

Town of Chatham



SPECIAL TOWN MEETING WARRANT

MONDAY, SEPTEMBER 15, 2014

6:30 P.M.

MONOMOY REGIONAL MIDDLE SCHOOL
GYMNASIUM
(Formerly the Chatham High School Gymnasium)
425 CROWELL ROAD

SPECIAL TOWN MEETING WARRANT SEPTEMBER 15, 2014 WITH SUGGESTED MOTIONS
This is a courtesy document; motions may change and are not intended to restrict any action.

Resolution: Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of September 15, 2014.

- 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.

COMMONWEALTH OF MASSACHUSETTS

**TOWN OF CHATHAM
SPECIAL TOWN MEETING WARRANT
MONDAY, SEPTEMBER 15, 2014
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 15th day of September 2014 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

**MONOMOY NATIONAL WILDLIFE REFUGE DRAFT COMPREHENSIVE CONSERVATION
PLAN/ENVIRONMENTAL IMPACT STATEMENT - FUNDING APPROPRIATION**

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money for the purpose of funding the Town's continued efforts to prepare and submit formal comments and continued advocacy to preserve the Town's interests regarding Monomoy and the Monomoy National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement; and land-use boundary disputes relating to Monomoy, or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Florence Seldin, Chairman, Board of Selectmen

I move that the Town vote to appropriate and transfer from Free Cash the sum of \$300,000.00 to fund the preparation of the Town's comments and continued advocacy efforts to preserve the Town's interests in the Monomoy National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement; and land-use boundary disputes relating to Monomoy.

Speaker: Jill MacDonald, Chairman, Monomoy National Wildlife Refuge Draft CCP Taskforce

Explanation: *The US Fish & Wildlife Service (FWS) released the Draft Comprehensive Conservation Plan and Environmental Impact Statement (CCP/EIS) for the Monomoy National Wildlife Refuge in April 2014 for public comments which are due by October 10, 2014. The CCP/EIS is an extensive document which presents several alternatives for management of the Refuge and its utilization by the public over the next 15 years. While there are many recommendations within the alternatives that may affect Chatham residents and visitors, two specific recommendations would have significant impact on the public's historic rights of access and utilization of resources. The first of these is the proposed annexation of 717 ± acres of Town-owned South Beach that would become part of the Refuge. The second is expansion of FWS management jurisdiction over open water and sub-tidal areas on the west side of Monomoy with accompanying prohibitions or limitations on many of the historic fishing activities that have occurred there for centuries. Some of the recommendations in the CCP/EIS have their basis in legal interpretations dating back to the original land taking in 1944 while others are based on assumptions that are not supported by science.*

In response to the CCP/EIS release and the potential impacts many recommendations would have on the community, the Board of Selectmen created a Task Force of citizens to oversee the preparation of the Town's

comments. The Task Force has been working to ensure that complete, comprehensive, scientifically-sound, and legally-based comments are presented. In response to the scope of work necessary to ensure these tasks are completed within the limited time-frame available, the Task force has recommended that the services of outside experts be brought in to supplement Town resources (Staff and Town Counsel). The Task Force has interviewed a number of individuals/firms in the areas of fisheries science, legal, and public policy to guide the preparation of this critical comment document. The Task Force is also looking toward these entities supporting the Town in the post-comment period when there is expected to be an opportunity to discuss with the FWS the recommendations in the Draft and the issues raised by the Town in its comment letter.

Board of Selectmen Recommendation: **Approve 5-0-0**
Finance Committee Recommendation: **From Town Meeting Floor**

ARTICLE 2

SUBSURFACE CONTAMINATION MITIGATION AT TOWN-OWNED PROPERTY ON DEPOT ROAD

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money for the purpose of clean-up efforts of the subsurface groundwater contamination on Assessor's Parcel ID 14E-0-73 - Depot Road, and associated costs to the Fire Station Project, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: By Jeffrey S. Dykens, Vice Chairman, Board of Selectmen

I move that the Town vote to appropriate and transfer from Free Cash the sum of \$_____ to fund the subsurface contamination mitigation on Assessor's Parcel ID 14E-0-73 - Depot Road, and associated costs to the Fire Station Project.

Speaker: Timothy L. Roper, Board of Selectmen

Explanation: *During soil borings as part of building design at the site of the proposed new Fire Station on Depot Road evidence of gasoline contamination was detected. The Town subsequently hired a Licensed Site Professional (LSP), as required by MADEP regulations, to undertake a complete assessment of site conditions on the Town-owned parcel and determine a course of action.*

In the follow-up assessment it was determined there is a significant area of gasoline impacted groundwater underlying the old Community Building and

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former PD/FD Complex; the area of contamination does not appear to extend under the adjacent Elementary School. Although a definitive source has not been determined, the presence of unleaded gasoline would implicate the former municipal fuel facility located on the site that was decommissioned in 1993. With construction of the new fire station imminent, Town staff and the LSP have worked to develop a plan to address the contamination while minimizing impacts to the Fire Station project, budget, and schedule.

Options have been developed that allow the Fire Station Project to move forward, albeit on a slightly delayed schedule, while addressing the contamination as required by MADEP. The treatment process involves the introduction of hydrogen peroxide and ozone into the contaminated groundwater through a series of wells to accelerate destruction of the contaminants. The benefit to this site is that this process can be installed and operational quickly and will be installed below the foundation level of the new Fire Station allowing building construction to proceed unimpeded.

The options considered differ in how aggressive the approach to clean-up is. The "full treatment" approach provides for a pilot study, followed by 4 months of full-scale active treatment followed by 18 months of site groundwater monitoring to document that the GW-3 clean-up standards have been met to reach a permanent solution without limitations on the site.

The "limited treatment" approach also provides for a pilot study but there is no full-scale active treatment. Rather, a cost-benefit feasibility study, with site groundwater monitoring over at least a 24 month period, is conducted to determine how long it would take to reach groundwater levels associated with a certain level of risk naturally, while weighing the risks of exposure. GW-3 standards would not be met in this case and the need for further actions on the site may be identified.

Funds sought in this article would provide for the required services of the LSP, treatment installation and operation, monitoring, and costs incurred by the Fire Station Project (escalation due to the delay in construction, coordination between the remediation and site/building engineers/contractors, etc.) due to the presence of this unforeseen occurrence of groundwater gasoline contamination.

Board of Selectmen Recommendation: From Town Meeting Floor

Finance Committee Recommendation: From Town Meeting Floor

ARTICLE 3
COLLECTIVE BARGAINING CONTRACT ARBITRATION SETTLEMENT;
CHATHAM PERMANENT FIRE FIGHTERS UNION, IAFF LOCAL 2712

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 a contract arbitration settlement by and between the Town of Chatham and Chatham Permanent Fire Fighters Union, IAFF Local 2712, or take any other action in relation thereto.

(Board of Selectmen)

Motion: By Seth T. Taylor, Clerk, Board of Selectmen

I move that the sum of \$ 275,000.00 be raised and appropriated to fund salary increases and other cost-items resulting from a contract arbitration settlement by and between the Town of Chatham and the Chatham Permanent Fire Fighters Union, IAFF Local 2712, to authorize the Town Accountant to allocate such sum to the appropriate operating budgets, and to meet this appropriation the Town raise \$275,000.00 through taxation.

Speaker: Jill R. Goldsmith, Town Manager

Explanation: *While the Town had a placeholder article at the May 2014 Annual Town Meeting, funding for this article was not included in the FY2015 proposed budget under Article 6 as the Arbitration decision on the collective bargaining agreement had not yet been received. This relates to the collective bargaining agreement with the Chatham Firefighters expiring on June 30, 2012 and terms, conditions, and funding of a successor agreement dated July 1, 2012 through June 30, 2015. The Board of Selectmen has voted to approve the settlement, but will provide a recommendation on Town Meeting Floor as the funding amount had yet to be certified prior to the posting of this warrant.*

Board of Selectmen Recommendation: From Town Meeting Floor
Finance Committee Recommendation: From Town Meeting Floor

ARTICLE 4
CITIZEN PETITION; COMMUNITY PRESERVATION ACQUISITION – TWINE FIELD PROPERTY

To see if the Town will vote to raise and appropriate and/or transfer from available Community Preservation funds a sum of money it determines necessary to acquire by purchase for conservation, open space and passive recreation a parcel of land located off Morton Road,

Chatham Massachusetts being portions of land identified by Assessors' Map 3E, Parcels E2 and E4, consisting of approximately 7.345 acres more or less and owned by the Estate of Lillian A. Eldredge, and to authorize the Selectmen to take all necessary measure to acquire said property, including the entering into agreements and the acceptance of a deed; and to further authorize the Board of Selectmen to grant a perpetual conservation restriction as authorized under G.L. c. 44B, §12 and G.L. c. 184, §§31-33 at the time of closing that is to be held by the Chatham Conservation Foundation, Inc., or take any other action in relation thereto.

(By Petition)

Motion: By John Kaar, Community Preservation Committee

I move that the Town vote to appropriate the sum of \$250,000.00 with \$100,000.00 from Community Preservation Open Space Reserves and \$150,000.00 from Community Preservation Fund Balance to acquire by purchase for conservation, open space, and passive recreation purposes, a parcel of land consisting of 7.345 acres, more or less, located off Morton Road, Chatham Massachusetts being portions of land identified by Assessors' Map 3E, Parcels E2 and E4, Chatham, Massachusetts and owned by the Estate of Lillian A. Eldredge and to authorize the Selectmen to take all necessary measures to acquire said property, including the entering into of agreements and the acceptance of a deed, and to further authorize the Board of Selectmen to grant a perpetual conservation restriction as authorized under G.L. c. 44B, §12 and G.L. c. 184, §§ 31-33 that is to be held by the Chatham Conservation Foundation, Inc.

Speaker: David Doherty, Chatham Conservation Foundation

Explanation: *The Chatham Conservation Foundation, Inc. (CCF) has entered into a Purchase and Sale Agreement with owners of the largest undeveloped residential parcel in Chatham. Located off Morton Road and with the Bike Path running along its southerly boundary, this 7.345 acre parcel will be combined with an abutting 1.393 acre being purchased by CCF thereby creating total open space of approximately 8.74 acres. Total acquisition cost is \$750,000.00 of which CCF will contribute \$500,000.00 and the balance of \$250,000.00 will come from available Community Preservation Act funds. Both parcels will be owned by the Town of Chatham and a Conservation Restriction will be granted to CCF to ensure the property is preserved for the purposes of open space, conservation and passive recreation.*

Community Preservation Committee Recommendation: Approve 5-0-0
Board of Selectmen Recommendation: From Town Meeting Floor
Finance Committee Recommendation: From Town Meeting Floor

SPECIAL TOWN MEETING WARRANT

SEPTEMBER 15, 2014

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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 28th day of August in the year of our Lord, Two Thousand and Fourteen.

Florence Seldin
Florence Seldin, Chairman

Jeffrey S. Bykens
Jeffrey S. Bykens, Vice-Chairman

Seth T. Taylor
Seth T. Taylor, Clerk

Sean Summers
Sean Summers

Timothy L. Roper
Timothy L. Roper

Board of Selectmen

A True Copy, Attest

Julie Smith
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 September 15, 2014 on August 29, 2014.

John Proudfoot
Constable

8.29.14
Date