HARWICH
OUTBUILDINGS: POWDER HOUSE AND outhouse

ARTICLE 28 To see if the Town will vote to transfer from Community Preservation funds (Historic Reserve) a sum of money to provide a grant for the restoration, preservation, and replacement as necessary, using historically appropriate materials, of two historically and architecturally significant outbuildings located on the grounds of the Brooks Academy: the Revolutionary War-era Powder house and the mid-1850s outhouse given to the Harwich Historical Society by the Crosby Monument Co., 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: \$10,000

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

MOTION: (Edward McManus - Selectman) I move that this article be accepted and adopted and the sum of \$10,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Harwich Historical Society for this purpose and further to authorize the Board of Selectmen to enter into a grant agreement detailing the terms under which

the funds may be expended and to authorize the Board of Selectmen to accept an historic preservation restriction on the property. Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: It was so voted.

PRESERVE AND RESTORE THE HISTORIC HARWICH PORT LIBRARY

ARTICLE 29 To see if the Town will vote to transfer from Community Preservation funds (Historic Reserve) a sum of money to provide a grant to Harwich Port Library for the restoration, of the building foundation, in order to preserve the building's physical integrity, of the historically and culturally significant 1920s-era Library, and preserve and replace as necessary the foundations' exterior brick , using historically appropriate materials, 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 Port Library Board of Trustees. Estimated Cost: \$22,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-1.

MOTION: (Edward McManus - Selectman) I move that this article be accepted and adopted and the sum of \$22,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Harwich Port Library Board of Trustees for this purpose and further to authorize the Board of Selectmen to enter into a grant agreement detailing the terms under which the funds may be expended and to authorize the Board of Selectmen to accept an historic preservation restriction on the property. Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: It is a vote.

PRESERVE AND RESTORE THE HISTORIC CHASE LIBRARY

ARTICLE 30 To see if the Town will vote to transfer from Community Preservation funds (Historic Reserve) a sum of money to provide a grant to Chase Library for the purchase and installation of certified historically storm windows, and the restoration, preservation, and replacement, as necessary of two small windows under the eaves, in order to preserve the building's physical integrity and the historical assets contained inside, of the historically and culturally significant Chase Library, 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 Chase Library Board of Trustees. Estimated Cost: \$9,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-8, NO-1.

MOTION: (Edward McManus - Selectman) I move that this article be accepted and adopted and the sum of \$9,000 be transferred from the Community Preservation Fund (Historic), undesignated fund balance, to the Chase Library Board of Trustees for this purpose and further to authorize the Board of Selectmen to enter into a grant agreement detailing the terms under which the funds may be expended and to authorize the Board of Selectmen to accept an historic preservation restriction on the property. Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: This motion carried.

FUND PURCHASE OF LAND FOR OPEN SPACE PURPOSES

ARTICLE 31 To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or take by eminent domain for open space purposes under the provisions of Massachusetts General Law (MGL), Ch. 40, §8C, land situated in the Town of Harwich, Massachusetts, consisting of 2.60 acres, more or less, together with a right of way over Island Pond Trail in Harwich, Massachusetts together with all rights and easements and subject to rights and easements of record, which is identified on Assessor's Map 49, Lot _____. The parcel is described in a deed recorded on _____ in Book _____, Page _____ and, further, to appropriate a sum of money from the Community Preservation Act Open Space Reserve and from the estimated annual revenues of the Community Preservation Fund Budgeted Reserve, or any other sum, for said acquisition, appraisals, and closing costs, including all expenses incidental and related thereto, receipts pursuant to the provisions of ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that any such funds so received shall be returned upon receipt to the Community Preservation Act Funds-Open Space Reserve; to authorize the Board of Selectmen to grant to the Trustees of the Harwich Conservation Trust, for no consideration, a perpetual Conservation Restriction, pursuant to the provisions of General Laws, ch.184, §31 through 33, allowing the aforementioned uses, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and 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: \$ _____

**THE FINANCE COMMITTEE MAKES NO RECOMMENDATION PENDING
FURTHER VOTE: YES-9, NO-0.**

MOTION: (Paul Widegren, Chairman – Real Estate and Open Space) I move that this article be accepted and adopted to acquire a parcel of land described as Assessors Map 49, parcel A-8, Book 7766, page 43 and the sum of \$360,000 be transferred from the CPC Fund, (Open Space), undesignated fund balance, for this purpose. Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

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

ACTION: This required a $\frac{2}{3}$ majority vote to pass, a standing count was taken YES 94 NO 69, the motion failed.

**MULTI-PURPOSE BIKING/PEDESTRIAN PATH BETWEEN
HARWICH CENTER AND HARWICH PORT – PHASE 1**

ARTICLE 32 To see if the Town will vote to transfer from Community Preservation funds (Budgeted Reserve) a sum of money to conduct a feasibility analysis of two potential biking and pedestrian path routes (Bank Street and Forest Street) between Harwich Center and Harwich Port. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Budgeted Reserve. This is Phase one of a predicted two-phase project. By request of the Community Preservation Committee, the Bikeways Committee, and the Planning Dept. Estimated Cost: \$23,000

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. VOTE: YES-8, NO-1**

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$23,000 be transferred from the CPC Fund, (Open Space/Recreation), undesignated fund balance, for this purpose.

Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: This motion carried, unanimously.

BROOKS PARK EXPANSION PLAN – PHASE I: DESIGN

ARTICLE 33 To see if the Town will vote to transfer from Community Preservation funds (Budgeted Reserve) a sum of money to fund the design and layout of increased recreational assets in the northeast portion of Brooks Park, and to act fully thereon. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds-Budgeted Reserve. This is Phase one of a predicted two-phase project. By request of the Community Preservation Committee, the Recreation and Youth Commission, and the Recreation Dept.
Estimated Cost: \$10,000

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. WE DID NOT HEAR FROM THE CPC BY THE PRINT DEADLINE. VOTE: YES-9, NO-0.

MOTION: (Edward McManus - Selectman) I move that this article be accepted and adopted and the sum of \$10,000 be transferred from the CPC Fund, (Open Space/Recreation), undesignated fund balance, for this purpose. Duly seconded

: This is just a reminder that, based on the research of town records, this appropriation cannot be spent until the legislature amends the CPA to allow CPA funds to be expended for recreational facilities on land that was not acquired with CPA funds.

Jack Brown, Chairman – Community Preservation Committee gave the report of the committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: The motion carried

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

ARTICLE 34 To see if the Town will vote to transfer from Community Preservation funds (Administration) a sum of money for administrative costs, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$25,000

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and the sum of \$25,000 be transferred from the C PC undesignated fund balance, for this purpose. Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 6 January, 2011, the CPC voted in favor of recommending the below ATM articles #26 through #34.

ACTION: It was a unanimous vote, so declared.

FUND BUILDING MAINTENANCE MANAGER POSITION

ARTICLE 35 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund the hiring of a Building Maintenance Manager; 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 2012 by the provisions of General Laws, Chapter 59, Section 21C (Proposition 2 ½), and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$82,499.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$82,499 TO BE FUNDED FROM THE TAX LEVY TO CONSOLIDATE AND PROTECT THE TOWN ASSETS. VOTE: YES-6, NO-3.

MOTION: (Linda Cebula – Selectman) I move that this article be accepted and adopted and the sum of \$82,499 be raised and appropriated for this purpose; but this vote shall not take effect until the Town, at a regular, or special election, votes pursuant to General Law Chapter 59, Section 21C (g), to exempt the amounts herein appropriated from the limitations imposed upon the total amount of taxes to be raised for FY 2012 by the provisions of General Law, Chapter 59, Section 21C, Proposition 21/2 so called, for this purpose. Duly seconded

ACTION: The motion carried.

At 11:10pm on Monday May 2, 2011 a motion was made and seconded to adjourn until Tuesday, May 3, 2011 at 7:00pm.

On Tuesday, May 3, 2011, 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 319 registered voters in attendance, and the Annual Town Meeting was opened and began with:

TOWN HALL PARKING LOT SAFETY IMPROVEMENTS

ARTICLE 36 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sufficient sum of money to make safety improvements to the parking lot at Town Hall, and to act fully thereon. By request of the Board of Selectmen.
Estimated Cost: \$ _____.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-7, NO-1.

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

ACTION: The article is indefinitely postponed.

FUND REPAIRS FOR BROOKS LIBRARY HVAC SYSTEM

ARTICLE 37 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund repairs for the HVAC system for the Brooks Free Library and to act fully thereon. By request of the Brooks Free Library Board of Trustees.
Estimated Cost: \$6,100

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THE LIBRARY CONFIRMS AN ALTERNATE SOURCE OF FUNDING WAS OBTAINED VOTE: YES-8, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND REPAIR OF LIGHTING SYSTEM FOR BROOKS FREE LIBRARY

ARTICLE 38 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund repairs for the lighting system for the Brooks Free Library and to act fully thereon. By request of the Brooks Free Library Board of Trustees. Estimated Cost: \$_____

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED FROM AVAILABLE FUNDS. THESE REPAIRS AND IMPROVEMENTS ARE NEEDED TO MAKE THE LIBRARY MORE EFFICIENT AND USER FRIENDLY. VOTE: YES-8, NO-1.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$60,000 be transferred from Free Cash for this purpose Duly seconded

ACTION: It is a vote.

FUND MODIFICATION OF PARKING LOTS AND ADDITION OF PARKING LOT LIGHTING AT BROOKS FREE LIBRARY

ARTICLE 39 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund modification of the parking lots and addition of parking lot lighting at the Brooks Free Library and to act fully thereon. By request of the Brooks Free Library Board of Trustees. Estimated Cost: \$_____

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-2.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$29,000 be transferred from Free Cash for this purpose Duly seconded

ACTION: It is a vote.

FUND DIAGNOSTIC FEASIBILITY STUDY OF HINCKLEY/SEYMOUR PONDS

ARTICLE 40 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 and Seymour ponds and to authorize the Selectmen to enter into an inter-municipal agreement with the Town of Brewster to share the cost of such study and to act fully thereon. By request of the Water Quality Task Force. Estimated cost: \$ 30,000.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$30,000 be transferred from Free Cash for this purpose

Duly seconded

ACTION: It was a unanimous vote, so declared.

HOME RULE CHARTER AMENDMENTS – REGIONAL SCHOOL DISTRICT

ARTICLE 41 To see if the Town will vote to request special legislation to amend the Charter of the Town of Harwich to address the composition and election of the Chatham and Harwich Regional School District Committee and address related matters, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; and to act fully thereon.

An Act Relative to the Charter of the Town of Harwich and the Election of Members of the Chatham and Harwich Regional School District Committee

Section 1. Notwithstanding the provisions of chapter 43B of the general laws, or of any other general or special law to the contrary, the Charter of the town of Harwich is hereby amended by deleting in section 6-1-1 the words:- a school committee. Said section is further amended by inserting in place thereof the following:- 6-1-1 Four members of the Chatham and Harwich Regional School District Committee shall be elected for such terms, and in such manner, as is provided in the Regional School District Agreement. Such Committee shall have the powers and duties as set forth therein and under applicable general laws.

Section 2. Notwithstanding the provisions of section 1 of this act, the town of Harwich shall elect at the 2011 annual town election, two members of the Chatham and Harwich Regional School District Committee for three-year terms, one member for a two-year term, and one member for a one-year term, which members shall have such authority as set forth in the Chatham and Harwich Regional School District Agreement. The town of Harwich shall elect at the 2012 Annual Town Election one member of the Chatham and Harwich Regional School District Committee for a three-year term.

Section 3. On July 1, 2012, the school committee of the town of Harwich, created by sections 6-1-1 and 6-5-1 through 6-5-3 of the Charter of the town of Harwich, shall be abolished and the terms of the elected incumbents shall thereupon be terminated.

Section 4. Section 1 of this act shall take effect on July 1, 2012.

Section 5. The remainder of this act shall take effect upon passage, and, should this act be enacted subsequent to the 2011 annual town election in the town of Harwich, the election of such regional school district committee members as is authorized herein, and all actions taken as a result thereof, shall be ratified, validated and confirmed as if this act was in effect prior thereto.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that the Town request special legislation to amend the Charter of the Town of Harwich as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to the Charter of the Town of Harwich and the Election of Members of the Monomoy Regional School District Committee

Section 1. Notwithstanding the provisions of chapter 43B of the general laws, or of any other general or special law to the contrary, the charter of the town of Harwich is hereby amended by deleting in section 6-1-1 the words "a school committee" and inserting in place thereof the words:- members of the Monomoy Regional School District Committee. Said charter is hereby further amended by deleting Section 6-5-1 through Section 6-5-3 and inserting in place thereof the following: - 6-5-1 Four members of the Monomoy Regional School District Committee shall be elected for such terms, and in such manner, as is provided in the regional school district agreement. Such committee shall have the powers and duties as set forth therein and under applicable general laws.

Section 2. Notwithstanding the provisions of section 1 of this act, the town of Harwich shall elect at the 2011 annual town election, two members of the Monomoy Regional School District Committee for three-year terms, one member for a two-year term, and one member for a one-year term, which members shall have such authority as set forth in the Monomoy Regional School District agreement. The town of Harwich shall elect at the 2012 annual town election one member of said Monomoy Regional School District Committee for a three-year term. At said 2012 annual town election, the office of local school committee member of the town of Harwich shall not appear on the ballot, and any incumbents holding the office of local school committee member shall serve until July 1, 2012 or their earlier resignation from office.

Section 3. On July 1, 2012, the school committee of the town of Harwich, created by sections 6-1-1 and 6-5-1 through 6-5-3 of the

Charter of the town of Harwich, shall be abolished and the terms of the elected incumbents shall thereupon be terminated.

Section 4. Section 1 of this act shall take effect on July 1, 2012.

Section 5. The remainder of this act shall take effect upon passage, and, should this act be enacted subsequent to the 2011 annual town election in the town of Harwich, the election of such regional school district committee members as is authorized herein, and all actions taken as a result thereof, shall be ratified, validated and confirmed as if this act was in effect prior thereto. Duly seconded

ACTION: It was a unanimous vote, so declared.

DEMOLITION DELAY - PROPOSED BY-LAW CHANGE

ARTICLE 42 To see if the Town will vote to amend the General By-Law Chapter 131, Historic Preservation, Article II, Historically Significant Buildings, by amending §131-11, Determination of Significance; demolition delay as follows:

Delete the phrase “up to one hundred and eighty (180) days” and replacing it with the phrase “up to two years (2 years)” and modify the sentence by adding “and the ability to reduce or rescind the delay period if such alternatives are considered not feasible”

If after hearing the Commission determines that the building in question is historically significant and the proposed work would destroy or substantially diminish its historic value, it is empowered to impose a demolition delay of up to two (2) years from the date of said determination and may schedule additional hearings during any such delay period to allow development of alternatives to demolition and the ability to reduce or rescind the delay period if such alternatives are considered not feasible, and to act fully thereon. By request of the Historic District and Historical Commission.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. INCREASING THE TIME FROM 180 DAYS TO 2 YEARS IS UNREASONABLE AND DETRIMENTAL TO BUSINESS DEVELOPMENT. VOTE: YES-9, NO-0.

MOTION: (Angelo LaMantia, Chairman-Board of Selectmen) I move that this article be accepted and adopted as printed by changing “up to two years” to “up to one year”.

Duly seconded

ACTION: This motioned needed a simply majority to pass, the motion carried.

AMEND SECOND-HAND DEALERS AND COLLECTORS BY-LAW

ARTICLE 43 To see if the Town will vote to amend the Town By-Laws, Sections 164-1, entitled Second Hand Dealers and Collectors, by striking the current sections in their entirety and inserting the following:

1. If an individual, business, or company is in the business of buying:
 - a. Precious metals, including Gold, Silver, Copper, Platinum, or other metals valued for their character, rarity, beauty or quality,
 - b. Precious gems, including Diamonds, Rubies, Emeralds, Sapphires, Pearls or other precious stones valued for their character, rarity, beauty or quality,
 - c. Watches and jewelry, including rings, necklaces, pendants, earrings, brooches, chains and pocket watches, and coins,
 - d. Sterling Silver flatware, including knives, forks, spoons, candlesticks, coffee and tea sets and ornamental objects,
 - e. Electronic Equipment, including TV's, DVD players, VCR's computers, cell phones, video games, audio, video and photographic equipment,

the individual, business, or company must have a valid Second Hand Dealer and Collector License (Junk Dealer's License) issued by the licensing authority of the Town of Harwich in addition to any license or permit required by the Commonwealth of Massachusetts if any.

2. All Second Hand Dealers and Collectors shall keep detailed records of their purchases of the above listed items, including identification of the seller, and these records will be maintained on the licensed premises and will be made available for inspection by the Police Chief or his designee during regular business hours or at such other times as may be mutually agreed upon.
3. The Second Hand Dealer or Collector shall hold all items regulated by this by-law for seven days from the date of purchase.
4. If the Police Department has probable cause to believe that any items purchased by the Second Hand Dealer or Collector are stolen, the items will be confiscated by the Police Department. A receipt will be issued for the items confiscated.
5. Transient metals dealers/buyers must obtain a Second Hand Dealer and Collectors License in compliance with Section 1 of this By-law and register with the Harwich Police Department at least 14 days prior to any event soliciting the purchase within the Town of Harwich of any of the items outlined in this by-law.
 - a. This shall include, but not be limited to, home parties, hotel/motel venues and any other similar event.
 - b. All such purchases shall be subject to the same rules as Licensed Second Hand Dealers and Collectors (Junk Dealers) with the additional requirement that itemized documentation of all purchased items shall be submitted to the Harwich Police Department within 24 hours after the conclusion of the event.
 - c. Transient metals dealers/buyers are defined as any individual, business, or company that does not have a permanent facility within the Town of Harwich where purchase and sales records are held and available for inspection by the Harwich Police Department in compliance with this By-law.

6. Any violation of this by-law may be prosecuted as a criminal matter or in an administrative procedure. Whoever violates the provisions of this by-law shall be fined not more than \$300. The Licensing Authority may suspend or revoke any license issued by them whenever they have reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to this license.

and to act fully thereon. By request of the Chief of Police.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THE FIRST AND ORIGINAL ARTICLE RELATIVE TO THIS BY-LAW WAS BROUGHT FORTH BY OUR POLICE DEPARTMENT FOR THE 2010 ANNUAL TOWN MEETING. THAT BY-LAW WAS ACCEPTED AND ADOPTED. THERE WERE SOME PRACTICAL ENFORCEMENT APPLICATIONS THAT BECAME EVIDENT DURING THE BALANCE OF 2010. THEREFORE, THE MERCHANTS / DEALERS/COLLECTORS AND THE POLICE DEPARTMENT HAVE BEEN ABLE TO RESOLVE THE ISSUES SURROUNDING THE ORIGINAL BY-LAW AND HAVE BROUGHT FORTH THIS AMENDED BY-LAW. VOTE: YES-9, NO-0.

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

ACTION: It was a unanimous vote, so declared.

CREATE A COMMUNITY CENTER REVOLVING ACCOUNT

ARTICLE 44 To see if the Town will vote to establish a revolving account pursuant to M.G.L. ch.44, § 53 E ½ , for the purpose of funding the Community Center weight room with monies generated from fees for weight room use, expenditures approved by the Community Center Director in an amount not to exceed \$70,000; and to act fully thereon. By request of the Community Center Facilities Committee.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted as printed except an amount not to exceed \$70,000 be changed to an amount not to exceed \$20,000. Duly seconded

ACTION: It is a vote.

ANNUAL AUTHORIZATION FOR THE GOLF REVOLVING FUND

ARTICLE 45 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 WAS SUBMITTED IN ERROR. VOTE: YES-8, NO-0.

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

ACTION: The article is indefinitely postponed.

CREATE NEW GOLF REVOLVING FUND

ARTICLE 46 To see if the Town will vote to establish a new revolving fund to be known as the “Golf Improvement Fund” at Cranberry Valley Golf Course pursuant to the provisions of Mass General Laws Chapter 44, § 53E ½ and to act fully thereon. By request of the Golf Committee and the Golf Director.

This fund will be financed by a new revenue stream of a “member resident” and “non resident member” assessment in the amount of \$30. The assessment will be subtracted from their respective membership fee.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. ALL REVENUES SHOULD BE CREDITED AGAINST OPERATING COST AND AS EXPRESSED BY GOLF COMMITTEE, REVENUES WILL BE REDUCED, NOT INCREASED. VOTE: YES-9, NO-0.

MOTION: (Clem Smith, Golf Committee) I move that this article be referred back to the Board of Selectmen for further study. Duly seconded

ACTION: It was a unanimous vote, so declared.

ANNUAL AUTHORIZATION - RECREATION AND YOUTH REVOLVING FUND

ARTICLE 47 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 act fully thereon. By request of the Recreation and Youth Commission.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: It is a vote.

ANNUAL AUTHORIZATION FOR THE COUNCIL ON AGING REVOLVING FUND

ARTICLE 48 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.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: It is a vote.

AMEND THE PERSONNEL BY-LAW

ARTICLE 49 To see if the Town will vote to amend the Personnel by-Law, last amended in May 2010, by amending paragraph (b) in PART 8 VACATIONS to read:

(b) **Effective 7/1/10 and** thereafter, employees shall be granted vacation leave with full pay on July 1 of each year with an employee's first partial year of service before July 1 being considered a full year of service as follows:

- One (1) year – Eleven (11) working days.
- Two (2) years – Twelve (12) working days.
- Three (3) years – Thirteen (13) working days.
- Four (4) years – Fourteen (14) working days.
- **Five (5) years but less than ten (10) years – Seventeen (17) working days.**
- **Ten (10) years but less than eighteen (18) years – Twenty-two (22) working days.**
- Eighteen (18) years – Twenty-three (23) working days
- Nineteen (19) years – Twenty-four (24) working days
- **Twenty (20) years but less than Twenty-five (25) years – Twenty-Five (25) working days.**
- **Twenty-Five (25) years but less than Thirty (30) years – One (1) additional vacation day for each year of service.**

and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$0.

The Personnel By-Law covers six employees of the Town, who due to the supervisory or confidential nature of their positions are not represented by any employee bargaining unit.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: The motion carried.

FUND NEGOTIATED CONTRACT – FIRE FIGHTERS

ARTICLE 50 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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION DUE TO THE FACT THAT NEGOTIATIONS ARE ON-GOING. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – WATER DEPARTMENT

ARTICLE 51 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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – HIGHWAYS & MAINTENANCE

ARTICLE 52 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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – HARWICH EMPLOYEES ASSOCIATION

ARTICLE 53 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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – POLICE FEDERATION

ARTICLE 54 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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NEGOTIATED CONTRACT – SUPERIOR OFFICERS

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 2012 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.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

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

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 2012 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: \$_____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND NON-UNION COMPENSATION PLAN

ARTICLE 57 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to the FY 2012 Town budget to amend the Personnel By-law Compensation Plan for FY 2012 and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

FUND CONTRACT EMPLOYEE'S COMPENSATION SCHEDULE

ARTICLE 58 To see if the Town will vote to raise and appropriated or transfer from available funds a sufficient sum of money to be added to the FY 2012 Town budget to amend the Contract Employee's compensation schedule, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$_____.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

SALE OF LAND – 172/178 QUEEN ANNE ROAD

ARTICLE 59 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

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: This article required a 2/3 majority vote to pass, this motion did not carry.

MID CAPE HIGHWAY-ROUTE 6



MEMORIAL TREE AND LANDSCAPING FUND FOR EVERGREEN CEMETERY

ARTICLE 60 To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) 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. Estimated cost: \$10,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-2.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$10,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

AUTHORIZE SOUTH HARWICH CEMETERY LAND SWAP

ARTICLE 61 To see if the Town will instruct the Board of Selectmen and the Cemetery Commissioners and authorize a swap of comparable portions of abutting land parcels each totaling .09 acres (4123 sq ft) adjacent to and within the South Harwich Cemetery property on Chatham Road, South Harwich (Parcel N2-5 on Assessor's Map 34) and to instruct said Board and Commission to take all steps necessary to effectuate such swap in accordance with the terms as outlined in plot plan titled "Plan of Land in South Harwich, Massachusetts" and prepared by the Town Engineer, dated January 2, 2011 involving lands adjacent to and within the property of Richard N. Roy of 8 Mohawk Lane, South Harwich (Parcel S4-2 on Assessor's Map 34), and further that any and all cost, including landscaping, associated with removal and realignment of the Commission's existing boundary line granite posts and accompanying rails, as well as the costs of any additional posts and rails that may result from reconfigured property line, will be the sole responsibility of the abutter and not the Town or the Commission, and to act fully thereon. By request of the Cemetery Commission.

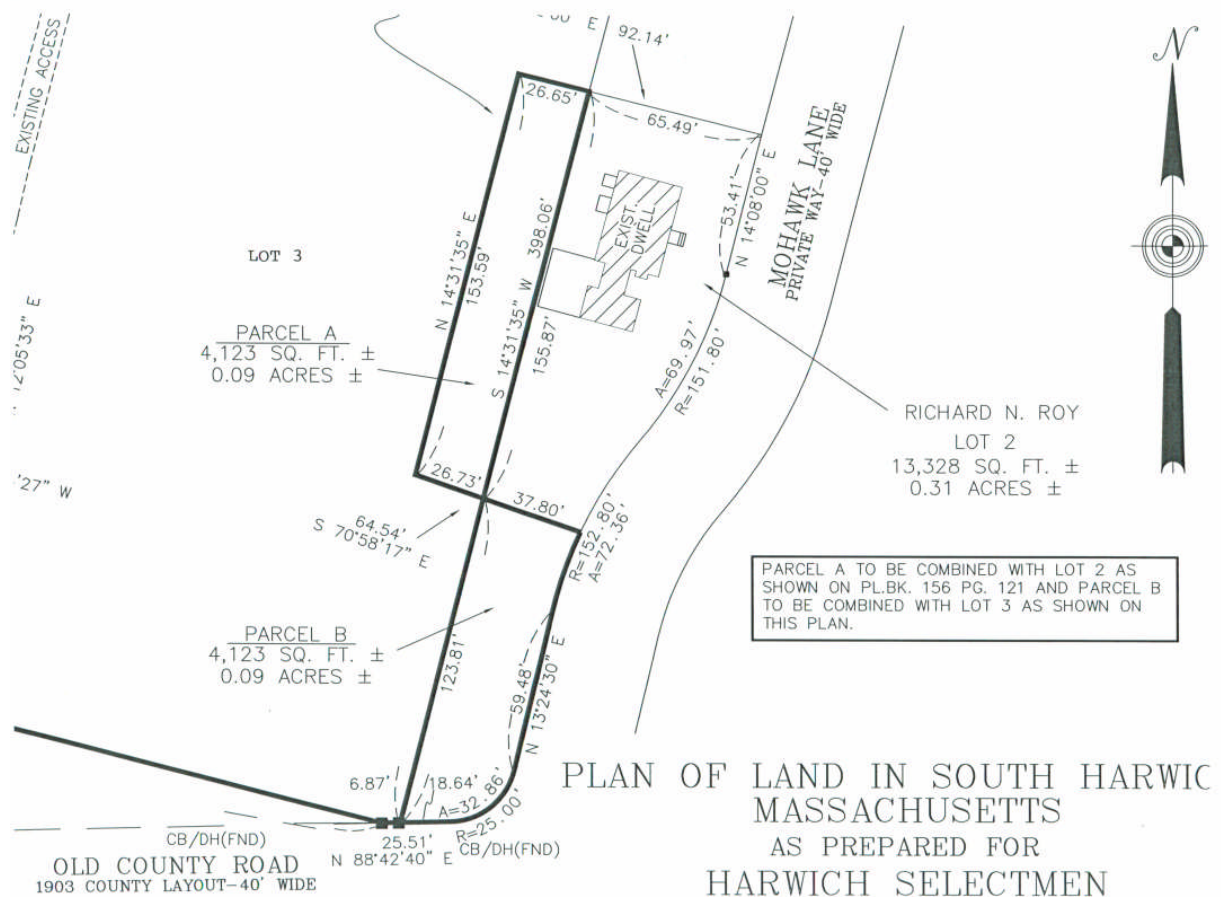
THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. A LAND SWAP WILL ENHANCE THE SOUTH HARWICH CEMETERY. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted.

Duly seconded

ACTION: This article required a 2/3 majority vote to pass, it did receive the necessary 2/3 vote, the article passed.

Article 61 - South Harwich Land Swap



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 3, 2011**

BARNSTABLE, SS:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Tuesday, May 3, 2011 at 8:00 P.M., then and there to act on the following articles:

Given under our hands this 28th day of March, 2011

s/ Angelo S. La Mantia Chairman

s/Larry G. Ballantine, Vice Chairman

s/Linda A. Cebula, Clerk

s/Edward J. McManus

s/Robin D. Wilkins

BOARD OF SELECTMEN

A true copy Attest:

s/Gerald Beltis

Constable

April 13, 2011

By virtue of the Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet in the Community Center, 100 Oak Street in said Town on Tuesday, the 3rd day of May, 2011 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office Buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

s/ Gerald Beltis

Constable

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:

**HOME RULE PETITION - EXPANSION OF ROOM
OCCUPANCY TAX TO SEASONAL VACATION RENTALS**

ARTICLE 1 To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of

Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, and to act fully thereon:

AN ACT APPROVING THE APPLICATION BY THE TOWN OF HARWICH
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF HARWICH

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the town of Harwich shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said town by any operator at the rate of up to but not exceeding six (6) percent of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G section 1 of the Massachusetts General Laws and as follows:

“Occupancy”, the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting reporting and paying such local excise tax as set forth in

Chapter 64G sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manners as operators in Chapter 64G section 7B of the Massachusetts General Laws.

Section 5. This act shall take effect upon its passage.
By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THE FINANCE COMMITTEE IS IN OPPOSITION TO ANY NEW TAXES. THERE ARE NO PROVISIONS TO ADMINISTER AND ENFORCE TAXES ON SEASONAL RENTALS. VOTE: YES-6, NO-2, ABSTAIN-1.

MOTION: (Linda Cebula, Selectman) I move that this article be accepted and adopted.
Duly seconded

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

ACTION: This motion did not carry.

ACCEPT PROVISIONS OF M.G.L. CH. 64L, §3A – LOCAL ROOM EXCISE

ARTICLE 2. 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 FINANCE COMMITTEE IS IN OPPOSITION TO ANY ADDITIONAL TAXES. ADDITIONAL TAX REVENUES SHOULD BE SET ASIDE FOR SPECIFIC PURPOSES SUCH AS WASTE WATER AND/OR UNFUNDED EMPLOYEE LIABILITIES. IF THE REVENUE FLOWS TO THE GENERAL FUND IT WILL BE SPENT. VOTE: YES-7, NO-2.

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

ACTION: The article is indefinitely postponed.

REPLENISH POLICE AND FIRE TRUST FUND ACCOUNT

ARTICLE 3 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to the Police and Fire Claims Trust Fund Account for Fiscal Year 2012 and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$10,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$10,000 be transferred from Free Cash for this purpose.
Duly seconded

ACTION: It is a vote.

SNOW AND ICE DEFICIT

ARTICLE 4 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the Fiscal Year 2011 Highway Department Snow and Ice Account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$____

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$37,284 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

FUND EQUITY ADJUSTMENTS WITHIN HARWICH EMPLOYEE ASSOCIATION
BARGAINING UNIT

ARTICLE 5 To see if the Town will vote to raise and appropriate for Fiscal Year 2012 or transfer from available funds a sufficient sum of money to make equity adjustments within the Harwich Employee Association's bargaining unit and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$55,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$55,000 be raised and appropriated for this purpose.

Duly seconded

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

ACTION: It is a vote.

FUND SAQUATUCKET HARBOR ENGINEERING STUDY

ARTICLE 6 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to retain a marine engineering firm to design a new harbor layout for Saquatucket Harbor, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$50,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THERE IS NO SCOPE OF WORK AND ASSOCIATED COST ESTIMATE TO SUPPORT THIS ARTICLE. THE TAXPAYERS NEED TO KNOW WHAT THEY ARE PAYING FOR. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$50,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

FUND COST OF APPRAISALS AND EASMENTS FOR ROUTE 137 PROJECT
ARTICLE 7 To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to defray any associated cost of appraisals and right of way expenses connected with the Brewster-Chatham Road (Route 137) Safety Improvement Project and to authorize the Board of Selectmen to acquire the following parcels of land and or rights in land for the purpose of obtaining a secure and public right of way.

	<u>Total # Parcels</u>	<u>Area</u>
<u>Permanent Easements</u>	12	6,664 +/- s.f.
<u>Temporary Easements</u>	110	121,178 +/- s.f.

Estimated cost: \$ 20,000

Further that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels by eminent domain, purchase or otherwise. The subject parcels are currently identified on plans prepared by Vanasse Hangen Brustlin, Inc. dated: May 10, 2010 and entitled:

“MASSACHUSETTS DEPARTMENT OF TRANSPORTATION – HIGHWAY DIVISION – TRANSPORTATION IMPROVEMENT PROJECT – BREWSTER-CHATHAM ROAD (ROUTE 137) IN THE TOWN OF HARWICH BARNSTABLE COUNTY.”

and to act fully thereon. By request of the DPW Director.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$20,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It was unanimous vote, so declared.

CRANBERRY VALLEY GOLF COURSE SEPTIC SYSTEM

ARTICLE 8 To see if the Town will vote to raise and appropriate, borrow or transfer a sum of money to fund an upgrade / expansion of the Cranberry Valley Golf Course septic system. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (proposition 21/2) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon.. By request of the Board of Selectmen. Estimated cost: \$200,000

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move to accept and adopt to appropriate \$200,000 to upgrade and expand the Cranberry Valley Golf Course septic system and all costs incidental and related thereto; that to meet this appropriation, the Treasurer with the

approval of the Board of Selectmen, is authorized to borrow \$200,000 under Chapter 44 of the General Laws or any other enabling authority; and the Board of Selectmen is authorized to expend all funds available for the project and take any other action necessary to carry out the project; however, that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by M.G.L. c.59 Sec 21C (Proposition 2 ½) amounts required to pay the principal of and the interest on any borrowing authorized by this vote.

Duly seconded

A motion was made and seconded to terminate debate; it is a non-debatable motion and required a ¾ majority vote to pass. A standing count was taken YES 163 NO 10. The motion carried
ACTION: It is a borrowing and required a 2/3 majority vote to pass, a standing count was taken YES 154 NO 18, the motion carried.

ACQUISITION OF TAX TITLE PROPERTIES

ARTICLE 9. To see if the Town will vote to transfer from Community Preservation Act funds (undesignated fund balance) a sum of money to be administered by the Town Administrator to pay for professional / legal services related to the potential acquisition of specific parcels of land that are in tax title or owners unknown which would qualify for CPA funding, i.e., affordable housing, historic preservation, conservation or recreation, and that the Community Preservation Committee makes a finding that the specific parcels qualify for a CPA purpose and to act fully thereon. In the event that the acquisition does not occur, the CPA funds expended will be reimbursed to the CPA Undesignated Fund Account. By recommendation of the Community Preservation Committee, the Finance Director, Town Planner and the Town Administrator.
Estimated cost: \$50,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED IN THE AMOUNT OF \$50,000 FROM COMMUNITY PRESERVATION FUNDS. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted as printed and the sum of \$50,000 be transferred from CPC undesignated fund balance for this purpose provided that any parcels of land acquired through the tax title process as a result of this vote shall at a future town meeting be dedicated to an approved CPA use.

Duly seconded

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

CPC Votes on Recommended May, 2011 CPA Articles:

At a Meeting held on 14 April, 2011, the CPC voted in favor of recommending the below STM Article #9.

ACTION: It is a vote.

LEASE AND/OR PURCHASE AND EQUIP POLICE CRUISERS

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to lease and/or purchase and equip three (3) new Police cruisers, and to further authorize trade-in of three (3) vehicles toward the purchase price where the Board

of Selectmen find they cannot be utilized elsewhere in the Town, and to act fully thereon. By request of the Police Chief. Estimated cost: \$114,705.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS IS A CUSTOMARY ANNUAL ARTICLE THAT ALLOWS THE TOWN TO REPLACE THE POLICE DEPARTMENT'S OLDEST AND HIGHEST MILEAGE POLICE CRUISERS. THIS PARTICULAR ARTICLE AUTHORIZES THE PURCHASE OF THREE (3) NEW POLICE CRUISERS AND EQUIP WITH THE NECESSARY LIGHTS AND ELECTRONICS FOR FULL OPERATION WITHIN THE ROADWAYS OF THE TOWN. THE ARTICLE ALSO ALLOWS THE TOWN TO EITHER TRADE-IN THREE (3) PRESENT POLICE CRUISERS AND/OR PLACE THEM INTO OTHER MINIMAL SERVICE WITH ANOTHER TOWN DEPARTMENT. VOTE: YES-8, NO-1.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$114,705 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

LEASE OR PURCHASE NEW PUBLIC SAFETY EQUIPMENT

ARTICLE 11 To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to purchase the following public safety equipment, and to act fully thereon:

Requested by the Police Department
Electronic Tasers (8) and related equipment

Estimated Cost
\$13,997

By request of the Chief of Police

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ARTICLE WOULD AUTHORIZE THE CHIEF OF POLICE TO PURCHASE PUBLIC SAFETY EQUIPMENT (8 TASER GUNS WITH MINIATURE ACTIVATED CAMERAS) TO BE INSTALLED WITHIN EACH POLICE CRUISER. HAVING THIS ADDITIONAL PIECE OF EQUIPMENT WITHIN EACH POLICE CRUISER WOULD ALLOW POLICE OFFICERS THE ABILITY TO DEPLOY THE USE NON-LETHAL FORCE IF AND WHEN IT BECAME NECESSARY. THE ARTICLE HAS BEEN AMENDED TO INCLUDE THE COSTS OF INSTALLING MINIATURE ACTIVATED CAMERAS WITH A TOTAL COST OF THE ARTICLE BEING \$15,600. VOTE: YES-8, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: The article is indefinitely postponed.

WIRELESS LEASE AGREEMENTS FOR LOTHROP AND ROUTE 39 WATER STORAGE TANK FACILITIES

ARTICLE 12 To see if the Town will vote to transfer from the Board of Water Commissioners the following described parcels, which are currently held for the purpose of constructing and

maintaining water tanks and related purposes, to the Board of Water Commissioners to be held for the additional purposes of leasing and granting access and utility easements, and also to authorize the Board of Water Commissioners to enter into a lease agreements for up to twenty years (20) with wireless (cellular) providers on said parcels on such terms and conditions as the Board of Water Commissioners deems appropriate, and further to authorize the Board of Water Commissions to grant such access and utility easements as may be necessary or convenient to serve the equipment installed on said parcels by said wireless (cellular) providers, said parcels being the Lothrop Storage Tank Facility property (shown on Assessors Map 38 as Parcel M5-1) and the Route 39 Storage Tank Facility property (shown on Assessors Map 62 as Parcel W3), and to act fully thereon. Requested by the Board of Water Commissioners and Superintendent

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

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

GRANT UTILITY EASEMENTS ON PLEASANT LAKE WATER STORAGE FACILITY
ARTICLE 13 To see if the Town will vote to authorize the Board of Water Commissioners to grant and convey access and utility easements on the Pleasant Lake Water Storage Facility property, which property is shown on (Assessors Map 92 as Parcel 21) for the purpose of serving the telecommunications equipment located on said property pursuant to the lease previously authorized under Article 69 of May 5, 2007, Town Meeting, which easements shall be on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Water Commissioners deems appropriate; And to act fully thereon. By request of the Board of Water Commissioners and Superintendent.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ARTICLE TO ALLOWS THE BOARD OF WATER COMMISSIONERS TO SET TERMS AND CONDITIONS AND GRANT AND CONVEY UTILITY EASEMENTS ON THE PLEASANT LAKE WATER STORAGE FACILITY. THE EASEMENTS WILL BE ON APPROPRIATE TERMS AND CONDITIONS SET BY THE BOARD. VOTE: YES-9, NO-0.

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

ACTION: It was a unanimous vote, so declared.

FUND REPAIRS TO ROUTE 39 WATER STORAGE TANK
ARTICLE 14 To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a supplemental 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: \$450,000.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and the supplemental sum of \$450,000 is hereby appropriated to pay costs of constructing and refurbishing to include painting the interior and exterior of the Route 39 Water Tank 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.

Duly seconded

ACTION: It was a unanimous vote, so declared.

STABILIZATION FUND

ARTICLE 15. To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sum of money to be added to the Stabilization Fund and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$ 100,000.

THE FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$75,000 be transferred from Free Cash for this purpose.

Duly seconded

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

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

ARTICLE 16 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 THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$2,500 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a 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 actions 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 Portuguese Men's Club. Estimated turnback: \$100,000

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

Jack Brown, Chairman – Community Preservation Committee gave the report of the Committee as follows:

C PC Votes on Recommended May, 2011 CPA Articles:

At a meeting held on 10 February, 2011 the CPC voted in favor of recommending the below STM Article #17 to the Town Meeting for adoption.

ACTION: The motion carried.

ALLEN AND SAQUATUCKET HARBOR PARKING LOT LEASE

ARTICLE 18 To see if the Town will vote to authorize the Selectmen to lease a portion of the Saquatucket Harbor Parking Lot in Harwich Port for two (2) years for use during the off-season for boat storage purposes, and the Allen Harbor Parking Lot in Harwich Port for the third consecutive season for boat storage purposes. Said lease to be for a term of up to three (3) years, and on such other terms and conditions as the Selectmen deem appropriate; and to act fully thereon. By request of the Board of Selectmen and Harbormaster.

Explanation: Because the Allen Harbor Basin is proposed to be dredged from 2011-2013, the entire parking lot surface that is normally used for boat storage at the Town Landing (a bid that has been won by Allen Harbor Marine Services) will no longer be available for two winters. In order to satisfy the needs for outside storage of boats (which cannot be taken over the road due to height restrictions, etc.) of this boat yard we need to accommodate them at our only other facility which is the Saquatucket marina parking lot. The lease runs from November 1st – May 15th annually.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted as printed. Duly seconded

ACTION: It was a unanimous vote, so declared.

HOME RULE CHARTER AMENDMENTS- CHAPTER 9 FINANCIAL PROVISIONS,
SECTION 6 CAPITAL OUTLAY PLAN

ARTICLE 19 To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court to amend the Harwich Town Charter Chapter 9, Financial Provisions, Capital Outlay Plan as set forth in Chapter 18 of the Acts of 2006 as set forth

below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, and to act fully thereon:

An Act Relative to the Charter of the Town of Harwich

Section 1: Chapter 9 of the Charter of the Town of Harwich is hereby deleted and replaced with the following:

9.6.1 The purpose of the seven (7) year capital outlay plan is to provide the Town with a long-range forecast of the Town's capital improvement needs, and to attempt to keep debt borrowing levels as even as possible from year to year.

9.6.2 A capital outlay shall be defined as the acquisition, construction, or renovation of buildings, equipment or land having a total cost of \$50,000 during any budget year and/or planning funds for any such capital outlays.

9.6.3 The Town Administrator and the Capital Outlay Committee shall submit a 7-year capital outlay plan to joint public meeting of the Board of Selectmen and the Finance Committee during the month of December of each year.

9.6.4 The Board of Selectmen shall prepare articles to be included in the May annual town meeting warrant, seeking adoption of the seven (7) year capital outlay plan, funding of the current year of the plan.

9.6.5 A simple majority vote of the town meeting shall be required to adopt the 7-year capital outlay plan as submitted.

9.6.6 If any part of the current year of the plan receives funding support at the annual town meeting, but fails at any necessary debt exclusion, capital exclusion or proposition 2 ½ override ballot votes, the unsupported portion shall be returned to the 7-year capital plan in year 1 of the next 7-year plan.

9-6-7 Any article included in the annual or special town meeting which requests a capital outlay as defined in section 9-6-2 above, but which has not been recommended by the Capital Outlay Committee, Board of Selectmen and the Finance Committee shall require a two-thirds majority vote of the town meeting.

Section 2. This act shall take effect on passage.

By request of the Board of Selectmen and Capital Outlay Committee

Explanation: *At this Town Meeting we are focused on Budget Year 2012, which is in fact Year #1 of the 7 Year Capital Outlay Plan. Thus, the 7 Year Plan concentrates on costs \$50,000 or greater to be incurred from 2012-2018. This Article #7 also allows any changes in cost requests*

to be included in the 7 Year Capital Outlay Plan as a single document and not as in the past where a separate document was produced to show changes from "old" Plan versions, thus, the need for a second confusing document. This May 2011 Warrant includes the "outgoing" version of The Plan presentation.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: The article passed.

AMEND TOWN BY-LAWS – ANTI-NOISE REGULATIONS

ARTICLE 20 To see if the Town will vote to amend the By-laws for the Town of Harwich, Chapter 189, section 189-1 and 189-2, entitled Noise, by striking these sections in their entirety and inserting the following:

§189-1

- A. It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle or premises, which is plainly audible at a distance of one hundred and fifty (150) feet from any such building, boat, structure, vehicle or premises. The fact that the noise is plainly audible at a distance of one hundred fifty (150) feet from the building, structure, vehicle, boat or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this shall be, first, issued a written warning. If such warning is ignored, the violator shall be subject to a fine of one hundred and fifty dollars (\$150.00) for each offense. Each such act, which constitutes a violation of this section, which either continues or is reported more than thirty (30) minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with this by-law.
- B. Any person shall be deemed in violation of this by-law, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, boat or conveyance or any part thereof during a violation of this by-law shall constitute prima facie evidence that they are a countenancer to the violation. Any person violating this by-law shall be punished by a fine of one hundred and fifty dollars (\$150.00) for each offense.
- C. For the purposes of this by-law, noises which disturb the reasonable quiet, comfort, repose or health of others include but are not limited to: 1) loading or unloading activities, 2) use of power tools, 3) use of radios, 4) use of televisions, 5) use of amplifiers, 6) use of musical instruments, 7) use of lawn or landscaping equipment, 8) loud outcries or 9) other loud or boisterous noises not specifically exempted by section

189(E), any of which are plainly audible at a distance of 150 feet from their source between 10:00 p.m. and 7:00 a.m.

- D. Procedure upon violation. It shall be deemed a breach of the peace and it shall be the duty of any police officer of this town to order any person or persons so acting as to violate the provisions of this by-law to cease any prohibited activities specified in this by-law, and if the person or persons so ordered does not forthwith obey, the officer may seek enforcement by criminal complaint or the officer may issue a non-criminal citation for the violation.
- E. Exemptions. The following uses and activities shall be exempt from the noise level regulations:
1. Noises of safety signals, warning devices and emergency pressure relief valves during public emergencies.
 2. Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
 3. Noise resulting from emergency and maintenance work performed by the town or its agents, by the state or by public utility companies or their agents.
 4. Noises resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the town.
 5. Parades and public gatherings for which the Selectmen have issued a permit.
 6. Bells, chimes or carillons.
 7. Noises for which the Board of Selectmen under section 189(F) has granted a special permit.
- F. Application for Special Permit. Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.
- G. Severability Clause. If any part of this by-law is deemed to be contrary to State or Federal law by the Attorney General, that part can be severed without affecting any other part of this by-law.

and to act fully thereon. By request of the Board of Selectmen, Town Administrator, and Chief of Police

THE FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. AT THE TIME OF SUBMISSION OF THIS NARRATIVE, THE FINANCE COMMITTEE WAS AWAITING FURTHER INFORMATION AND SUBSEQUENT DISCUSSION ON THIS ARTICLE. VOTE: YES-8, NO-0.

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

AMENDMENT TO MAIN MOTION: (Leo Cakounes) I move to amend the main motion under Section E. Exemptions by adding the following:

#8. Noise resulting from activities of any agricultural operation

Duly seconded

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

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

FLOODPLAIN BY-LAW AMENDMENTS

ARTICLE 21. To see if the Town will vote to amend Article XVII of the Zoning By-law by adopting certain additional minimum floodplain management regulations pursuant to §1361 of the National Flood Insurance Act of 1968, as amended, as a condition of continued eligibility in the National Flood Insurance Program (NFIP) and to conform with the Federal Emergency Management Administration's (FEMA) new countywide mapping format. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature

~~Strikethrough~~ represents language proposed for deletion

Underline represents language proposed for inclusion

§ 325-105. Floodplain areas.

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

The areas in which these regulations apply (floodplain) includes all special flood hazard areas within the Town of Harwich designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Harwich are panel numbers 25001C0584, 25001C0592, 25001C0601, 25001C0602, 25001C0603, 25001C0604, 25001C0606, 25001C0607, 25001C0608, 25001C0609, 25001C0611, 25001C0613, 25001C0616, 25001C0617, 25001C0626 and 25001C0628 dated June 16, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department and Building Official.

And to add a new section and renumber the remaining sections:

§ 325-106. Base Flood Elevations and Floodway Data

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

2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

And amend the following three sections as shown:

325-107. Use regulations.

A. Existing regulations.

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

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR ~~3407.0~~ 120.G, Flood Resistant Construction and Construction in Coastal Dunes).

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

(c) Inland Wetlands Restriction, DEP (currently ~~302 310 CMR 6.00~~ 13.00).

(d) Coastal Wetlands Restriction, DEP (currently ~~302 310 CMR 4.00~~ 12.00).

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

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

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

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

B. Other use regulations.

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

(2) In Zones ~~A1-30 and AE~~, along watercourses that have a regulatory floodway within the Town of Harwich designated on the ~~Town of Harwich~~ Barnstable County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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

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

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

(a) Such proposals minimize flood damage;

- (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage;
- (c) Adequate drainage is provided to reduce exposure to flood hazards; and
- (d) Each lot will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters in the event of flooding to base elevations.
- (6) In unnumbered A Zones, in the absence of Federal Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data.

§ 325-~~107~~ 108. Permitted uses.

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided that they are permitted in the underlying district and they do not require structures, fill, or storage of material or equipment:

- A. Agricultural uses, such as farming, grazing, horticulture, etc.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.
- D. Conservation of water, plants, and wildlife.
- E. Wildlife management areas and foot, bicycle and/or horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to the adoption of these provisions.

§ 325-~~108~~ 109. Definitions.

The definitions contained herein pertain only to this article of the bylaw.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone ~~A~~, AO, ~~AH~~, ~~A1-30~~, AE, ~~A99~~, ~~V1-30~~, ~~V~~, or VE.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

COASTAL HIGH-HAZARD AREA

The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone ~~V1-30~~, VE, ~~VO~~ or V.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT

Floodplain District.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of state and local regulations.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Administered by the Federal Emergency Management Agency (FEMA)

NEW CONSTRUCTION

For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of October 6, 1976. For the purpose of determining insurance rates, "new construction" means structures for which the start of construction commenced on or after the effective of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD

See "base flood."

SPECIAL FLOOD HAZARD AREA

An area having special flood and/or flood-related erosion hazards and shown on a FIRM as Zone A, AO, ~~AH~~, ~~A1-30~~, AE, ~~A99~~, ~~V~~, ~~V1-30~~, or VE.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure," for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.
and to act fully thereon. By request of the Planning Board.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. THIS ARTICLE ALLOWS HOMEOWNERS THE OPPORTUNITY TO HAVE CONTINUED ELIGIBILITY IN THE NATION FLOOD INSURANCE PROGRAM. VOTE: YES-8, NO-1.

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

ACTION: The article is indefinitely postponed.

LOCAL COMPREHENSIVE PLAN

ARTICLE 22 To see if the Town will vote to approve the Town of Harwich Local Comprehensive Plan 2011 and to act fully thereon. By request of the Planning Board.

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

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that the Local Comprehensive Plan on file with the Town Clerk dated April 26, 2011 be approved in accordance with the Harwich Home Rule Charter, section 5 Planning Board, 7-5-3.

Planning Board Report:

To: Board of Selectmen
From: Matthew F. McCaffery, Chairman
Date: April 28, 2011

RE: Article 22 Local Comprehensive Plan

The Planning Board held a duly scheduled and advertised public meeting on Tuesday, April 26, 2011 for the taking of testimony by all interest parties. Following the deliberation the Planning Board voted unanimously in favor of the Local Comprehensive Plan Article for inclusion in the 2011 Special Town Meeting.

AMENDMENT TO MAIN MOTION (Gerry Loftus, Housing Committee) I propose to amend Article 22 of the Special Town Meeting Local Comprehensive Plan as approved by the Planning Board on April 26, 2011 as follows:

DELETE the last sentence of the fourth (4) paragraph and subsequent three numbered sub paragraphs 1, 2, 3 on page 28 and top of page 29 Section 6) Growth Management, Housing in its entirety viz

"While the housing opportunities will continue to arise in a number of different areas, the Planning Board recommends three initial priorities as part of the Local Comprehensive Plan.

1) Encourage re-use of existing housing stock rather than development on vacant land. In a weak housing market, more opportunities exist to buy or rent existing housing units at a reasonable price.

2) Encourage development of village housing rather than in outlying areas. If new housing units are created, it is preferred to locate those units in established villages. Techniques may include accessory apartments or higher density. Current limitations of wastewater

treatment capacity may hinder new village development in the short term. However, if development is proposed for outlying areas,

it should be directed away from sensitive resources.

3) Provide rental assistance rather than subsidized home ownership. A far greater number of residents may be assisted by vouchers

and other rental assistance than by large subsidies to individual homebuyers. Seasonal workers and year-round residents with

modest incomes are common in Harwich and would benefit from rental assistance".

ADD the following phase to "GOAL" located at the top of page 29 "as further outlined on page 4 paragraph B Housing Goals of the Housing Production Plan dated January 2010.

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

ACTION ON AMENDMENT: A standing count was taken; YES 53 NO 69, the amendment did not carry.

AMEND THE MAIN MOTION: (Richard Thomas, Bikeways Committee) I move to amend the main motion as follows: Under 5.9.2 by adding the phrase "bike and" before the word pedestrian and to include the "Bikeways Committee" as one of the responsible parties.

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

ACTION ON MAIN MOTION AS AMENDED: The motion carried.

At 10:50pm on Tuesday May 3, 2011 a motion was made and seconded to adjourn until Wednesday, May 4, 2011 at 7:00pm.

On Wednesday, May 4, 2011, the Moderator, Michael D. Ford, Esq. called the Special Town Meeting to order at 7:00pm and adjourned until 7:30pm, having 151 registered voters in attendance, the Special Town Meeting and began with:

USE REGULATIONS BY-LAW AMENDMENT

ARTICLE 23 To see if the town will vote to amend the Table of Use Regulations of the Zoning By-law by deleting the column entitled 'PWS'(PERSONAL WIRELESS SERVICE) from § 325-13, Table of Use Regulations, Table 1 as shown in §325 Attachment 1:1 – 1:5 and related reference in § 325-8, Applicability of Use Regulations as shown herein to enhance clarity of the Use Table, eliminating confusing references:

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

§ 325-13. Table of Use Regulations.

In Table 1, Use Regulations, delete the entire “PWS” column.

§ 325-8. Applicability of Use Regulations.

Except as provided by the Zoning Act or this bylaw, in each district no building, structure, water body or lot shall be used or occupied except for a purpose which is authorized by the Table of Use Regulations in the zoning district wherein the land is located, and, if the land, building, structure or water body is located in a Drinking Water Resource Protection District ~~or Personal Wireless Service Overlay District~~, said land shall not be used or occupied except for a purpose permitted in the underlying zoning district as well as the Drinking Water Resource Protection District ~~or Personal Wireless Service Overlay District, respectively~~. Any use not listed shall be construed to be prohibited. Personal wireless service facilities shall be exempt from the use regulations contained in this bylaw when located on land owned by the Town of Harwich.

and to act fully thereon. By request of the Planning Board.

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

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

Planning Board Report:

To: Board of Selectmen
From: Matthew F. McCaffery, Chairman
Date: April 28, 2011

RE: Article 23 Use Regulations (PWS) By-Law Amendments Proposed Zoning Amendments

At a duly scheduled and advertised Planning Board public meeting held on Tuesday, April 12, 2011 members of the public and parties of interest gave testimony on the proposed amendments.

Following public deliberations and after review of the interdepartmental documents and staff report, the Planning Board voted unanimously in favor of forwarding the article to the Board of Selectmen for inclusion in the 2011 Special Town Meeting.

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

SPECIAL PERMITS AMENDMENTS

ARTICLE 24 To see if the town will vote to amend Sections 325-2, 325-14, and 325-51 of the Zoning By-law by designating the Planning Board as the special permit granting authority (SPGA) for all special permits except those relating to nonconforming structures or uses and those pursuant to §325-51.P Certification of a Dwelling Unit, as shown, to further facilitate streamlining the permitting process:

~~Strikethrough~~ represents language proposed for deletion

Underline represents language proposed for inclusion

ARTICLE II. Definitions

§ 325-2. Word Usage & Definitions

SPECIAL PERMIT GRANTING AUTHORITY - ~~The Planning Board established pursuant to MGL c. 41, § 81A shall be the special permit granting authority in any case where this bylaw requires such permit for erection of multifamily dwellings, cluster developments, hotels and motels, structures (except those dedicated to single family, religious, or educational uses) having a gross floor area of more than 7,500 square feet or requiring 20 or more new parking spaces, site plan special permits, all uses requiring special permits in the Drinking Water Resource Protection District, retail sales of gasoline, adult entertainment, or personal wireless service facilities. The Board of Appeals established hereunder shall be the special permit granting authority for all other such permits, including special permits to change, alter, or extend a nonconforming use.~~ The Board of Appeals established hereunder shall be the special permit granting authority for any application requiring such permit to change, alter, or extend a nonconforming structure or use, or for certification of continuance of existing dwellings. The Planning Board established pursuant to MGL c.41, §81A shall be the special permit granting authority for all other applications requiring a special permit.

ARTICLE V. Use Regulations

§ 325-14. Supplemental Regulations

O. ~~In commercial and industrial districts, fast food/takeout restaurants are allowed subject to the granting of a special use permit by the Planning Board. In addition, any~~ Any new fast-food/takeout restaurant is subject to special permit review pursuant to § 325-51 and site plan review pursuant to § 325-55. The following criteria must be met for granting of the special use permit: the proposed use will not adversely impact traffic flow and safety and the proposed use will be compatible with surrounding land uses.

ARTICLE X. Administration and Enforcement

§ 325-51. Special Permits

~~The Planning Board shall have authority to hear and decide applications for special permits for dwellings with accessory apartments, shared housing for the elderly, multifamily dwellings, cluster developments, hotel or motel uses, structures (except those dedicated to single family, religious or educational uses) having a gross floor area of more than 7,500 square feet or requiring 20 or more new parking spaces, site plans pursuant to § 325-55 hereof, all uses requiring a special permit in Drinking Water Resource Protection Districts, personal wireless service facilities, and adult entertainment. The Board of Appeals shall have authority to hear and decide all other applications for special permits.~~ The Board of Appeals

shall have authority to hear and decide applications for all changes, alterations, or extensions of a nonconforming structure or use that require a special permit and for certification of continuance of existing dwellings under §325-51.P. The Planning Board shall have authority to hear and decide all other applications for special permits. Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Board of Appeals or the Planning, Board, a copy of which shall forthwith be given to the Clerk by the applicant, and all notices and other requirements provided by the Zoning Act shall govern said hearing.

and to act fully thereon. By request of the Planning Board.

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

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

Planning Board Report:

To: Board of Selectmen
From: Matthew F. McCaffery, Chairman
Date: April 28, 2011
RE: Article 24 Special Permits

The Planning Board held a duly scheduled and advertised public meeting on Tuesday, April 12, 2011 for the taking of testimony by all interest parties. Following the deliberations the Planning Board voted unanimously in favor of the proposed by-law amendment article for inclusion in the 2011 Special Town Meeting.

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

RENTAL REGISTRATION

ARTICLE 25 To see if the Town will vote to amend the General By-Law, Chapter 230 entitled Rental Dwellings, by deleting it in its entirety and replacing it with the following:

TITLE: Rental Registration

SECTION I:

The purposes of this by-law are to: 1) create and maintain a current listing of rental properties to assist with emergency response efforts and promote compliance with health and safety regulations by owners / agents, 2) require each owner / agent to certify annually that operating smoke detectors and carbon monoxide detectors are properly placed in each and every rental unit and 3) require annual certification that a responsible party is named to dispose of trash from the properties.

SECTION II:

Any owner and / or agent who shall offer for rent or lease any building or portion thereof to be used for habitation, other than a licensed premise as described in Section V, shall first register with the Town Clerk. Each owner / agent will be provided with a Certificate of Registration by the Town Clerk. Any building or portion thereof regulated by the provisions of the Rental Registration By-Law and rented or leased for a period of 90 days or less shall have conspicuously posted on the premises a Certificate of Registration supplied by the Harwich Town Clerk. A Certificate of Registration shall not constitute a warrant of habitability and the certificate shall recite this limitation on the face of the certificate.

SECTION III:

Any and all rental units described in Section II above as requiring certification shall be duly certified annually with the Town Clerk. The owner or agent of each such unit shall annually provide the Town Clerk with emergency contact information for the property and shall certify to the Town Clerk that:

1. Operating smoke detectors have been placed in each rental unit
2. Operating carbon monoxide detectors have been placed in each rental unit
3. A responsible party has been designated to perform trash disposal for each rental unit.
4. The owner/agent for each rental units understands and shall comply with all applicable health and safety regulations of the Town of Harwich.

A rental registration certificate shall expire automatically on December 31st of each year, unless the certificate is renewed; and, furthermore, each renewal application shall provide the information necessary for initial registration and provide the registration fee set forth in Section IV.

SECTION IV:

There shall be an annual fee set by the Board of Selectmen for each owner/agent to register each habitable dwelling covered under Section II. Said registration and resulting certificate shall not be transferable. A failure to register and a failure to post the Certificate of Registration shall constitute violations of this by-law.

SECTION V:

A licensed premise shall mean any premise that holds a license as a hotel, under G.L. c.140 (which includes hotels, motels, resorts, boarding houses and inns), to provide sleeping or housekeeping accommodations to paying guests for transient occupancy. So, any premise that is not so licensed and that is available for rental to paying guests for sleeping or housekeeping accommodations for one day or more shall register under this By-law.

SECTION VI:

Any person found in violation of any provision of this by-law shall be punished by a fine of Two Hundred Dollars (\$200) in accordance with the following schedule of fines, and each day that the violation continues shall constitute a separate offense:

- For the first offense, the fine shall be \$50 or warning at the discretion of the enforcement officer.
- For the second offense, \$100
- For the third and each subsequent offense. \$200.

Notice of violation and procedure shall be in accordance with M.G.L. Chapter 40, Section 21D (Non-Criminal Disposition) by an officer of the Police Department or other person properly designated by the Board of Selectmen.

And to act fully thereon. By request of the Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. VOTE: YES-6, N0-2, ABSTAIN-1.

MOTION: (Angelo LaMantia, Chairman-Board of Selectmen) I move that this article be accepted and adopted and that it be amended to first, add the following language on line one of Section II after the word “lease”: “for a period of 6 months or less” and second, delete “of Two Hundred Dollars (\$200)” on line two of Section VI

SECTION II:

Any owner and / or agent who shall offer for rent or lease **for a period of 6 months or less** any building or portion thereof to be used for habitation, other than a licensed premise as described in Section V, shall first register with the Town Clerk. Each owner / agent will be provided with a Certificate of Registration by the Town Clerk. Any building or portion thereof regulated by the provisions of the Rental Registration By-Law and rented or leased for a period of 90 days or less shall have conspicuously posted on the premises a Certificate of Registration supplied by the Harwich Town Clerk. A Certificate of Registration shall not constitute a warrant of habitability and the certificate shall recite this limitation on the face of the certificate.

SECTION VI:

Any person found in violation of any provision of this by-law shall be punished by a fine ~~of Two Hundred Dollars (\$200)~~ in accordance with the following schedule of fines, and each day that the violation continues shall constitute a separate offense:

- For the first offense, the fine shall be \$50 or warning at the discretion of the enforcement officer.
- For the second offense, \$100
- For the third and each subsequent offense. \$200.

Notice of violation and procedure shall be in accordance with M.G.L. Chapter 40, Section 21D (Non-Criminal Disposition) by an officer of the Police Department or other person properly designated by the Board of Selectmen.

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

ACTION: The motion did not carry.

**AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR PAID ELECTED
OFFICIALS IN THE TOWN OF HARWICH**

ARTICLE 26 To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, and to act fully thereon:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding Chapter 32B of the General Laws, part-time elected officials of the Town of Harwich who receive a salary or a stipend shall not be eligible for participation in the town's contributory health and life insurance plan, except that those part-time officials who participate in that plan as of the effective date of this act shall be eligible to continue to participate until the end of their current and any contiguous future terms of service in the elected position held at the time this act takes effect. Retired elected officials that receive benefits by virtue of their previous service, shall not be affected by this act. Part-time elected officials who receive a salary or a stipend, who are first elected after the effective date of this act, may elect to pay 100 per cent of the cost of the official's participation in the town's health and life insurance benefit plan, plus any administrative costs that may be assessed by the board of selectmen, may be considered eligible to participate.

SECTION 2. This act shall take effect upon passage.

By request of the Board of Selectmen.

FINANCE COMMITTEE HAS NO RECOMMENDATION PENDING FURTHER INFORMATION. VOTE: YES-7, NO-0, ABSTAIN-2.

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

ACTION: The article is indefinitely postponed.

SALE OR LEASE OF TOWN OWNED PROPERTY ON DISPOSAL AREA PARCEL

ARTICLE 27 To see if the Town will vote to authorize the Board of Selectmen to sell or lease a portion of the following parcel described on Assessor's Map 58, as Parcel M1 (21,232 +/- s.f.)

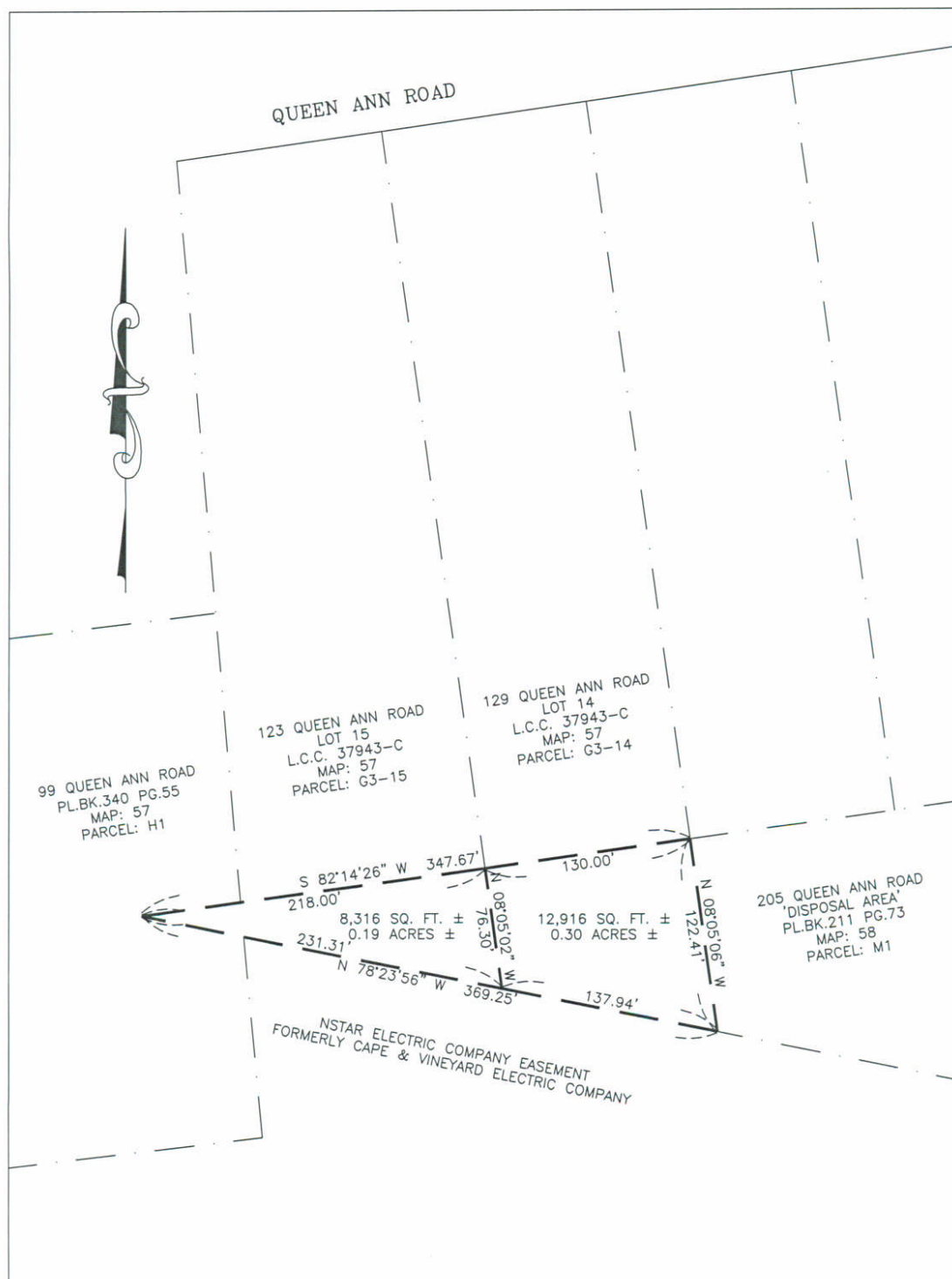
located on disposal area land directly south of 123 and 129 Queen Anne Road and to authorize the Board of Selectmen to sell or lease said portions of land owned by the Town upon such terms and conditions as the Board deems to be in the best interest of the Town, and to authorize the Board to enter into any agreements in connection with the above purpose, and to act fully thereon. By request of the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-2, ABSTAIN-1.

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

ACTION: This article required a 2/3 majority vote to pass, it did receive the necessary 2/3 vote, the motion passed.

Article 27 – Sale or Lease of Parcels on Queen Anne Road



RESOLUTION TO END FUNDING FOR WAR IN IRAQ, AFGHANISTAN AND PAKISTAN

ARTICLE 28 To see if the town will adopt the following resolution and send it to our federal legislators and to act fully thereon. By request of Diane Turco.

A Resolution of the Town of Harwich to end the expenditure of our citizens' tax dollars for excessive and unaffordable warfare funding by the U.S. Congress.

WHEREAS,

1. the financial resources available for use by governments at the local, county, state and federal levels in the United States are and must be limited, and
2. an inordinate level of military expenditure is being made by the U.S. federal government for warfare in Iraq, Afghanistan and Pakistan, and
3. the people of Harwich are collectively paying or becoming indebted for approximately 57.2 million dollars of their limited financial resources for such warfare which supplies no identified public benefits, and
4. this warfare creates great and unnecessary harm to the people of the nations of Iraq, Afghanistan and Pakistan and to U.S. military personnel and their families, and
5. education services, infrastructure repairs, other essential public services, and family and private-sector financing in Harwich and throughout the State of Massachusetts have been substantially reduced in order for an excessive portion of available financial resources to be diverted from the constructive economy to unnecessary warfare,

NOW THEREFORE, be it resolved that the Town of Harwich, Massachusetts urges our Senators John Kerry and Scott Brown and Representative William Keating of the U.S. House of Representatives from the tenth Congressional District to oppose all legislation brought before the U. S. Senate and the U.S. House of Representatives that provides further funding of U.S. warfare and U.S. military occupation in Iraq, Afghanistan and Pakistan, and that the Town of Harwich also urges our members of Congress to take an active public stance and advocate to terminate funding of these military operations.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. FINANCE COMMITTEE FEELS THIS IS A DISSERVICE AND AN INSULT TO ALL VALIANT SERVICE MEN AND WOMEN, PAST AND PRESENT, DECEASED AND ALIVE. VOTE: YES-8, NO-0.

MOTION: (Diane Turco) I move that this article be accepted and adopted.

Duly seconded

ACTION: A standing count was taken; YES 27 NO 90, this motion did not carry.

At 9:10pm a motion was made and seconded to adjourn the Special Town Meeting and return the Annual Town Meeting the meeting began with:

CEMETERY RULES AND REGULATIONS

ARTICLE 62 To see if the Town will vote to approve the revised Cemetery Department Rules and Regulations as submitted by the Harwich Cemetery Commission, and to act fully thereon.

HARWICH CEMETERY COMMISSION
RULES AND REGULATIONS OF HARWICH CEMETERIES

I. Rules

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

II. Interments

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

III. Cemetery Lots

1. Cemetery personnel shall furnish, to those who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made.
2. The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.

3. Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.
4. Upon the death of the title owner, a lot passes to heirs-at-law (MGL.Ch.114, s.29) unless specifically devised by will or trust (subject to Ch. 190, sec.3).
5. A full burial lot (minimum 4'x10') containing recorded remains may also accommodate one cremation burial, provided the cremation remains be that of an heir-at-law or family member of the prior interred remains and be so certified and approved by the Commission.
6. Burial lots for the interment of any indigent resident Veteran are provided at no cost and are set aside for burials of Veterans residing in the Town at the time of their entry into service and /or at the time of their death, verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
7. Single grave space may be made available to the resident parents and without charge for the indigent, stillborn or very young infant within the Town at the time of death.
8. All work performed on graves or lots by the owners, or by their order, shall be performed only with prior authorization of Cemetery personnel in order to preserve as much as possible the natural appearance of cemeteries.
9. Maintenance of all plantings and maintenance and removal of holiday or special arrangements placed by a lot owner, or designee, is the responsibility of the lot owner, and the Cemetery Commission reserves the right to remove any planting that becomes unsightly. The Town of Harwich is not liable for items left at a grave, or damage to flowers, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures.
10. Annual/perennial flowers must be planted at the base of a monument/marker so as to not interfere with maintenance department procedures
11. Fences, borders, curbing, hedges, trees, rampant-growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless prior approval by Cemetery Commission. Any bench or other structures need prior approval by Cemetery Commission before installation.
12. Masons, stonecutters and all workmen shall at all times be under the control of Cemetery Commission and must remove all rubbish and restore roads, avenues and paths damaged by their operations. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.
13. The Town reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location as may be selected by Cemetery Commission.

IV. Markers, Headstones, Monuments

1. SINGLE LOT – 30"width (left to right) x 16" (front to back) and/or two flush markers.
2. CREMATION LOT – New Cremation Lot (4' x 3') maximum of 2 flush markers measuring 2' x 1' per marker or 1 marker not to exceed 2' x 2'.
3. MULTIPLE LOTS – Marker is not to exceed 50% of the width of lot with a base depth of 18" maximum and height of 48".

4. IN EXISTING CEMETERIES – Where family lots have been established, those families will be allowed to add memorials to duplicate the existing markers or headstones.
5. No markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments and other structures shall be made of granite, marble, slate, or other appropriate marker. All monuments are to be centered at the head of a lot or centered at the mid-line.
6. A marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial; therefore both a monument and a bench are not permitted.
7. The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
8. Monuments and other structures that are not in compliance with these Rules and Regulations are subject to removal by the Commission without notice.

V. Administration

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

VI. Active Cemeteries (*Burial space available*)

Evergreen Cemetery, Route 137 and Cemetery Road, East Harwich

Island Pond Cemetery, Harwich Center (Cremation only)

Mount Pleasant Cemetery, South Street, Harwich Port

Kelley Cemetery, Off Main Street, North Harwich

South Harwich Cemetery, Chatham Road, South Harwich

Pine Grove Cemetery, Pine Grove Road, West Harwich

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

Bank Street Burial Ground, Bank Street, near Long Road

Baptist Church Cemetery, Depot Street, West Harwich

Congregational Church Cemetery, Harwich Center, near church

Herring River, West Harwich, Herring River, West Harwich

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

Lothrop Cemetery, Off Lothrop Ave, West Harwich

Methodist Church Cemetery, corner Queen Anne Rd. & Church Street, East Harwich

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

Old Methodist Cemetery, Queen Anne Rd., East Harwich

Old Smith Cemetery, Bells Neck Road, West Harwich

Ryder Cemetery, Route 39 near water tower, Harwich
(Updated April 15, 2006 by the Cemetery Commission. Approved at Annual Town Meeting May 1, 2006.)

By request of the Cemetery Commission.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. VOTE: YES-8, NO-1.**

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and to amend 1 Rules 2. by deleting the word “and”. Duly seconded
ACTION: It was a unanimous vote, so declared.

PROMOTE THE TOWN OF HARWICH

ARTICLE 63 To see if the Town will vote to raise and appropriate a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By Petition. Estimated cost: \$19,000.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND
ADOPTED IN THE AMOUNT OF \$19,000 AND FUNDED BY FREE CASH.
VOTE: YES-6, NO-1, ABSTAIN-2.**

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$19,000 be transferred from Free Cash for this purpose.
Duly seconded

ACTION: It is a vote

FUND RECONSTRUCTION OF MCGUERTY ROAD

ARTICLE 64 To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to repair McGuerty Road, subject to repayment through the use of a private way betterment assessment program, and to act fully thereon. By Petition. Estimated Cost: \$ _____.

**THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE
ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.**

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that \$162,000 is appropriated to repair McGuerty Road, subject to repayment through the use of a private way betterment assessment program; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$162,000 under G.L. c.44 or any other

enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project. Duly seconded

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

CHASE AND HARWICHPORT LIBRARIES

ARTICLE 65 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and Harwich Port Library, and to act fully thereon. Said funds will be expended under the direction of the Chase Library and the Harwich Port Library Trustees. By Petition. Estimated cost: \$20,000.

THE FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-4.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted and that \$20,000 be transferred from Free Cash for this purpose.

Duly seconded

ACTION: It is a vote.

FUND RE-GRADE OF COUNCIL ON AGING OUTREACH WORKER

ARTICLE 66 To see if the Town will vote to raise and appropriate, or transfer from available funds a sufficient sum of money for the purpose of funding the re-grade of the Council on Aging Outreach Worker to: Council on Aging Social Worker, and to act fully thereon. By Petition. Estimated cost: \$ 12,620.51

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THESE INCREASES ARE LARGE AND THIS IS NOT THE APPROPRIATE WAY TO MANAGE TOWN STAFFING AND COMPENSATION. THIS IS THE RIGHTFUL RESPONSIBILITY OF THE TOWN ADMINISTRATOR, SELECTMEN AND DEPARTMENT HEADS.VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be indefinitely postponed.

Duly seconded

ACTION: The article is indefinitely postponed.

FUND RE-GRADE OF COUNCIL ON AGING PRINCIPAL CLERK

ARTICLE 67 To see if the Town will vote to raise and appropriate, or transfer from available funds a sufficient sum of money for the purpose of funding the re-grade of the Council on Aging Principal Clerk to Senior Administrative Assistant (COA), and to act fully thereon. By Petition. Estimated cost: \$3,612.98

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. THESE INCREASES ARE LARGE AND THIS IS NOT THE APPROPRIATE WAY TO MANAGE TOWN STAFFING AND COMPENSATION. THIS IS THE RIGHTFUL RESPONSIBILITY OF THE TOWN ADMINISTRATOR, SELECTMEN AND DEPARTMENT HEADS. VOTE: YES-9, NO-0.

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

ACTION: The article is indefinitely postponed.

RE-NAME PORTION OF FACTORY ROAD

ARTICLE 68 To see if the Town will vote to change the name of one of the Factory Roads in the Town of Harwich. By Petition.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE INDEFINITELY POSTPONED. TOWN COUNSEL HAS ADVISED THAT THE PLANNING BOARD MAINTAINS SOLE JURISDICTION OVER RE-NAMING TOWN ROADS, STREETS AND WAYS. VOTE: YES-8, NO-1.

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

ACTION: The article is indefinitely postponed.

VOTE TO RESCIND AUTHORIZED DEBT

ARTICLE 69 To see if the Town will vote to rescind previously authorized debt of \$125.00 (Article 45 of the May 2009 Annual Town Meeting) for the Old Post Road Betterment, and to act fully thereon. By request of the Town Accountant.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: It is a vote.

COMPENSATING BALANCE AGREEMENT

ARTICLE 70 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 THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

MOTION: (Peter Hughes, Vice Chairman-Finance Committee) I move that this article be accepted and adopted as amended by deleting “fiscal year 2011” and inserting “fiscal year 2012”. Duly seconded

ACTION: It is a vote.

At this time, Robin D. Wilkins was recognized for years of service to the Town of Harwich as a member of the Board of Selectmen.

Followed by: Michael D. Ford, Esq. Moderator making the following appointments:

TOWN MODERATOR APPOINTMENTS
ANNUAL TOWN MEETING – MAY 2, 2011

I hereby appoint Paul V. Doane to a three year term as a Trustee of the Caleb Chase Fund.
I hereby appoint Geoff Larsen, Building Inspector, as Surveyor of Wood and Lumber.
I reserve the right to make all other appoints at a later time.

Dated: May 2, 2011

s/Michael D. Ford, Esq.
Town Moderator

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 71 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 THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: It is a vote.

HERRING FISHERIES

ARTICLE 72 To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

FINANCE COMMITTEE RECOMMENDS THAT THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-9, NO-0.

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

ACTION: Motion carried

At 9:20 a motion was made and seconded to adjourn the Annual Town Meeting.

**THE FOLLOWING ARTICLES WERE PASSED AT THE
ANNUAL TOWN MEETING
MAY 2, 2011**

CUSTOMARY ARTICLES

- Article 1 Town Officers and Committees
- Article 2 Reports of Town Officers and Committees
- Article 71 Liability Tidal/Non Tidal Rivers
- Article 72 Herring Fisheries

CAPITAL PLAN

- Article 8 Capital Plan Adoption

AMEND GENERAL BY-LAWS

- Article 42 Demolition Delay – Proposed By-Law Amendment
- Article 43 Second Hand Dealers and Collectors By-Law

TOWN CHARTER -AMENDMENTS

- Article 41 Home Rule Charter Amendment – Regional School District

CEMETERY

- Article 61 South Harwich Cemetery Land Swap
- Article 62 Cemetery Rules and Regulations

MISCELLANEOUS

- Article 44 Create a Community Center Revolving Account
- Article 46 Create New Golf Revolving Fund
- Article 47 Annual Authorization of the Recreation and Youth Revolving Fund
- Article 48 Annual Authorization of the Council on Aging Revolving Fund
- Article 69 Rescind Authorized Debt
- Article 70 Compensating Balance Agreement

AMEND PERSONAL BY-LAW

- Article 49 Amend Personal By-Law

**APPROPRIATIONS VOTED UNDER ARTICLES
ANNUAL TOWN MEETING
MAY 2, 2011**

FROM TAX LEVY

- | | | |
|-----------|--------|-----------------|
| Article 5 | Budget | \$46,140,019.00 |
|-----------|--------|-----------------|

TRANSFERRED FROM FREE CASH

- | | | |
|------------|---|------------|
| Article 5 | Budget | 60,000.00 |
| Article 7 | Maintain, Update, and/or Certify Real/Personal Property Valuation | 27,100.00 |
| Article 9 | Fund Phase III of the Town Hall HVAC Project (boiler) | 100,000.00 |
| Article 11 | Replace Mobile and Portable Radios for Fire and Police | 118,595.00 |
| Article 12 | Fund Highway Paving and Sidewalks | 145,000.00 |

Article 13	Fund Highway Department Vehicle Replacement	210,000.00
Article 14	Fund Bike Trail Root Control and Paving	50,000.00
Article 15	Fund Pleasant Road Beach Restrooms	100,000.00
Article 16	Add to Dredging Reserve Fund to Dredge Various Entrance Channels	82,000.00
Article 19	Supplemental Funds for Drainage Wetlands Projects	120,000.00
Article 20	Replace Wixon Dock	45,000.00
Article 38	Brooks Library Lighting System Repairs	60,000.00
Article 39	Brooks Library Parking Lot Modifications and Lighting	29,000.00
Article 40	Fund Diagnostic Feasibility Study of Hinckley and Seymour Ponds	30,000.00
Article 60	Memorial Tree and Landscaping Fund for Evergreen Cemetery	10,000.00
Article 63	Promote the Town of Harwich	19,000.00
Article 65	Defray Expenses of Chase and Harwich Port Libraries	20,000.00

FROM OTHER AVAILABLE FUNDS

Article 5	Budget	
Article 16	Add to Dredging Reserve Fund to Dredge Various Entrance Channels	

BORROWING

Article 64	Fund Reconstruction of McGuerty Road	162,000.00
------------	--------------------------------------	------------

BALLOT QUESTIONS – DEBIT EXCLUSION

Article 10	Fire Department Pumper and Refurbishment Program	525,000.00
Article 17	Allen Harbor Basin Dredging	2,900,000.00

BALLOT QUESTIONS – CAPITAL EXCLUSION

Article 24	Additional funding for Completion of the Town's Comprehensive Wastewater Management Plan	100,000.00
------------	--	------------

COMMUNITY PRESERVATION FUNDS

Article 26	Reserve for Future Appropriation Amounts from FY 2011	62,226.00
	Community Preservation Fund Estimated Annual Revenues	137,226.00
Article 27	Preserve Restore Historic Stained Glass Windows at First Congregational	34,000.00
Article 28	Preserve Restore Historic Harwich Outbuildings: Powder House and Outhouse	10,000.00
Article 29	Preserve Restore the Historic Harwich Port Library	22,000.00
Article 30	Preserve Restore the Historic Chase Library	9,000.00
Article 32	Multi-Purpose Biking/Pedestrian Path	23,000.00
Article 33	Brooks Park Expansion Plan – Phase I Design	10,000.00
Article 34	Fund Administrative Costs of the Community Preservation Committee	25,000.00

WATER ENTERPRISE FUND

Article 5	Budget	469,035.00
Article 6	Water Operating Budget	(Department Receipts) 2,857,357.00
		(Budgeted surplus) 558,511.00

**THE FOLLOWING ARTICLE WERE PASSED AT THE
SPECIAL TOWN MEETING
MAY 3, 2011**

ZONING BY-LAW - AMENDMENTS

- Article 23 Use Regulations By-Laws Amendments
Article 24 Special Permits Amendments

TOWN BY-LAWS - AMENDMENTS

- Article 20 Amend Town By-Laws – Anti Noise Regulation

TOWN CHARTER -AMENDMENTS

- Article 19 Home Rule Charter Amendments – Chapter 9, Section 6 (Capital Outlay Plan)

MISCELLANEOUS

- Article 12 Wireless Lease Agreement for Lothrop Street and Rte 39 Water Storage Facilities
Article 13 Grant Utility Easement for Pleasant Lake Water Storage Facility
Article 17 Repeal of Article 48 of May, 2007 Annual Town Meeting – Portuguese Men's
Club Affordable Rental Housing Program
Article 18 Allen/Saquatucket Harbors Parking Lot Lease
Article 22 Local Comprehensive Plan
Article 27 Lease or Purchase of Town-owned Land on Queen Anne Road

**APPROPRIATIONS VOTED UNDER ARTICLES
SPECIAL TOWN MEETING
MAY 3, 2011**

FROM TAX LEVY

- | | | |
|-----------|----------------------------|-------------|
| Article 5 | Fund HEA Equity Adjustment | \$55,000.00 |
|-----------|----------------------------|-------------|

FROM FREE CASH

- | | | |
|------------|--|------------|
| Article 3 | Fund Police/Fire Claims Trust Fund | 10,000.00 |
| Article 4 | Snow and Ice Deficit | 37,284.00 |
| Article 6 | Saquatucket Harbor Engineering Study | 50,000.00 |
| Article 7 | Route 137 Appraisals / Easements | 20,000.00 |
| Article 10 | Lease/Purchase and Equip New Police Cruisers | 114,705.00 |
| Article 15 | Stabilization Fund | 75,000.00 |
| Article 16 | Supplement Annual Allocation of Mass Cultural
Council for Local Cultural Council Grants | 2,500.00 |

BORROWING

- | | | |
|------------|---|------------|
| Article 14 | Fund Repairs to the Route 39 Water Storage Tank | 450,000.00 |
|------------|---|------------|

COMMUNITY PRESERVATIONS FUNDS

- | | | |
|-----------|-------------------------------------|-----------|
| Article 9 | Acquisition of Tax Title Properties | 50,000.00 |
|-----------|-------------------------------------|-----------|

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL ELECTION BALLOT
MAY 17, 2011**

BARNSTABLE , ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 17 2011, then and there to act on the following ballot:

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

To choose on one (1) ballot the following Town Officers and Committees: two (2) Selectmen for three (3) years; two (2) School Committee Members for three (3) years; four (4) Regional School Committee Members – two for a three (3) year term, one for a two (2) year term, and one for a one (1) year term, in accordance with the regional school committee agreement; one (1) Water Commissioner for three (3) years; 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 \$525,000 in real estate and personal property taxes to purchase and equip one [1] new fire pumper and to refurbish one [1] 1987 Pierce fire pumper and all costs incidental for the fiscal year beginning July 1, 2011?”

YES_____ NO_____

2. “Shall the Town be allowed to assess an additional \$82,499 in real estate and personal property taxes for the purpose of hiring one [1] Facilities Maintenance Manager for the fiscal year beginning July 1, 2011?”.

YES_____ NO_____

3. “Shall the Town of Harwich be allowed to assess an additional \$100,000 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, 2011?”

YES_____ NO_____

4. “Shall the Town of Harwich be allowed to exempt from the provisions of Proposition 2 ½, so called, the amounts required to pay for the bond issued in order to dredge Allen Harbor as outlined in Article 17 of the May, 2011 Annual Town Meeting Warrant?”

YES_____ NO_____

5. “Shall the Town of Harwich be allowed to exempt from the provisions of Proposition 2 ½, so called, the amounts required to pay for the bond issued in order to expand the Cranberry Valley Golf Course septic system as outlined in Article 8 of the May, 2011 Special Town Meeting Warrant, for which monies from this assessment will be used for the fiscal year beginning July 1, 2011?”

YES_____ NO_____

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 28th day of March 2011.

s/Angelo S. LaMantia
s/Larry Ballantine
s/Linda A. Cebula
s/Edward J. McManus
s/Robin D. Wilkins
Harwich Board of Selectmen

Date: April 13, 2011

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, May 17, 2011 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office buildings and in Town Hall in the Town of Harwich, which covers all four precincts, at least seven (14) days before the time of said meeting as within directed.

s/Gerald Beltis
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	Ray Gottwald	Susan Weinstein
Clerk:	Philip Gaudet	Ann Kaplan
Insp.Ck In:	Judy Davis	Lee Chase
Insp.Ck Out:	Janet Silverio	Mary Egan
	PRECINCT III	PRECINCT IV
Warden:	Johanne Arneman	Sandra Hall
Clerk:	Dorothy Harrington	Hilda Dagenais
Insp. Ck In:	Sheila Bowen	Evelyn Robinson
Insp. Ck Out:	Susan Mills	Virginia Burke

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

	PRECINCT I	PRECINCT II
Dep. Warden:	Ray Gottwald	Ursula Corbet
Dep. Clerk	Barbara Madson	David Bassett
Dep.Insp.In:	Judy Davis	Janet Bowers
Dep.Insp.Out:	Joyce Bearse	Mary Clarke
	PRECINCT III	PRECINCT IV
Dep. Warden:	Donna Eaton	Wil Remillard
Dep. Clerk		Philip Gaudet
Dep.Insp.In:	Sheila Bowen	Catherine Sacramone
Dep.Insp.Out:	Susan Mills	Janet Kaiser

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 1,507 included 60 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	448 including	17 absentee votes
Precinct II	414 including	16 absentee votes
Precinct III	383 including	13 absentee votes
Precinct IV	262, including	14 absentee votes

The Town Clerk, Anita N. Doucette, announced the results on November 2, 2010 at 9:30 P.M as follows:

PRECINCTS:				
BOARD OF SELECTMEN				
Angelo S. LaMantia				
Peter S. Hughes				
Donald F. Howell write-in candidate				
all others				
blanks				
SCHOOL COMMITTEE				
Polly E. Hemstock				
Koleen Kipperman -write-in candidate				
Sharon Stout - write-in candidate				
all others				
blanks				
REGIONAL SCHOOL COMMITTEE				
Edwin J. Jaworski				
Sharon A. Stout				
Robert T. Russell				
Brian D. Widegren				
Robin D. Wilkins				
all others				
blanks				
WATER COMMISSIONER				
Allin P. Thompson, Jr.				
all others				
blanks				
TRUSTEE,BROOKS FREE LIBRARY				
JoAnne Brown				
Mary V. Warde				
all others				
blanks				
HOUSING AUTHORITY				
Shannon W. McManus				
all others				
blanks				

1	2	3	4	Total
322	262	256	153	993
323	327	297	216	1,163
18	18	13	23	72
0	8	6	5	19
233	213	194	127	767
328	291	280	203	1102
9	12	13	8	42
57	64	48	45	214
4	5	0	3	12
498	456	425	265	1644
262	250	221	146	879
301	267	246	179	993
261	243	212	146	862
276	274	266	165	981
242	235	214	155	846
2	5	6	3	16
448	382	367	254	1451
370	330	326	226	1252
0	3	1	0	4
78	81	56	36	251
357	326	304	227	1,214
335	295	292	204	1,126
0	1	0	0	1
204	206	170	93	673
314	267	272	202	1055
2	6	3	0	11
132	141	108	60	441

QUESTION #1 Fire Department
pumper and refurbishment program

YES

NO

blanks

QUESTION #2 Hire New Building
Maintenance Manager

YES

NO

blanks

QUESTION # 3 Additional Funding
Completion Town's Comprehensive
Wastewater Mgt Plan

YES

NO

blanks

QUESTION #4 Allen Harbor
Basin Dredging

YES

NO

blanks

QUESTION # 5 Cranberry Valley
Septic System

YES

NO

blanks

261	247	177	165	850
179	155	202	94	630
8	12	4	3	27
161	143	93	91	488
274	259	287	166	986
13	12	3	5	33
289	264	209	168	930
146	138	172	84	540
13	12	2	10	37
280	247	162	145	834
152	152	212	110	626
16	15	9	7	47
230	196	174	130	730
203	208	203	127	741
15	10	6	5	36

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
	Actual	Budget	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
1	Moderator S&W	300	300	300	300
2	Selectmen's S&W	7,448	7,500	7,500	7,500
3	Selectmen's Expense	<u>5,785</u>	<u>5,900</u>	<u>6,500</u>	<u>6,500</u>
	Sub-Total	13,233	13,400	14,000	14,000
4	Finance Committee S&W	3,396	2,500	3,300	3,300
5	Finance Committee Expense	<u>363</u>	<u>420</u>	<u>450</u>	<u>450</u>
	Sub-Total	3,759	2,920	3,750	3,750
6	Finance Committee Reserve Fund. .	<u>5,207</u>	<u>150,000</u>	<u>150,000</u>	<u>150,000</u>
	Sub-Total	5,207	150,000	150,000	150,000
7	Accountant's S&W	209,747	211,586	214,702	214,702
8	Accountant's Expense	1,619	1,000	850	850

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
9	Audit	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>
	Sub-Total	247,366	248,586	251,552	251,552
10	Assessors' S&W	218,666	228,769	233,473	233,473
11	Assessors' Expense	<u>18,389</u>	<u>19,150</u>	<u>19,151</u>	<u>19,151</u>
	Sub-Total	237,055	247,919	252,624	252,624
12	Postage	<u>54,691</u>	<u>46,000</u>	<u>55,000</u>	<u>55,000</u>
	Sub-Total	54,691	46,000	55,000	55,000
13	Treasurer/Tax Collector S&W ...	235,737	235,737	231,231	231,231
14	Treasurer/Tax Collector Expense .	79,381	96,388	111,405	111,405
15	Treasurer Bonding/Tax Title	<u>-</u>	<u>20,000</u>	<u>=</u>	<u>=</u>
	Sub-Total	315,118	352,125	342,636	342,636

APPENDIX B

					Amendment # 1
	<u>FY 2012 OPERATING BUDGET</u>		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
16	Medicare Town Share	<u>310,202</u>	<u>329,588</u>	<u>332,335</u>	<u>332,335</u>
		<u>310,202</u>	<u>329,588</u>	<u>332,335</u>	<u>332,335</u>
17	Town Hall S&W	309,966	311,994	312,668	312,668
18	Town Hall Expense	83,877	102,932	71,044	71,044
19	Town Hall Capital Outlay	<u>51,374</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
	Sub-Total	445,216	419,926	388,712	388,712
20	Legal Services	139,257	140,000	180,000	180,000
21	Claims & Suits	-	400	400	400
22	Land Transactions	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	Sub-Total	139,257	140,400	180,400	180,400
23-a	Information Tech& CH 18 S & W	157,621	171,264	191,557	191,557
23-b	Info Tech& CH 18 Expenses	<u>103,173</u>	<u>137,659</u>	<u>143,709</u>	<u>143,709</u>

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
23-c	Sub-Total	<u>260,793</u>	308,923	335,266	335,266
24	Constable Salaries	<u>375</u>	<u>375</u>	<u>680</u>	<u>680</u>
25	Clerk's S&W	170,172	177,389	172,739	172,739
26	Clerk's Expense	<u>19,460</u>	<u>32,028</u>	<u>25,598</u>	<u>25,598</u>
	Sub-Total	189,632	209,417	198,337	198,337
27	Conservation Commission S&W . . .	50,636	50,797	52,266	52,266
28	Conservation Commission Expense .	<u>5,192</u>	<u>4,663</u>	<u>4,663</u>	<u>4,663</u>
	Sub-Total	55,828	55,460	56,929	56,929
29	Town Planner S&W	104,152	113,319	117,914	117,914
30	Town Planner Expense	<u>1,748</u>	<u>2,187</u>	<u>2,227</u>	<u>2,227</u>
	Sub-Total	105,900	115,506	120,141	120,141

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
	Actual	Budget	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
31	Planning Board S&W	1,285	2,000	2,000	2,000
32	Planning Board Expense	<u>500</u>	<u>460</u>	<u>510</u>	<u>510</u>
	Sub-Total	1,784	2,460	2,510	2,510
33	Board of Appeals S&W	4,517	5,100	5,100	5,100
34a	Board of Appeals Expense	<u>215</u>	<u>360</u>	<u>360</u>	<u>360</u>
	Sub-Total	4,732	5,460	5,460	5,460
34b	Agricultural Committee	<u>-</u>	<u>-</u>	<u>1,000</u>	<u>1,000</u>
	Sub-Total			1,000	1,000
35	Repairs to Public Buildings . . .	-	13,867	13,868	6,073
36	Town & Finance Committee Reports	12,999	13,000	9,920	9,920
37	Miscellaneous Printing	-	-	-	-

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
38	Advertising	3,500	3,500	3,500	3,500
39	Telephone	<u>47,439</u>	<u>48,900</u>	<u>41,000</u>	<u>41,000</u>
	Sub-Total	63,938	79,267	68,288	60,493
40	Police Dept S&W	2,633,510	2,674,408	2,712,082	2,712,082
41	Police Dept Expense	271,206	270,000	288,208	288,208
42	Police Dept Capital Outlay . . .	<u>-</u>	<u>88,500</u>	<u>114,705</u>	<u>-</u>
	Sub-Total	2,904,716	3,032,908	3,114,995	3,000,290
43	Fire Dept S&W	2,689,922	2,701,618	2,757,339	2,757,339
44	Fire Dept Expense	217,693	186,237	190,180	190,180
45	Fire Capital Outlay	-	-	31,245	31,245
46	Emergency Medical Services O/T	100,680	100,000	100,000	100,000
47	Emergency Medical Services Expenses. . .	<u>74,334</u>	<u>70,000</u>	<u>80,827</u>	<u>80,827</u>
	Sub-Total	3,082,629	3,057,855	3,159,591	3,159,591

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
	Actual	Budget	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
48a	Emer. Telecom. S&W	550,136	566,075	574,308	574,308
48b	Emer. Telecom.Expenses	<u>10,153</u>	<u>105,028</u>	<u>119,534</u>	<u>119,534</u>
	Sub-Total	560,289	671,103	693,842	693,842
49	Building Inspection S&W	211,110	222,605	231,930	231,930
50	Building Inspection Expense . . .	8,045	8,341	8,341	8,341
51	Building Capital Outlay	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	Sub-Total	219,156	230,946	240,271	240,271
52	Emerg. Mgt S&W		5,000	5,000	5,000
	Emerg Mgt. Expense	<u>12,916</u>	<u>9,365</u>	<u>9,365</u>	<u>9,365</u>
53	Emergency Management Expense	<u>12,916</u>	<u>14,365</u>	<u>14,365</u>	<u>14,365</u>
54	Animal Control S&W	49,783	52,174	52,342	52,342

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	FY 2010	FY 2011	FY 2012	FY 2012
55	Animal Control Expense	7,494	13,602	13,734	13,734
		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
	Sub-Total	<u>57,277</u>	<u>65,776</u>	<u>66,076</u>	<u>66,076</u>
56a	Natural Resources S&W .		81,274	81,274	81,274
56b	Natural Resources Expense	<u>103,498</u>	<u>27,650</u>	<u>27,650</u>	<u>27,650</u>
	Sub-Total	103,498	108,924	108,924	108,924
57	Pleasant Bay Alliance Expense	<u>17,040</u>	<u>16,855</u>	<u>16,855</u>	<u>16,855</u>
	<u>Schools</u>				
58	Cape Cod Reg Tech High School	789,972	940,122	1,020,684	1,020,684
59	Harwich Public Schools	<u>14,730,053</u>	<u>15,056,596</u>	<u>15,286,841</u>	<u>14,934,096</u>
	Sub-Total	15,520,025	15,996,718	16,307,525	15,954,780
60	Town Engineer's Dept S&W	154,633	150,000	152,107	152,107
61	Town Engineer's Dept Expense . .	<u>3,113</u>	<u>4,500</u>	<u>4,058</u>	<u>4,058</u>

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
	Actual	Budget	Budget	Budget	Budget
Line	DESCRIPTION	FY 2010	FY 2011	FY 2012	FY 2012
	Sub-Total	3,113	154,500	156,165	156,165
62	Highways and Maintenance S&W	1,895,918	1,956,801	2,015,420	2,015,420
63	Highways and Maintenance Expense	1,466,190	1,428,102	1,495,500	1,495,500
64	Hot Mix, Oil,& Improve Town Rds. .	-	-	-	-
65	Hwy Snow Removal Wages	25,000	40,000	40,000	40,000
66	Hwy Snow Removal Materials . . .	30,000	50,000	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	3,462,108	3,519,903	3,645,920	3,645,920
68	Street Lights	<u>84,352</u>	<u>82,400</u>	<u>74,230</u>	<u>74,230</u>
69	Cemetery S&W	41,596	42,558	43,615	43,615
70	Cemetery Expense	<u>1,641</u>	<u>2,130</u>	<u>2,425</u>	<u>2,425</u>

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
	Actual	Budget	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
	Sub-Total	43,237	44,688	46,040	46,040
71	Board of Health S&W	243,504	248,515	250,253	250,253
72	Board of Health Expense	14,344	16,320	15,915	15,915
73	Flax Pond Monitoring	_____ -	_____ =	_____ =	_____ =
	Sub-Total	257,847	264,835	266,168	266,168
74	Community Center Comm S&W	113,973	110,500	116,966	116,966
75	Community Center Comm Exp.	_____ <u>132,148</u>	_____ <u>133,196</u>	_____ <u>126,264</u>	_____ <u>126,264</u>
	Sub-Total	246,121	243,696	243,230	243,230
76	Council on Aging S&W	224,020	227,153	228,913	228,913
77	Council on Aging Expense	_____ <u>47,220</u>	_____ <u>49,309</u>	_____ <u>51,527</u>	_____ <u>51,527</u>
	Sub-Total	271,240	276,462	280,440	280,440

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
78	Youth Counselor S&W	65,003	65,653	66,604	66,604
79	Youth Counselor Expense . . .	<u>3,740</u>	<u>3,700</u>	<u>3,800</u>	<u>3,800</u>
	Sub-Total	68,743	69,353	70,404	70,404
80	Veterans' Services Expense . . .	47,873	28,000	30,100	30,100
81	Veterans' Benefits	<u>32,873</u>	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>
	Sub-Total	80,745	43,000	45,100	45,100
82	Disability Rights Committee Expense	<u>330</u>	<u>300</u>	<u>300</u>	<u>300</u>
	Sub-Total	330	300	300	300
83	Jim Noonan Human Services	<u>76,500</u>	<u>76,500</u>	<u>76,500</u>	<u>76,500</u>
84	Brooks Library S&W	417,396	431,627	411,656	411,656
85	Brooks Library Expense	<u>212,968</u>	<u>232,161</u>	<u>232,969</u>	<u>232,969</u>

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
	Sub-Total	630,363	663,788	644,625	644,625
86	Recreation & Youth Seasonal Help	176,704	154,802	155,000	155,000
87	Recreation and Youth S&W.	166,240	170,839	172,750	172,750
88	Recreation and Youth Expense. . .	57,066	54,030	50,530	50,530
89	Aid to Various Programs				
	Sub-Total	400,010	379,671	378,280	378,280
91	Harbormaster/Natural Resources S&W	190,579	190,283	198,899	198,899
92	Harbormaster Expense	89,963	87,550	88,810	88,810
93	Harbormaster Capital Outlay . . .	<u>8,000</u>	<u>2,500</u>	<u>4,500</u>	<u>4,500</u>
	Sub-Total	288,542	280,333	292,209	292,209
94	Brooks Museum Commission Expense	<u>11,508</u>	<u>11,508</u>	<u>12,064</u>	<u>12,064</u>
	Sub-Total	11,508	11,508	12,064	12,064

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
95	Historical Commission S&W	-	1,500	1,000	1,000
96	Historical Commission Expense . .	<u>474</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
	Sub-Total	474	2,500	2,000	2,000
97	Memorial & Veterans' Day	<u>1,379</u>	<u>2,900</u>	<u>2,900</u>	<u>2,900</u>
98	Golf Operations & Maintenance S&W	693,579	694,483	702,199	702,199
99	Golf Operations & Maintenance Expense	533,602	563,196	556,219	556,219
100	Golf Capital . .	<u>24,000</u>	<u>24,000</u>	<u>24,000</u>	<u>24,000</u>
	Sub-Total	1,251,181	1,281,679	1,282,418	1,282,418
101	Total Departmental Budgets	<u>17,366,757</u>	<u>16,995,191</u>	<u>17,416,497</u>	<u>17,238,997</u>
	(Excludes Medicare, HPS & CCRTHS)				
102	Total Debt SERVICE (PRIN & INT)	<u>5,008,142</u>	<u>4,581,020</u>	<u>4,580,240</u>	<u>4,580,240</u>

APPENDIX B

					Amendment # 1
	FY 2012 OPERATING BUDGET		5/4/2011	1/7/2011	3/28/2011
	Includes amendment #1	6/30/2010	Town Meeting	TA	BOS
		Actual	Budget	Budget	Budget
Line	DESCRIPTION	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2012</u>
103	Barnstable County Retirement	2,134,021	2,376,863	2,495,764	2,495,764
104	Special Retirement Pension	3,551	3,552	3,552	3,552
105	Unemployment Compensation	145,059	50,000	50,000	50,000
106	Group Health Insurance/ Life	5,065,700	6,159,074	6,710,638	6,710,638
107	Insurance, General	414,863	512,929	483,077	483,077
108	Insurance Deductibles/Exclusions.	<u>15,225</u>	<u>6,913</u>	<u>15,000</u>	<u>15,000</u>
	Sub-Total	7,778,419	9,109,331	9,758,031	9,813,031
109	<u>Total Town Budget w/o HPS & CCRTHS</u>	<u>30,153,318</u>	<u>30,825,854</u>	<u>31,754,768</u>	<u>31,632,268</u>
110	<u>Including HPS & CCRTHS</u>	<u>\$ 44,883,372</u>	<u>\$ 47,152,160</u>	<u>\$ 48,394,628</u>	<u>\$ 47,864,384</u>

APPENDIX C



CITIZENS ACTIVITY RECORD FORM ACT NOW -- SERVE YOUR COMMUNITY

Town government needs citizens who are willing to give time in the service of their community. The Citizens Activity Record program was adopted by the Selectmen as a means of compiling names of interested citizens to serve, on a voluntary basis, on Boards and Committees.

Activity records are being updated to include categories consistent with the changing needs of the Town. Indicate your order of preference and return this form to:

**CITIZENS ACTIVITY RECORD PROGRAM
BOARD OF SELECTMEN
732 Main Street, Harwich, MA 02645**

Name _____ Street/P.O. Box _____ Town _____ Zip _____

Occupation _____ Telephone _____

(LIST IN ORDER OF PREFERENCE)

PLANNING AND PRESERVATION

- ☐ Agricultural Commission
- ☐ Architectural Advisory Committee
- ☐ ***Board of Appeals**
- ☐ Brooks Academy Museum Commission
- ☐ Building Code Board of Appeals
- ☐ Bylaw/Charter Review Committee
- ☐ Community Preservation Committee
- ☐ ***Conservation Commission**
- ☐ Cultural Council
- ☐ Citizen's Advisory for CWMP
- ☐ Herring River Watershed Study Committee
- ☐ Historic District Commission
- ☐ Historical Commission
- ☐ Insurance Committee
- ☐ Long Pond Advisory committee
- ☐ ***Planning Board**
- ☐ Police Station Building Committee
- ☐ Real Estate, Open Space & Land Bank Committee
- ☐ Recycling Committee
- ☐ Shellfish & Marine Water Quality Committee
- ☐ Town Forest Committee
- ☐ Traffic Safety Committee
- ☐ Trail Committee
- ☐ Utility & Energy Conservation Commission
- ☐ OTHER _____

RECREATION

- ☐ Bikeways Committee
- ☐ Golf Committee
- ☐ Recreation & Youth Commission
- ☐ Waterways Committee

OTHER

- ☐ ***Board of Assessors**
- ☐ ***Board of Health**
- ☐ Cablevision Advisory Committee
- ☐ Capital Outlay Committee
- ☐ Cemetery Commission
- ☐ Channel 18 Advisory Committee
- ☐ Community Center Facilities Committee
- ☐ Constable
- ☐ Council on Aging
- ☐ Disability Rights Committee
- ☐ Finance Committee
- ☐ Harwich Housing Committee
- ☐ Herring Supervisor (Voluntary)
- ☐ Human Services Advisory Committee
- ☐ Shellfish Constable (Voluntary)
- ☐ Technology Committee
- ☐ Treasure Chest Volunteers
- ☐ Water Quality Task Force
- ☐ Youth Services Committee
- ☐ Voter Information Committee

*** Please include a resume with form**