

**MINUTES OF THE
MONDAY OCTOBER 24, 2011
SPECIAL TOWN MEETING**

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

GREETINGS:

To any of the Constables in the Town of Chatham in the County of Barnstable.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF CHATHAM, qualified to vote in elections and Town affairs to meet in the gymnasium of the Chatham High School on Crowell Road in said Chatham on the 24TH day of October at 6:30 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

Moderator William Litchfield opened the meeting at 6:30 p.m. 284 voters were present, far exceeding the quorum of 100.

On behalf of the Town Clerk, the Moderator read the Constables Return of Service: "Barnstable, ss. Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before October 24, 2011 on October 6, 2011. John Proudfoot, Constable."

Moderator Litchfield administered the Oath of Office to the volunteer tellers for the evening: Nancy Geiger, Rellan Monson, Louise Redfield, Jay Stahl, Donald St. Pierre, and Jean Young.

The Moderator introduced members of Boy Scouts Troop #71: Justin Brown, Elijah Eldredge, Carlisle Nash, David VanSickle, Owen Vansickle, and leader Warren Nash as they presented the Massachusetts and United States flags and led the audience in the pledge of allegiance.

Moderator Litchfield welcomed Stefanie Farrell who again provided CART Service for the hearing impaired. Timekeepers from the League of Women Voters were present in the hall to enforce the 5-minute rule.

Resolution as presented by Selectman Seldin: Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of October 24, 2011.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.**

- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.**
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.**
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.**
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.**
- F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.**
- G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.**

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

VOTE: Voice. So voted unanimously.

Moderator Litchfield introduced our new Town Manager Jill Goldsmith and she received a welcoming round of applause from the voters.

Article 1 – Monomoy Regional High School Feasibility Study

To see if the Town will approve the two million dollars (\$2,000,000) in borrowing authorized by the Monomoy Regional School District for the purpose of paying the costs of a feasibility study for the construction of a new school which will be named the Monomoy Regional High School, to be located on a parcel of land which is currently owned by the Town of Harwich and on which the current Harwich High School now exists. The address of the current Harwich High School is 75 Oak Street, Harwich, MA. The District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the

direction of the Monomoy Regional School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

(Board of Selectmen)

MOTION: David Whitcomb, Selectman, moved that the Town hereby approves the two million dollars (\$2,000,000) in borrowing authorized by the Monomoy Regional School District for the purpose of paying all costs incidental or related to a feasibility study for the construction of a new school which will be named the Monomoy Regional High School, to be located on a parcel of land which is currently owned by the Town of Harwich and on which the current Harwich High School now exists. The address of the current Harwich High School is 75 Oak Street, Harwich, MA. The District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Monomoy Regional School Building Committee. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Provided further that any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA, and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Explanation as printed in the Warrant: The Monomoy Regional School Committee has voted, subject to the approval of Town Meetings in Chatham and Harwich, to incur debt in the amount of two million dollars in order to fund the costs related to a feasibility study (Phase 1 design, including the hiring of an Owner's Project Manager and an Architect and the development of a schematic design) for the construction of a new high school. Because it is the District rather than the Towns that will incur the debt, a simple majority vote at Town Meeting is sufficient. It is likely that the District will receive significant reimbursements from a grant provided by the Massachusetts School Building Authority ("MSBA"). Once the District begins to make debt service payments on the bonds, which will be paid over the number of years for which the bonds are issued, each member Town will be assessed on a yearly basis its proportionate share of the debt service as provided for under the Regional Agreement. Each Town's share is based on a three-year rolling average of foundation student enrollment, which for Chatham is currently 28 percent. No appropriation by the Town is needed at this time.

Board of Selectmen Recommendation: Favorable 4:1

Finance Committee Recommendation: Favorable 4:1

Vote Required: Simple Majority

VOTE: Voice. So voted by a very substantial majority, declared the Moderator.

Article 2 – Chatham Fire Headquarters Conceptual Design

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as it determines necessary for costs related to the completion of the conceptual design of the Chatham Fire Headquarters located at Depot Road, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Leonard Sussman, Selectman, moved that the Town vote to appropriate the sum of \$15,000 to fund the conceptual design for the Chatham Fire Headquarters and to meet said appropriation, the Town raise \$15,000 through the tax rate.

Explanation as printed in the Warrant: After receipt of the Fire Services Organizational Analysis and public input, the Board of Selectmen voted on September 13, 2011 to direct the Capital Planning Review Committee (CPRC) to move forward with conceptual design for one station headquarters on Depot Road. The CPRC recommended schematic “K”, however modifications need to be made based on the recommendations in the Study, public input, and comments by the Board of Selectmen. These funds will provide for an extension to the consultant contract to address the desired modifications in an effort to prepare the conceptual plan for the May 2012 Town Meeting when funding of the new station is scheduled for consideration.

Board of Selectmen Recommendation: Favorable 5:0

Finance Committee Recommendation: Favorable 5:0

Vote Required: Simple Majority

VOTE: Voice. In my opinion there is a majority; Article 2 is passed, declared the Moderator.

Article 3 – FY 2012 Budget; Additional Appropriations

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary to balance the following line items noted below within the FY2012 budget approved under Article 6 of the May 9, 2011 Annual Town Meeting for the period beginning July 1, 2011 and ending June 30, 2012 inclusive.

	TO	AMOUNT	FOR
1.	Town Manager Salary	\$30,000	Town Manager’s Salary
	TO	AMOUNT	FOR
2.	Police	14,500	Telecommunications
	TO	AMOUNT	FOR
3.	Short Term Interest	468,000	BAN Interest

Or take any action relative thereto.

(Board of Selectmen)

MOTION: Timothy Roper, Selectman, moved that the Town vote to appropriate the sum of \$30,000 to fund the Town Manager’s Salary line item, \$14,500 for Police telecommunication, and \$468,000 for short term interest and to meet said appropriation, the Town raise \$512,500 through the tax rate.

Explanation as printed in the Warrant:

Item 1 - The town hired a new Town Manager in mid-August within the FY2012 budget appropriation. While this resulted in a six-week ‘savings’, there was a secretarial staff member retained during the interim to assist with the transition and a settlement payment to the previous Town Manager paid in FY2012 contributing to the additional funding request.

Item 2 - The maintenance & license agreement for the communications system the Police Department was not factored into the FY2012 budget necessitating this request.

Item 3 - We renewed/issued short term borrowing in June 2010 and in September 2011, and will permanently bond in June 2012, however short term interest will be in excess of our appropriation. An additional \$468,000 needs to be appropriated, but will not affect the tax rate as it is reserved on the balance sheet for this purpose, and is raised as an estimated local receipt.

Board of Selectmen Recommendation: Favorable 5:0

Finance Committee Recommendation: Favorable 5:0

Vote Required: Simple Majority

VOTE: Voice. So voted unanimously.

Article 4 – Borrowing Rescissions

To see if the Town will vote to rescind the remainder of the borrowing authorization as listed below:

Date of Vote	Art #	Purpose / Description	Amount Authorized	Total Borrowed to 10/24/11	Amount to Rescind
5/14/2001	9	Water-Standpipe	1,800,000	1,350,000	\$ 450,000
11/7/1995	9	School Renovations	22,500,000	22,488,000	\$ 12,000
5/12/2003	17	Road Betterments (Northgate)	364,500	250,500	\$ 114,000
12/6/2010	6	Land Purchase (Mill Pond Watershed)	1,000,000	500,000	\$ 500,000

Or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Florence Seldin, Selectman, moved that the Town vote to rescind the following borrowing authorization:

**\$450,000 under Article 9 for Water Standpipe approved at ATM 5/14/01,
\$12,000 under Article 9 for School Renovations approved at STM 11/9/95,
\$114,000 under Article 17 for Road Betterments approved at ATM 5/12/03,
and
\$500,000 under Article 6 for Land Purchase from CPA funds at STM
12/6/2010.**

Explanation as printed in the Warrant: This is a 'housekeeping' article required so we can remove the borrowing authorization from our books. The amounts authorized under these articles are no longer needed as the projects have been completed, cost less than anticipated, or in the case of the land purchase, a grant was received to offset the total purchase price.

Board of Selectmen Recommendation: Favorable 5:0

Finance Committee Recommendation: Favorable 5:0

Vote Required: Simple Majority

VOTE: Voice. So voted unanimously.

Article 5 – Collective Bargaining Agreement Ratification; MCOPS

To see if the Town will vote to raise and appropriate and/or transfer from available funds in the treasury \$50,000.00 to fund salary increases and other cost-items resulting from a contract settlement by and between the Town of Chatham and the Chatham Sergeants and Patrol Officers Union, Mass C.O.P.S., Local 294, AFL-CIO, and to authorize the Town Accountant to allocate such sums to the appropriate operating budgets, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Leonard Sussman, Selectman, moved that the Town vote to appropriate the sum of \$50,000 to fund the salary adjustment for the Chatham Police and to meet said appropriation, the Town raise \$50,000 through the tax rate.

Explanation as printed in the Warrant: This article funds the one year collective bargaining agreement for FY2012 (ending June 30, 2012) which had not been settled in time for the 2011 Annual Town Meeting. This requires a funding appropriation to accompany ratification by the BOS and Union. This article specifically funds the FY2012 State Aid portion of the 'Quinn Bill' educational incentive originally at 50% but the State has underfunded it in previous years, and zero funded for FY2012. The Union received a 0% increase in both FY2011 and FY2012.

Board of Selectmen Recommendation: Favorable 5:0

Finance Committee Recommendation: Favorable 4:0:1
Vote Required: Simple Majority

VOTE: Voice. So voted unanimously.

Article 6 – CPA –Edson Property Funding

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to reduce the amount borrowed to fund the Edson Property Purchase, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Victor DiCristina, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$250,000 from Community Preservation Fund Balance, and further to appropriate \$75,000 from FY2012 CPA estimated revenues to reduce the amount necessary through Land Bank borrowing for the Edson Property purchase.

Explanation as printed in the Warrant: This article requests funding from the Community Preservation Fund Balance and estimated revenues in order to reduce the amount of borrowing by the Land Bank fund. As you may recall Town Meeting approved borrowing of up to \$782,500 (to be paid by the Land Bank fund) for the purchase of this property. By utilizing CPA available funds we reduce the borrowing resulting in savings (less interest). It is the hope that we will be able to pay 'up front' and not need to permanently borrow in June 2012.

Community Preservation Committee Recommendation:
Board of Selectmen Recommendation: Favorable 5:0
Finance Committee Recommendation: Favorable 5:0
Vote Required: Simple Majority

VOTE: Voice. So voted unanimously.

MOTION TO ADJOURN: At 7:10 p.m., Selectman Summers moved to adjourn.

VOTE: Voice. So voted unanimously.

Respectfully Submitted,
Julie S. Smith, MMC/CMMC
Town Clerk