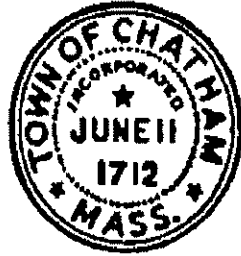


# *Town of Chatham*



## **SPECIAL TOWN MEETING WARRANT**

TUESDAY, MAY 14, 2019

6:30 P.M.

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MONOMOY REGIONAL MIDDLE SCHOOL  
GYMNASIUM  
425 CROWELL ROAD

**SPECIAL TOWN MEETING WARRANT MAY 14, 2019 WITH SUGGESTED MOTIONS**

*This is a courtesy document; motions may change and are not intended to restrict any action.*

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**Resolution:** Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of May 14, 2019.

- 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.

**SPECIAL TOWN MEETING WARRANT MAY 14, 2019 WITH SUGGESTED MOTIONS**  
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**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF CHATHAM  
SPECIAL TOWN MEETING WARRANT  
TUESDAY, MAY 14, 2019  
6:30 P.M.**

**THE COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

**GREETINGS:**

To any of the Constables of 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 Monomoy Regional Middle School Gymnasium at 425 Crowell Road in said Chatham on the 14<sup>th</sup> day of May 2019 at 6:30 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

**ARTICLE 1**

**Property Acquisition of 150 George Ryder Road and Lease Authorization**

To see if the Town will vote to authorize the Board of Selectmen to acquire the fee or such other legal interest(s) as the Selectmen shall determine in all, or a portion, of the real property located at 150 George Ryder Road, Chatham, identified on Assessors' Map 8F as Block 0 Parcel B1, encompassing the parcels presently owned by the Brown- James- Buck Memorial Association, Inc., as more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 984, Page 554 and Book 1297, Page 91, as shown on the Plan on file with said Registry of Deeds in Plan Book 193, Page 73, to authorize the Selectmen to negotiate, upon such terms and conditions as they shall deem to be in the public interest, and execute any and all documents necessary to effectuate the purchase and/or acquisition of title to said property; and to see if the Town will vote to appropriate a sum of money for the purpose of said real property acquisition, including the purchase price and other costs incidental and related thereto, and to determine whether this appropriation shall be raised by taxation, transfer of available funds, borrowing or otherwise; further, to authorize the Selectmen to enter into a lease, option to purchase or such other arrangement with the present owner of the property for the purpose of securing continued use and occupancy of the subject property as a Veterans of Foreign Wars (VFW) Post upon such terms and conditions as the Selectmen shall deem to be in the public interest; or take any other action in relation thereto.

(Board of Selectmen)

**Motion:**

By Dean P. Nicastro, Chairman, Board of Selectmen

I move that the Town vote to authorize the Board of Selectmen to acquire the fee or such other legal interest(s) as the Selectmen shall determine in all, or a portion, of the real property located at 150 George Ryder Road, Chatham, identified on Assessors' Map 8F as Block 0 Parcel B1, encompassing the parcel(s) presently owned by the Brown- James- Buck Memorial Association, Inc., as more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in in Book 984, Page 554 and Book 1297, Page 91, as shown on the Plan on file with said Registry of Deeds in Plan Book 193, Page 73; that the Selectmen be authorized to negotiate, upon such terms and conditions as they shall deem to be in the public interest, and execute any and all documents necessary to effectuate the purchase and/or acquisition of title to all or a portion of said parcel(s); and to appropriate the sum of \$ \_\_\_\_\_ for the purpose of said real property acquisition, including the purchase price and other costs incidental and related thereto, said appropriation to be raised by \_\_\_\_\_; and, further, to authorize the Selectmen to enter into a fifty year lease, with renewal options, option to purchase or such other arrangement with the present owner of the property for the purpose of securing continued use and occupancy of the subject property as a Veterans of

**SPECIAL TOWN MEETING WARRANT MAY 14, 2019 WITH SUGGESTED MOTIONS**

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Foreign Wars (VFW) Post upon such terms and conditions as the Selectmen shall deem to be in the public interest.

**Speaker:** Dean P. Nicastro, Chairman, Board of Selectmen

**Explanation:** *A Petition article to appropriate \$200,000 to the Veterans of Foreign Wars Post 8607 d/b/a Brown-James-Buck Memorial Association (VFW) is included in the Annual Town Meeting Warrant; Article 69. The article as submitted in the ATM would likely violate the language of the so called "Anti-Aid Amendment" to the Massachusetts Constitution Declaration of Rights. Discussions were held with the Petitioner and local VFW leadership, and as a potential solution, the Board of Selectmen, on April 22, 2019, called a Special Town Meeting and authorized this article as a vehicle for the Town to provide funds to the VFW that would not violate the Anti-Aid Amendment.*

*The article authorizes the Town's acquisition of an interest in the subject property to secure its appropriation of funds to improve/repair the building thereon, provide for continued use by the VFW, and to achieve the purpose and intent of the Petition Article in a legally appropriate manner. At the time of posting the STM Warrant the Board of Selectmen and principals from the VFW have not completed negotiations on how to proceed in a manner that is beneficial to both parties. It is for this reason that the language in the article is intentionally broad to provide the parties wide latitude in negotiating the terms of acquisition and continued use of the property by the current owner. The language includes a lease back to the VFW should the Town acquire all or a portion of the property.*

*The dollar figure is not known at the time of posting the warrant; however, the petitioned article under the ATM (Art. 69) requested \$200,000. The dollar amount will be presented at the Special Town Meeting, along with the funding source.*

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

\* \* \* \* \*

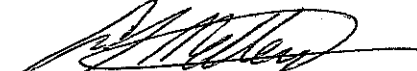
SPECIAL TOWN MEETING WARRANT MAY 14, 2019 WITH SUGGESTED MOTIONS

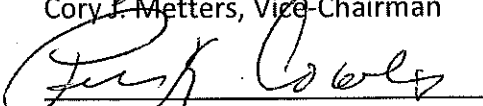
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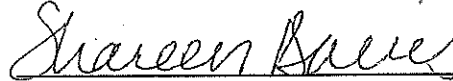
And you are directed to serve this Warrant by posting attested copies thereof at the several Post Offices in said Town, fourteen days at least, before the time of holding said meeting. Hereof fail not and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

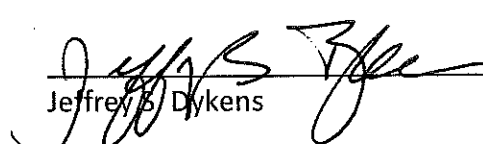
Given under our hands this <sup>22<sup>nd</sup></sup> ~~14<sup>th</sup>~~ day of <sup>April</sup> ~~May~~, in the year of our Lord, Two Thousand and Nineteen.

  
\_\_\_\_\_  
Dean P. Nicastro, Chairman

  
\_\_\_\_\_  
Cory J. Metters, Vice-Chairman

  
\_\_\_\_\_  
Peter K. Cocolis, Clerk

  
\_\_\_\_\_  
Shareen Davis

  
\_\_\_\_\_  
Jeffrey S. Dykens

Board of Selectmen

A True Copy, Attest

\_\_\_\_\_  
Julie Smith, Town Clerk

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 May 14, 2019 on April \_\_\_\_\_, 2019.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date