

[Snow Date 1/30/17]

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

Town of Chatham



SPECIAL TOWN MEETING WARRANT

MONDAY, JANUARY 23, 2017

6:30 P.M.

MONOMOY REGIONAL MIDDLE SCHOOL
GYMNASIUM

(Formerly the Chatham High School Gymnasium)

425 CROWELL ROAD

SPECIAL TOWN MEETING WARRANT JANUARY 23, 2017 WITH SUGGESTED MOTIONS

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Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of January 23, 2017.

- 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.

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COMMONWEALTH OF MASSACHUSETTS

**TOWN OF CHATHAM
SPECIAL TOWN MEETING WARRANT
MONDAY, JANUARY 23, 2017
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 23rd day of January 2017 at 6:30 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

SPECIAL TOWN MEETING WARRANT JANUARY 23, 2017 WITH SUGGESTED MOTIONS

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ARTICLE 1
Prior Year Bill Payment Appropriation

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum or sums of money, to be expended for payment of a prior year bill, or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Amanda V. Love, Clerk, Board of Selectmen
I move that the Town vote to appropriate and transfer from Free Cash, the sum of \$13,180.13 for the payment of the following invoices:

Dept	Date	Vendor	Description	Amount
DPW	5/13/2016	Employee	CMEA Boot Reimbursement	\$ 144.88
Fire	7/31/2014	Cape Cod Flying Circus	Fuel	\$ 57.17
Fire	7/8/2014	Cape Cod Flying Circus	Fuel	\$ 69.76
Fire	6/28/2016	Advanced Embroidery	Uniforms	\$ 161.80
Fire	6/28/2016	Advanced Embroidery	Uniforms	\$ 563.30
Fire	6/20/2016	Advanced Embroidery	Uniforms	\$ 145.75
Fire	6/22/2016	Bound Tree Medical	Medical equipment	\$ 742.30
Fire	2/25/2016	Chatham Ford	Anti-freeze	\$ 13.37
Fire	1/21/2016	Darley Fire Equipment	Equipment	\$ 237.32
Fire	1/28/2016	Darley Fire Equipment	Equipment	\$ 240.33
Fire	6/15/2016	Galls	Uniforms	\$ 81.23
Fire	6/14/2016	Galls	Uniforms	\$ 46.02
Fire	6/22/2016	Greenwood Emerg. Veh	Vehicle Maintenance	\$ 252.00
Fire	6/21/2016	Greenwood Emerg. Veh	Vehicle Maintenance	\$ 453.60
Fire	6/17/2016	Ron Meservey	Vehicle Maintenance	\$ 377.56
Fire	6/15/2016	Preseumscot River FF1 Academy	Training	\$ 150.00
Fire	7/2/2016	Tritech Software Systems	Software Support	\$ 5,040.00
H/R	5/1/2016	Cape Cod Times	Advertisement	\$ 1,258.74
Harbor	6/16/2016	Staples	Office Supplies	\$ 59.98
IT	6/14/2016	Siemens	System supplies	\$ 192.07
P&R	8/17/2016	Benjamin Nickerson, Inc	Trash Removal	\$ 1,500.00
SRAC	6/24/2016	Chatham Sign	Advertisement	\$ 195.00
SRAC	8/27/2015	Chronicle	Advertisement	\$ 917.95
SRAC	6/24/2016	Chatham Sign	Advertisement	\$ 280.00
				<u>\$ 13,180.13</u>

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Speaker: Alix Heilala, Finance Director

Explanation: *These invoices were received after the close of the fiscal year, or there were no funds remaining from which to pay the invoice. The invoices are an obligation of the Town as the goods and services have been received. Per Mass General Law, Town Meeting must approve payment in this fiscal year for any prior year(s) bill.*

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

Vote Required: Nine-Tenths Majority

ARTICLE 2
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 1/23/2017	Amount to Rescind
5/8/1995	2	Engineering/Planning – Roads	\$150,000	-0-	\$150,000
1/14/2002	11	Community Septic Betterment	\$200,000	\$50,000	\$150,000
5/12/2003	11	Community Center	\$1,865,000	\$1,850,000	\$ 15,000

Or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Dean P. Nicastro, Board of Selectmen

I move that the Town vote to rescind the following borrowing authorization: \$150,000 under Article 2 for Engineering, design and planning for various roads approved at STM 5/8/1995; \$150,000 under Article 11 for the Community Septic Betterment program approved at STM 1/1/2002; \$15,000 under Article 11 for the Community Center building project approved at ATM 5/12/2003.

Speaker: Alix Heilala, Finance Director

Explanation: *This is a 'housekeeping' article required so we can remove the borrowing authorization from our books. The amounts authorized under these articles were not fully borrowed, are no longer needed as the projects have been completed,*

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cost less than anticipated, or in the case of the road project, Chapter 90 Grant funds were used to reduce the amount necessary to borrow.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

Vote Required: Simple Majority

ARTICLE 3

Water Capital – Water Meters

To see if the Town will vote to appropriate a sum of \$375,000 for the continuation of the program to convert to automated water meter reading systems and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action in relation thereto.

(Board of Selectmen)

Motion: By Seth T. Taylor, Board of Selectmen

I move that that \$375,000 is appropriated for the continuation of the program to convert to automated water meter reading systems, and for all costs incidental and related thereto; that to meet this appropriation, transfer from available funds of the Water Department [water revenues/user fees] the sum of \$375,000.

Speaker: Thomas Temple, Director Department of Public Works

Explanation: *Automated water meter reading (AMR) systems will enable current readings through a drive-by system, providing expeditious data while optimizing the use of existing staff. Currently meter reading takes 3 months of manual house-to-house visits, whereas the AMR system can be done in a couple days. The potential for monthly billing and the identification of potential water leaks are other benefits. Current funding is through the annual operating budget which is projected to take 4+ years for full replacement. If approved, the funds under this article would allow for a more aggressive replacement schedule currently in year two of a four+ year replacement plan.*

As of December 7, 2016, 3,536 of the 7,206 water meters have been converted to AMRs, with 3,670 remaining to be installed. The cost for a residential water meter and radio transmitter is approximately \$200 per unit, while commercial meters vary based on size, but could be \$500 per unit. This appropriation expects to decrease the installation time from 4+ years to 2 years, anticipating completion by December 2018.

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Board of Selectmen Recommendation: **Approve 5-0-0**
Finance Committee Recommendation: **Recommendation from Town Meeting Floor**
Vote Required: Simple Majority

ARTICLE 4

Property Acquisition 365 Main Street Parcels

To see if the Town will vote to authorize the Board of Selectmen to acquire through donation, purchase, eminent domain, or otherwise, a leasehold and/or fee simple interest in the parcels of land located at 365 and 0 Main Street, Chatham, respectively identified by Assessors' Maps 16C-82-66 and 16D-2-4, encompassing the entire parcels presently owned by Lester W. Eldredge and Susan D. Eldredge, Personal Representatives of the Estate of William C. Eldredge as more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 915, page 498 and Book 3666, Page 133, said property to be used for general municipal and public uses and purposes, and further to appropriate, by borrowing, transfer or otherwise, a sufficient sum of funds to accomplish the same, and to authorize the Selectmen and Town Manager 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 this donation, lease, purchase and/or taking, or to take any other action in relation thereto.

(Board of Selectmen)

Motion: By Jeffrey S. Dykens, Chairman, Board of Selectmen
I move that the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to the sum of \$2,500,000 in anticipation of revenue and potential grant receipts pursuant to the provisions of Chapter 44, Section 6A, and Chapter 44B, the so-called Community Preservation Act, and/or to borrow money pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7(3) and/or Section 8C, and/or any other enabling authority, and to issue bonds and/or notes of the Town therefore; 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 or private 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, Chapter 132A, Section 11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that the amount of notes or bonds issued hereunder shall be reduced by the amount of any such grants received or funds accepted prior to the sale of such notes or bonds, for the acquisition of the parcels of land located at 365 and 0 Main Street, Chatham, respectively identified by Assessors' Maps 16C-82-66 and 16D-2-4 encompassing the entire parcels presently owned by Lester W. Eldredge and Susan D. Eldredge,

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Personal Representatives of the Estate of William C. Eldredge as more particularly described in the deeds recorded with the Barnstable County Registry of Deeds in Book 915, page 498 and Book 3666, Page 133, said property to be used for general municipal and public uses and purposes, and to authorize the Selectmen and Town Manager 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 this acquisition.

Speaker: Jill R. Goldsmith, Town Manager

Explanation: *This action authorizes the Board of Selectmen and Town Manager to negotiate a purchase and sale agreement and, if determined to be in the town's best interest, to acquire the properties located at 365 and 0 Main Street, known as the Eldredge Garage, and provides the seller with confirmation of the Town's intention to purchase. An appraisal has been done. The acquisition will only occur after the sellers meet any contingencies, including certification that any environmental issues have been addressed.*

Over the past two months, the Board of Selectmen received several updates from the owners' and their representatives on efforts to prepare the properties for sale. To learn more about these efforts, please visit the Channel 18 archives to view BOS meetings of 12/13, 12/20, and 1/10/17.

Possible future uses of the property, if acquired by the Town, include open space, parking, restrooms, and/or other general municipal and public uses. Further community discussion about possible uses will occur should the Town acquire the properties.

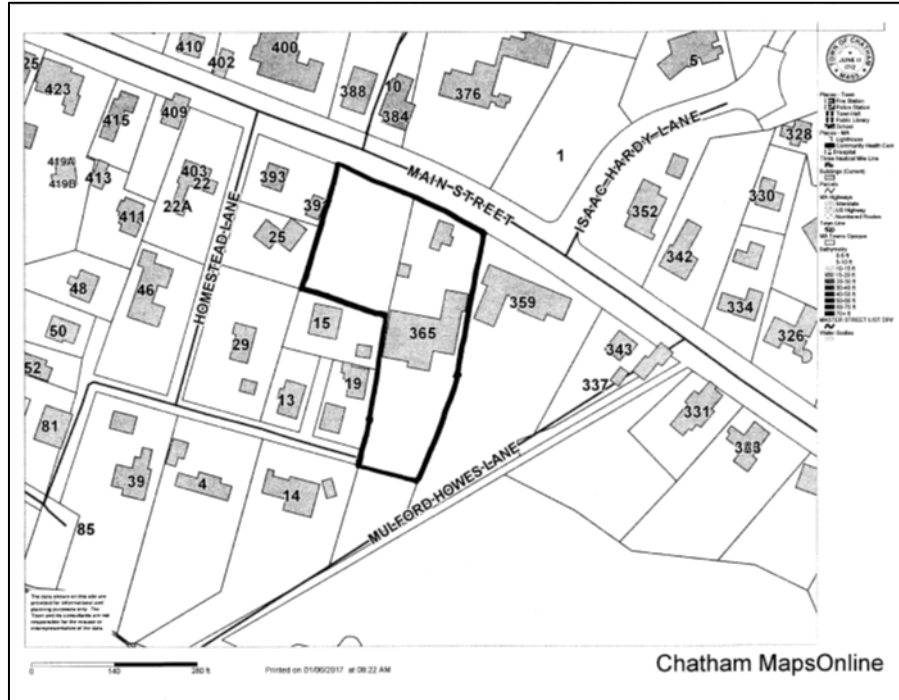
The suggested motion provides for the appropriation of funds by way of an authorization of borrowing for the purchase of the property. The actual borrowing would not occur until the time of transfer of ownership. The borrowing would be within the tax levy, not debt excluded. At a future Town Meeting, available funds could be appropriated to reduce the amount borrowed (no early payment penalty) as well as providing for possible grant funding or Community Preservation Act (CPA) funding that may be secured prior to acquisition of the property. At this time, no design or related engineering costs are included in the motion. Authorization for such, as determined to be necessary, may be sought at a future Town Meeting.

A debt service scenario showing the impact for a 20-year amortization at an interest rate of 3.5% would result in an impact of \$0.03 on the tax rate

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diminishing incrementally. Total estimated interest cost ranges from \$787,500 (3%) to \$918,750 (3.5%) for a 20-year bond



Board of Selectmen Recommendation: Approve 4-1-0
Finance Committee Recommendation: Recommendation from Town Meeting Floor
Vote Required: Two-Thirds Majority

Article 5

Property Acquisition – Valley Farm Drive

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to acquire by purchase for conservation, open space purpose and passive recreation a parcel on Valley Farm Drive in Chatham, Massachusetts as identified by Assessors' Map 10C-41-19 known as lot 19 in Plan Book 197 page 57 consisting of approximately 0.64 acres more or less as more fully described in a deed recorded with the Barnstable County Registry of Deeds in Book 22354 page 38 owned by Thomas F. & Nancy L. Gilmartin Trust; and to authorize the Selectmen to take all necessary measures to acquire said property, including the acceptance of a deed and to further authorize the Conservation Commission and the Board of Selectmen to grant a perpetual conservation restriction as authorized under MGL, Chapter 184, Sections 31-33 at the time of closing, or take any other action in relation thereto.

Motion: By Cory J. Metters, Vice Chairman, Board of Selectmen

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I move that the Town vote to appropriate the sum of \$125,000 from Land Bank Receipts Reserved for Appropriation Account to purchase for conservation/open space and passive recreation, the land described in Article 5 and to authorize the Selectmen to take all necessary measures to acquire said property, including the acceptance of a deed and to further authorize the Conservation Commission and the Board of Selectmen to grant a perpetual conservation restriction as authorized under MGL, Chapter 184, Sections 31-33 at the time of closing.

Speaker: Jack Farrell, Land Bank Open Space Committee

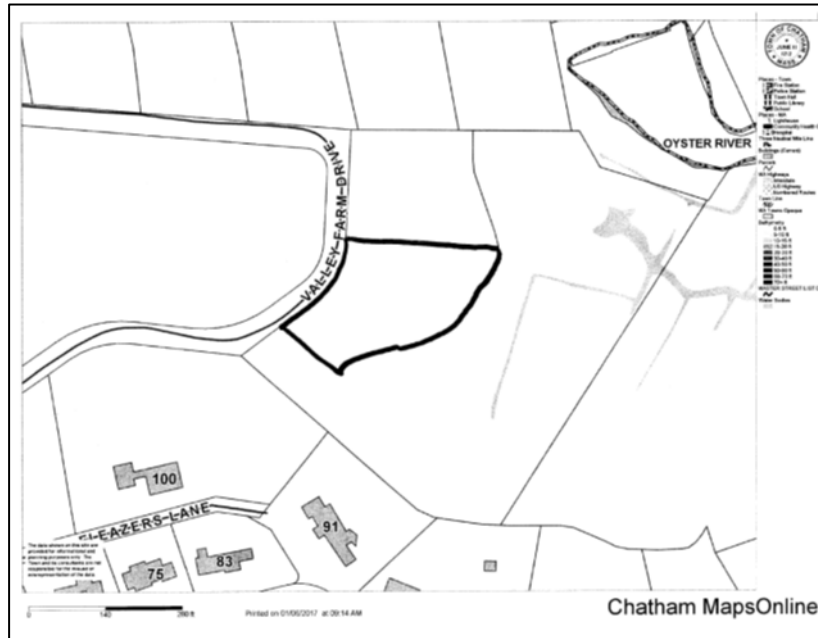
Explanation: *The purpose of this article is to approve the purchase of a property on Valley Farm Drive consisting of approximately 0.64 acres for conservation and open space. Though not a large parcel, its strategic location fits many of the criteria that the Land Bank reviews when considering a purchase, specifically:*

- *Linkage (to protect wildlife corridors and contiguous to larger assemblages of conservation lands) - adjacent to protected open space*
- *Public Trails - abuts pre-existing foot trails to other open space*
- *Public Scenic Value - open space*
- *Threat of Development – land is part of an approved subdivision and is developable*
- *Access – direct access to other conservation passive recreation area*
- *Wildlife Habitat – within known rare & endangered species habitat and provides buffer to such areas*
- *Collaborative Funding*
- *Consistency with the Long Range Comprehensive Plan*

This purchase is a collaborative effort between the Town via the Land Bank Committee, and the Chatham Conservation Foundation, Inc. (CCF). Approval of this article will appropriate Land Bank Funds in the amount of \$125,000 towards the \$180,000 purchase price. The remaining funds are to be provided by Chatham Conservation Foundation, Inc. in the amount of \$55,000 for the purchase. The CCF will expend an additional \$5,000 to demolish the existing foundation. The Town will own the property and the Conservation Foundation will hold the conservation restriction.

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Board of Selectmen Recommendation: Approve 4-0-0
Finance Committee Recommendation: Approve 7-0-1
LBOS Committee Recommendation: Approve 5-0-0
Vote Required: *Two-Thirds Majority*

ARTICLE 6

General Bylaw Amendment

Tax Title Payment Agreement Bylaw; Acceptance of MGL Chapter 60, Section 62A **Create Chapter 247, Tax Title Payment Agreements**

To see if the Town will vote to amend the Chatham General Bylaws by adding new language as Chapter 247, Tax Title Payment Agreements, as authorized by MA General Laws, Chapter 60, Section 62A, as follows:

§ 247-1. Authorization of agreements.

In accordance with the provisions of MGL c. 60, §62A, payment agreements are hereby authorized between the Treasurer and persons entitled to redeem parcels in tax title subject to the following terms and conditions.

- A. Each such agreement shall provide a maximum term of not more than five years and may not waive more than 50% of the interest that has accrued on the amount of the tax title account. No tax principal or

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collection costs/fees may be waived pursuant to the terms of any such agreement.

- B. Payment of 25% of the total adjusted tax title account must be received by the Treasurer as a prerequisite to final approval/execution of the agreement.
- C. Such agreements and waivers shall be available for and uniformly applied to parcels of real property with an assessed valuation, as of the January 1 preceding the date of the agreement, equal to or less than 150% of the mean assessed value of residential properties in the Town.
- D. Each agreement shall require, and final approval of the interest waiver shall be contingent upon, the property owner filing a covenant or restriction with the Barnstable County Registry of Deeds (or Barnstable Land Court District, in the case of registered land) expressly restricting the subject property to residential use for a period of 15 consecutive years commencing on the date of the agreement.
- E. Further, the property to which the interest waiver applies shall be subject to a covenant/restriction prohibiting the transfer or sale of the fee interest in the property by the owner until such time as the Treasurer has released the property pursuant to the conditions set forth in § 247-2 below.

§ 247-2. Release of property.

- A. The conditions for a release for transfer/sale of property granted a waiver of interest payment hereunder shall be:
 - 1. The property shall have been occupied as the residence of the owner for five years from the date of the waiver of interest agreement; or
 - 2. If the property was unimproved or uninhabitable at the time the tax waiver was granted, then the owner shall have constructed or rehabilitated a dwelling upon the property and resided therein for a period of five years.
- B. Upon the property owner providing the Treasurer with satisfactory evidence of having completed either Subsection A(1) or (2) above, the Treasurer shall execute and file such documents with the Barnstable

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Registry of Deeds (or Land Court) as may be necessary to release the covenant/ restriction of no transfer/sale encumbering the property.

- C. There shall be no release of the residential use restriction imposed upon a property once a waiver of interest has been approved, and that covenant/ restriction shall remain in effect as a matter of record for the fifteen-year period as set forth in § 247-1D above.

§ 247-3. Foreclosure actions.

During the term of the agreement the Treasurer may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the agreement or timely payments are not made on other amounts due to the Town that constitute a lien on the subject property. In the event of any default in payment obligations stipulated in said agreement, the Treasurer may pursue any or all remedies prescribed by MGL c. 60 for the collection of unpaid taxes, including, but not limited to, tax title foreclosure.

§ 247-4. Failure of owner to comply.

The failure of the property owner to comply with any of the conditions or requirements imposed under this Bylaw shall be cause to rescind the waiver of interest and to reinstitute the interest that was waived. In the event of such noncompliance, the tax account for the property shall be recalculated to reflect the amount of taxes and interest that would be then due and payable, but for the initial waiver of interest.

§ 247-5. Effect on other decisions and negotiations.

Nothing in this Bylaw shall preempt or preclude the authority of the Treasurer to accept partial payments or to negotiate and enter into payment agreements authorized by the provisions of General Law Chapter 60, Sections 22 and 22A or any other statutory authority.

Or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Amanda V. Love, Clerk, Board of Selectmen
I move that the Town vote to approve Article 6 as printed in the Warrant.

Speaker: Alix Heilala, Finance Director

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Explanation: *Approval of this bylaw would allow qualifying property owners who are currently in tax title to have up to 50% of the outstanding interest waived upon meeting certain provisions. The taxpayer would need to satisfy 25% of the outstanding balance (after reduction of the interest) in order to enter into a payment agreement of not more than five (5) years. In order to qualify the property must be: 1) residential, equal to or less than 150% of the mean assessed value of residential properties; 2) require a deed restriction for residential use for 15 years; 3) prohibit transfer of said property unless certain conditions are met.*

Tax title is when the Town places a lien on a property due to outstanding taxes. By State Law, properties in tax title accrue interest at 16%, and any payments made are applied first to the interest, then to the outstanding taxes. This article would provide relief to Chatham residents with properties in tax title and give them a period of five years to pay off outstanding obligations, and allow them to continue to reside in Chatham. If any of the conditions of the bylaw are not met, then the full amount of the obligation is due to the Town.

The mean assessed value of residential properties is \$810,599; to qualify a property in tax title would need to be valued at \$1,215,898 or less, and be occupied as a residence by the owner (not a second home).

The town-wide tax title total interest amount as of January 6 is \$404,204.55 for 56 properties in tax title. Approximately \$170,000 in interest owed may be eligible for the waiver.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Vote Required: Simple Majority

ARTICLE 7

Moral Obligation Tax Abatement – 3 Beach Plum Road

To see if the Town will vote to appropriate and transfer from Overlay Surplus the sum of \$7,197.51 for the purpose of satisfying the outstanding taxes, interest and charges accrued for fiscal years 2007 through 2011 to the real estate tax account for the property located at 3 Beach Plum Road (Assessors' Parcel 4D-5-A1); said sums having accrued to the account due to administrative irregularities relating to the assessment and collection of said taxes, or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Cory J. Metters, Vice Chairman, Board of Selectmen

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

I move that the Town vote to appropriate and transfer from Overlay Surplus the sum of \$7,197.51 for the purpose of satisfying the outstanding taxes, interest and charges accrued for fiscal years 2007 through 2011 to the real estate tax account for the property located at 3 Beach Plum Road (Assessors' Parcel 4D-5-A1).

Speaker: Alix Heilala, Finance Director

Explanation: *There are outstanding property taxes for Parcel 4D-5-A1 that date back to 2002 – 2007 when the land on the parcel was valued at full market value, rather than being subject to “the Affordable Housing Restrictions Rider” as listed in the deed dated January 25, 2001. This article requests payment of outstanding taxes (referenced as 2007 – 2011) that were assessed on an incorrect valuation. The assessment was corrected in FY2008 when the value of the land went from \$239,000 to \$2,300. Taxes were paid on this property in error by a third party even though the remittance quoted/referred to this parcel.*

A financial system conversion in 2008 complicated the matter, when the incorrect payment application to this parcel surfaced, at which time the Town applied the payments made in error to the correct parcel, resulting in the amount due under this parcel. As practice any payment is applied to the oldest bill, in this case the FY2003 tax bill. If the assessment had been correct there would have been no amount due; and if the assessment was correct, the taxpayer would have overpaid the Town by \$164.44.

The Article requests that \$7,197.51 be transferred from Overlay Surplus to pay the outstanding taxes and interest on the parcel. In essence, we are paying ourselves to rectify a tax situation that is complicated by numerous issues.

Board of Selectmen Recommendation: Approve 3-2-0

Finance Committee Recommendation: Approve 8-0-0

Vote Required: Simple Majority

ARTICLE 8

FY 2017 Budget; (Current Year) 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 FY2017 budget approved under Article 7 of the May 9, 2016 Annual Town Meeting for the period beginning July 1, 2016 and ending June 30, 2017 inclusive.

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	TO	AMOUNT	FOR
1.	Fire Expense Budget	\$ 25,000	Operational Supplies
	TO	AMOUNT	FOR
2.	Fire Salary Budget	\$ 50,000	Overtime/111F pay
	TO	AMOUNT	FOR
3.	Compensated Salary Adjustment	\$100,000	Retirement Payout obligations

Or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Jeffery Dykens, Chairman, Board of Selectmen
I move that the Town vote to appropriate the sum of \$175,000 to be allocated to the respective line items as stated in Article 8 of the Warrant and to meet said appropriation, the Town transfer \$175,000 from Free Cash.

Speaker: Alix Heilala, Finance Director

Explanation: *Item 1 – Fire Department Expense – specifically to cover costs associated with medical supplies. The Fire Dept. expense budget was increased in FY2016, however the cost for medical supplies continues to increase. After review of the current year expenditures this line item is 72% expended and we are halfway through the fiscal year. A transfer of \$25,000 is recommended, which would bring the budget line item to 51% expended through December 31, 2016.*

Item 2 – Fire Salaries – The department has three firefighters who are or have been absent due to being injured on duty (IOD). While their salaries are budgeted for the full year, their absence requires overtime to fill a shift. The current amount of IOD pay is \$33,200. A transfer of \$50,000 is recommended to cover the overtime caused by these injuries.

Item 3 – This would fund anticipated retirements that will occur before the Annual Town Meeting in May. There may be as many as three retirements before the end of the fiscal year, and one is due for the end of March. This article would transfer funds to an account to pay out any obligations for unused vacation and sick time due to employees. The amount requested is \$100,000 to cover this obligation.

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor
Finance Committee Recommendation: Recommendation from Town Meeting Floor
Vote Required: Simple Majority

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ARTICLE 9

Recertify H3581 -Home Rule Petition for Prevailing Wages Exemption [Article 38 2015 ATM]

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation seeking the Town's exemption from complying with sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less, in substantially the following form:

AN ACT RELATIVE TO THE PREVAILING WAGE IN THE TOWN OF CHATHAM

Section 1. Notwithstanding any general or special law to the contrary, the Town of Chatham shall be exempt from complying with Sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less.

Section 2. This act shall take effect upon its passage.

Or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Seth T. Taylor, Board of Selectmen

I move that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation seeking the Town's exemption from complying with sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$50,000 or less, as printed in Article 9 of the Warrant.

Speaker: Jill R. Goldsmith, Town Manager

Explanation: *This article had been approved at the 2015 Annual Town Meeting and recommended unanimously by both the Board of Selectmen and Finance Committee. The bill (H3581) remains in Legislative Committee and is due to expire with no action in May 2017. This action will allow us to re-file the legislation.*

There have been a number of small capital repairs for which the Town received either no bidders or the bid amounts exceeded project estimates. The purpose of this Home Rule petition is to exempt certain municipal projects, including routine maintenance work and small public works projects estimated to cost \$50,000 or under, from the mandated MA prevailing wage statute which can add a cost premium of approximately 30%. Such change would not remove protections for workers, but would allow local contractors more flexibility and opportunity to bid

[Snow Date 1/30/17]

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on municipal projects, with less administrative burden. This proposed action will still require proper oversight and accountability.

Board of Selectmen Recommendation: **Approve 5-0-0**
Finance Committee Recommendation: **Recommendation from Town Meeting Floor**
Vote Required: *Simple Majority*

ARTICLE 10

Recertify H3589 -Home Rule Petition for Waterways Improvement Fund with funding at 100% of Boat Excise Tax (vs 50%) - [Article 39 2015 ATM]

To see if the Town will vote to authorize the Board of Selectmen to seek Special Legislation to allow the Town to credit 100% of the sums received by the Town from the collection of boat excise taxes to the Waterways Improvement Fund, rather than crediting only 50% of such funds to said Fund; provided 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, further, to authorize the Board of Selectmen to approve amendments to the bill which shall be within the scope of the general objectives of the petition:

AN ACT RELATIVE TO BOAT EXCISE TAX REVENUE FOR THE CHATHAM WATERFRONT

Section 1: Notwithstanding section 2(i) of Chapter 60B of the Massachusetts General Laws or any other special or general laws to the contrary, 100% of the sums collected by the Town of Chatham as Boat Excise Tax pursuant to the provisions of Chapter 60B of the Massachusetts General Laws shall be credited to the Town Waterways Improvement Fund established under Section 5G of Chapter 40 of the Massachusetts General Laws, which funds may be expended solely for the purpose set forth in Section 5G.

Section 2: This Act shall take effect upon passage.

Or take any action in relation thereto.

(Board of Selectmen)

Motion: By Dean P. Nicastro, Board of Selectmen
I move that the Town vote to authorize the Board of Selectmen to petition the General Court to adopt special legislation as printed in Article 10 of the Warrant.

Speaker: Jill R. Goldsmith, Town Manager

[Snow Date 1/30/17]

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

Explanation: *This article had been approved at the 2015 Annual Town Meeting and recommended unanimously by both the Board of Selectmen and Finance Committee. The bill (H3589) remains in Legislative Committee and is due to expire with no action in May 2017. This action will allow us to re-file the legislation.*

As mandated by current Massachusetts General Law, only 50% of the amount of revenue annually received through the collection of boat excise taxes is deposited into the Town's Waterways Improvement Fund (WIF). The WIF is an account where receipts are dedicated to support waterways related operations and infrastructure. Chatham annually collects approximately \$70,000 in total boat excise tax revenue. However, like all towns, Chatham is only able to deposit a maximum of 50% of this sum into the WIF as mandated by the MA Department of Revenue. The remaining 50% is deposited into the Town's General Fund.

The Selectmen have made improvement of Chatham's waterfront infrastructure a priority and it is deemed appropriate that funds derived from the users of our waterways should be dedicated to maintaining and enhancing our waterways. Special enabling legislation requested through a home rule petition is required to allow Chatham to deposit 100% of the contribution of boat excise tax revenue into the WIF. This article was originally proposed and supported by the Waterways Advisory Committee. Similar special legislation was approved by the MA legislature and signed into effect by former Governor Patrick for the Town of Mattapoisett.

Board of Selectmen Recommendation: **Approve 5-0-0**
Finance Committee Recommendation: **Recommendation from Town Meeting Floor**
Vote Required: Simple Majority

ARTICLE 11 – PLACHOLDER
Collective Bargaining Agreements; Funding

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to fund salary increases and other cost-items resulting from contract settlements with union personnel, or take any other action relative thereto.

(Board of Selectmen)

Motion: By Jeffrey S. Dykens, Chairman, Board of Selectmen
 NO MOTION - or

[Snow Date 1/30/17]

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I move that the article be divided into two (2) questions: one for each of the two contracts for which an expenditure of funds is sought:

1. Move: That the sum of \$_____be transferred from Free Cash and appropriated to fund salary increases and other cost-items resulting from a contract settlement by and between the Town of Chatham and_____, and to authorize the Town Accountant to allocate such sum to the appropriate operating budgets, and further;

2. Move: That the sum of \$_____be transferred Free Cash and appropriated to fund salary increases and other cost-items resulting from a contract settlement by and between the Town of Chatham and_____, and to authorize the Town Accountant to allocate such sum to the appropriate operating budgets, and further.

Speaker: Jill R. Goldsmith, Town Manager

Explanation: *This is a placeholder article to fund two collective bargaining agreements for FY2016 July 1, 2015 through FY2018 (ending June 30, 2018) which had not been settled in time for the 2016 Annual Town Meeting. If there is a settlement, this requires a funding appropriation to accompany ratification by the BOS and Unions.*

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Vote Required: Simple Majority

SPECIAL TOWN MEETING WARRANT JANUARY 23, 2017 WITH SUGGESTED MOTIONS

[Snow Date 1/30/17]

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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 3rd day of January, in the year of our Lord, Two Thousand and Seventeen.

Jeffrey S. Dykens, Chairman

Cory J. Metters, Vice-Chairman

Amanda V. Love, Clerk

Seth T. Taylor

Dean P. Nicastro

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 January 23, 2017 on January _____, 2017.

Constable

Date