



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO: Jill Goldsmith, Town Manager
Board of Selectmen

FROM: Julie Smith, Town Clerk 

DATE: May 24, 2012

SUBJECT: Certification of Votes

Pursuant to the Town of Chatham's General Bylaws (Chapter 60, Section 6; Certification of Votes), please find certified copies of all votes passed at the May 14, 2012 Annual Town Meeting.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Resolution was adopted at the May 14, 2012 Annual Town Meeting:

Resolution as presented by Selectman Seldin: Resolved that the Town vote to adopt the following rules of procedure for the Annual Town Meeting of May 14, 2012.

- 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.



Julie S. Smith, MMC/CMMC

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TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 2 – Accept Annual Reports

To hear the reports of various Town Officers and Committees and see what action the Town will take relative to the appointment of officers not chosen by ballot, or take any other action in relation thereto.

(Board of Selectmen)

MOTINO: Florence Seldin, Chairman, Board of Selectmen, moved that the Town Moderator and Board of Selectmen be authorized to appoint the necessary Town officers whose appointments are not otherwise provided for and that the Town hear and accept the reports of various Town officers and committees as they appear in the Town Report.

Explanation: *The purpose of this Article is to enable a Town officer or committee member to address the Town Meeting, particularly if said officer or committee was not able or did not choose to submit a Town Report.*

VOTE: Voice. So voted unanimously.



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TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 3 – Fix Salaries – Elected Officials

To fix the salaries of the elected Town officers for the fiscal year beginning July 1, 2012, or take any other action in relation thereto.

<u>Officer</u>	<u>FY2012 Voted</u>	<u>FY2013 Request</u>
Moderator	\$ 600	\$ 600
Selectmen – Each	2,000	2,000
Chairman – Extra	500	500

(Board of Selectmen)

MOTION: Leonard Sussman, Board of Selectmen, moved that the Town vote to fix the salaries of the elected Town officers in accordance with the positions and amounts in this Article.

Explanation: In accordance with Massachusetts General Law, Chapter 41, Section 108, salaries and compensation of elected officers must be fixed annually by vote of the Town at an Annual Town Meeting. This Article fixes (sets), but does not appropriate these salaries. Actual appropriation of funds for these salaries occurs under Article 6 – Town Operating Budget.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 4 – Consolidated Revolving Funds

To see if the Town will vote pursuant to the authority granted under Massachusetts General Law Chapter 44, Section 53E ½ , to establish or reestablish the following Revolving Funds for the purpose of receiving revenues and making disbursements in connection with the following authorized Town activities, or take any other action in relation thereto.

- A) Airport Revolving Fund
All monies received by the Airport Commission from the operation of the Chatham Municipal Airport shall be credited to this fund. The Airport Commission shall be authorized to expend from this fund, without further appropriation, to defray the expenses of the Chatham Municipal Airport operated by the Commission. No more than \$85,000 shall be expended from this fund during fiscal year 2013.
- B) Bassett House Revolving Fund
All monies received by the Town from the operation of the lease of the Bassett House shall be credited to this fund. The Town Manager shall be authorized to expend from this fund, without further appropriation, to defray the maintenance expenses of the House operated by the Chamber of Commerce. No more than \$8,000 shall be expended from this fund during fiscal year 2013.
- C) Inspectional Services Revolving Fund
10% of all monies received by the Town from the issuance of all inspection permits shall be credited to this fund. The Community Development Department, with the approval of the Town Manager, shall be authorized to expend from this fund, without further appropriation to defray the expenses of consulting services associated with the approval of inspectional permits. No more than \$70,000 shall be expended from this fund during fiscal year 2013.
- D) Recycling Revolving Fund
All monies received by the Department of Health and Environment from the sale of recycling bins, compost bins, rain barrels, kitchen scrap

buckets, water saving devices, recycling bags/totes, and other items particular to recycling conservation, shall be credited to this fund. The Department of Health and Environment, with the approval of the Town Manager, shall be authorized to expend from this fund, without further appropriation, to defray the expense of purchasing additional recycling containers and items particular to recycling and conservation, including advertising the availability of such items. No more than \$5,000 shall be expended from this fund during fiscal year 2013.

(Board of Selectmen)

MOTION: Timothy Roper, Board of Selectmen, moved that the Town authorize and approve the Airport Revolving Fund, Bassett House Revolving Fund, Inspectional Services Revolving Fund and the Recycling Revolving Fund for the purposes and in the amounts listed in Article 4 of the Warrant.

Explanation: The purpose of these revolving funds is to segregate the revenues generated by each of these operations and to restrict the use of those revenues to the purpose for which they are collected. As required by State statute, the following is an accounting of these funds for the last eighteen months:

Airport Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY11	\$16,692.95	\$29,298.00	\$22,804.79	\$23,186.16
FY12	\$23,186.16	\$13,858.02	\$ 8,779.03	\$28,265.15

(Thru 12/31/11)

Bassett House Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY11	\$16,748.64	\$ 3,000	\$ -	\$19,748.64
FY12	\$19,748.64	\$ 1,500	\$ -	\$21,248.00

(Thru 12/31/11)

Inspectional Services Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY11	\$75,604.02	\$38,450.00	\$39,108.00	\$74,946.02
FY12	\$74,946.02	\$21,950.08	\$21,025.00	\$75,871.10

(Thru 12/31/11)

Recycling Revolving Fund

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
FY11	\$ 914.99	\$ 2,504.00	\$ 3,169.00	\$ 249.99
FY12	\$ 249.99	\$ 1,158.49	\$ -	\$ 1,408.48

(Thru 12/31/11)

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 5 – Wood Waste Reclamation Facility Enterprise Fund

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to operate the Wood Waste Reclamation Facility Enterprise Fund, or take any other action in relation thereto.

Lease Revenue	\$25,000
Operating Expenses	\$25,000

(Board of Selectmen)

MOTION: Sean Summers, Board of Selectmen, moved that the Town vote to appropriate \$25,000 to operate the Wood Waste Reclamation Facility Enterprise Fund and to meet said appropriation the Town raise \$25,000 through lease revenue.

Explanation: Town Meeting voted to adopt Chapter 44 Section 53F ½ of the Massachusetts General Laws establishing an Enterprise Fund. An enterprise fund establishes a separate accounting and financial reporting system to support a specific business activity, in this case the Wood Waste Reclamation Facility.

One of the requirements of an enterprise fund is that a budget has to be adopted at Town Meeting every year. The Wood Waste Facility is leased out with annual revenue at approximately \$25,000 per year. The revenue will be used to support groundwater monitoring and other costs associated with the operation of the facility.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 6-0-1

VOTE: Voice. So voted unanimously.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 6 – Town Operating Budget

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 Town expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town's departments and offices, all for the fiscal year beginning July 1, 2012 and ending June 30, 2013 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

Town Operating Budget Overview

Description	FY11 Actual	FY12 Voted	FY13 Dept. Req	Proposed Budget FY13
Operating Budgets (Expenses)				
General Government	\$1,952,414	\$1,843,121	\$1,929,316	\$1,929,316
Public Safety	5,192,066	5,227,333	5,456,721	5,446,243
Community Development	732,593	661,100	668,987	695,823
Health & Environment	787,802	815,635	824,060	823,039
Public Works & Facilities	3,779,353	3,913,246	4,365,998	4,068,848
Community & Social Services	929,132	961,523	1,002,845	962,163
Employee Benefits	3,629,389	3,840,390	4,302,212	4,100,000
Undistributed Ins. & FinCom Reserve Fund	300,703	351,097	401,135	401,135
Debt Service	5,216,532	5,740,691	7,450,668	7,450,668
Operating Budget Total	\$22,519,984	\$23,354,136	\$26,401,942	\$25,877,235

MOTION: David Whitcomb, Board of Selectmen moved that the Town vote to appropriate the sum of \$25,877,235 to fund the Operating Budget for the Town for the

fiscal year beginning July 1, 2012 for the purposes and amounts designated in the column titled "Proposed Budget FY13" of Article 6 of the Warrant and to meet said appropriation, the Town raise \$24,797,691 through the tax rate and transfer \$170,000 from the Waterways Improvement Fund, \$886,544 from the Land Bank Fund, \$10,000 from the Wetlands Protection Fund, \$10,000 from Cemetery Perpetual Care Fund and \$3,000 from the Railroad Museum Fund.

Explanation: A full explanation of this funding request and its fiscal context is provided in Appendix B: Town Manager's Budget Summary. The School Operating budgets are not included in this article and are presented in Article 7.

There are several items that impact the FY2013 budget with debt service as the single largest increase to both the operating budget and impact to the tax rate. The Town will issue bonds in June for previously approved projects that include the Wastewater Treatment Facility, PD/Annex buildings, land acquisition, and roadway improvements - \$43.9m - amounting to an increase of \$1.7m in the debt service budget which accounts for approximately eleven percent (11%) increase to the tax rate for FY2013. The Debt amortization schedules are listed in Appendix E, and may change depending on the bond sale in June and the interest rate of the low bidder.

The FY2013 operating budget as presented in Article 6 (excluding debt above and the Schools budgets in Article 7) amounts to an overall increase of two percent (2%) to FY2012, which is below the Proposition 2 ½ allowable growth to the levy limit. Such increase of 2% is mostly attributable to the so called Budget Busters- nondiscretionary (fixed) and Other Budgets. Each year there are costs - required expansion of operations, fixed costs, or regulatory measures which consume the full amount of allowable growth of approximately \$800,275. The actual budget increase is \$798,686, of which only approximately \$100,000 was used for discretionary items out of the \$25,877,235 proposed FY2013 budget request.

- The employee benefits budget shows an increase of 6.8% due to the municipal budget now required to cover the costs for Chatham school retirees which has shifted from the school budget back to the town budget, offsetting any savings from the recently adopted municipal health reform. On the positive side, this is a relatively small increase when compared to previous increases of 12-15% in one year.
- With the new Wastewater Treatment Facility coming 'on-line' there is a State (DEP) requirement for an additional operator. This is budgeted under contracted services in the Public Works Division, and will increase again in FY2014 with a second operator required under State regulations. We were successful in deferring the second operator one year.
- Retirements/Pensions continue to impact expenses. The Retirement Assessment increased 28%. The Early Retirement Initiative (ERI) attributed for an additional assessment of \$102,000 relating to the seven employees. In fall 2011, the BOS and FinCom held joint meetings to discuss pensions and other post-employment benefits (OPEB) planning. While our practice of "pay as we go" to fund this item is acceptable, we are establishing a Trust Fund under Article 32 with funding of it in FY2014.

- Liability and Workers Compensation insurance has been increased by 63%. This is premium based. We continually monitor this and have received quotations for FY2013 to check market conditions which confirmed our Insurer as the low cost provider.
- Several budgets have increased by unfunded mandates, an example of which is the Elections budget, up 66% due to the Presidential Primary and General Elections both of which occur in FY2013. While the renewable energy initiatives are underway -solar photovoltaic [PV] panels on the capped landfill and WWTF in FY2013, the savings will not be realized until FY2014; thus providing for an increase of 42% in utility costs.
- Additional items include policy decisions related to increase efficiencies or expanded service opportunities:
 - Funding for a Town Landing Officer
 - Fire Dispatch – moving from partial services provided by the County Dispatch services operated by the Sheriff to full service on or about January 2013
 - Reorganization of the Community Development and Facilities Departments
 - Elimination of funding for the Lighthouse Beach Boat Operator as recommended by Park and Recreation Commission

The enclosed budget is not reflective of use of any reserves – Free Cash or Stabilization. Free Cash is generated by revenue from non-property tax sources received in excess of estimates and from budget turn backs. FY2012 general fund Free Cash was certified in December 2011 in the amount of \$582,327. Such funds are targeted to be saved – i.e. not used, and carried forward to build up the Town's reserves in the Undesignated Fund Balance from which Free Cash is derived, as a one year departure from the Town's practice of funding the capital plan with increasingly limited Free Cash.

Our financial strategy for FY2013, as driven by the \$43.9m bond sale in June 2012, is to demonstrate Town's commitment to building its reserves to maintain AAA Bond Rating when it is reviewed by Standard & Poor's in late May 2012. Funding recommendations for the Capital articles (9&10) is a result of this priority.

	<u>FY2009</u>	<u>FY2012</u>
➤ Unreserved Fund Balance (UFB)	\$2,099,262 (6.61%)	\$893,134 (2.66%)
➤ Free Cash (a component of above)	\$1,606,285	\$582,327

In FY2009 when the Town received its AAA Bonding, the UFB was 6.61% of the operating budget; in FY2012, the UFB represented 2.66% of the operating budget.

This demonstrates the need to build up reserves as recommended by the Independent Auditors, Financial Advisors and Bond Rating Companies. Should the Town's Bond Rating be given a negative outlook or worse, a downgrade prior to the bond sale, it could cost an additional \$522,971 (0.25%) for the just the PD/Annex project borrowing.

How the financial strategy for FY2013 works to preserve the Town's AAA Bond Rating:

- Ratings review scheduled in **May 2012** following ATM for June Bond Sale of \$43,900,000
- Unreserved Fund Balance (See Town Annual Report Balance Sheet)
- One-year pause for expending Free Cash. Carry forward FY2012 Free Cash (\$582,327) to build fund balance for FY2013
- Use Recurring/Available Revenues to Fund Operating Budget
- Fund Capital Items with School "savings" – approximately \$1.8m. Similar in practice to "debt drop off" strategy
- Return to the past practice of using Free Cash to fund Capital Budget in FY2014. With Free Cash replenished in FY2014 due to the carry-over for the bond review, we will resume the practice of using Free Cash to fund capital items.

The approval of Articles 6, 7, 9, and 10 provide for an approximate total of 12.7% increase to the FY2012 tax rate – the majority due to debt service at approximately 11%.

This is the third year of difficult budget decisions but the strategic budget planning efforts since FY2010 and recent action on local option revenue sources have placed the Town in a much better position than many other Towns in the Commonwealth. Our excellent AAA Bond Rating of 2009 has sustained and survived when many other municipalities with the same bond ratings were downgraded in 2011. However, now we are seeing towns with lower bond ratings have higher percentages of reserves. We must remain very cognizant how easy it is to be downgraded. As such, I am committed to our sound fiscal strategies and to review policies regularly, prepare a multi-year budget model/strategy in consultation with the BOS and FinCom soon after Town Meeting, and seek innovation and efficiencies in the delivery of Town services.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 3-4-0 [Disapprove]

VOTE: Voice. In my opinion, the ayes have it, declared the Moderator. After a request for a hand count:

YES: 412

NO: 103

Article 6 is passed, declared the Moderator.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 7 – School Operating Budget

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 Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the School's departments and offices, all for the fiscal year beginning July 1, 2012 and ending June 30, 2013 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

FY 2013 School Operating Budget Overview

DESCRIPTION	FY11 ACTUAL	FY12 VOTED	FY13 DEPT REQ	PROPOSED BUDGET FY13
Operating Budgets (Expenses)				
Chatham Public Schools	9,710,595	9,974,126	0	0
Monomoy Regional School District.			8,119,685	8,119,685
Cape Cod Regional Technical H.S.	278,874	287,652	314,638	314,638
Operating Budget Total	9,989,469	10,261,778	8,434,323	8,434,323

MOTION: Jeffrey Dykens, Chairman, Monomoy Regional School Committee, moved that the Town vote to appropriate the sum of \$8,434,323 to fund the Operating Budgets for the Schools for the fiscal year beginning July 1, 2012 for the purposes and amounts designated in the column titled "Proposed Budget FY 13" of Article 7 of the Warrant and to meet said appropriation, the Town raise \$8,434,323 through the tax rate.

Explanation: *This article requests funding for Chatham's obligation to the Monomoy Regional School District and the Cape Cod Regional Technical High School as separate "assessments" within the Town's budget. Compared to FY2012 the FY2013 budget reflects an increase of \$26,986 for Cape Tech, and a decrease of \$1,854,411 to fund Chatham's portion of the regional school district. The budget was voted by the Monomoy Regional School Committee on April 11, 2012.*

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 5-2-0

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



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 8 – Water Department Operating Budget

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 expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town Water Department for the fiscal year beginning July 1, 2012 and ending June 30, 2013 inclusive, or take any other action in relation thereto.

(Water and Sewer Commissioners)

Budget Overview

WATER FUND				Proposed Water Budget
Description	FY11 Actual	FY12 Voted	FY13 Dept. Req	FY 13
Water Costs				
Operating				
Salaries	194,985	191,273	225,095	225,095
Expenses	1,091,800	1,115,550	1,179,000	1,179,000
Sub-total Operating	1,286,785	1,306,823	1,404,095	1,404,095
Debt				
Principal	793,174	765,297	720,350	720,350
Interest – Long-term	249,985	219,253	236,012	236,012
Interest – Short-term	100,000	100,000	50,000	50,000
Subtotal Debt	1,143,159	1,084,550	1,006,362	1,006,362
Total Water Direct Costs	2,429,944	2,391,373	2,410,457	2,410,457
Overhead – Indirect Costs	201,324	215,316	222,339	222,339
Overhead – Rate payback for Bett	132,568	126,379	116,950	116,950
Subtotal Overhead		341,695	339,289	339,289

	333,892			
Water Operating Budget	2,763,836	2,733,068	2,749,746	2,749,746

MOTION: Florence Seldin, Chairman, Board of Selectmen, moved that the Town vote to appropriate \$2,410,457 for direct costs, and further that an additional \$339,289 be transferred to the General Fund to be applied to overhead and indirect costs associated with the Water Department Operating Budget of the Town for the fiscal year beginning July 1, 2012, for the purposes and in the amounts designated in the column titles "Proposed Water Budget FY 13" of Article 8 of the Warrant and to meet said appropriation, the Town raise \$2,349,746, through water receipts and raise \$400,000 through the tax rate.

Explanation: The FY 2013 Water Department budget was directed towards continuing to improve: the quality of water provided; customer relations; and providing a high level of reliability to the water supplies and distribution system to ensure that the Town has safe drinking water and the required flows for firefighting.

The Water Department is planning to continue to improve on its services by performing the following projects:

- Dissemination of information on the Department's water quality and services by preparing and mailing the "Chatham Water Department 2012 Water Quality Report" and the "Chatham Water News" to all water customers;
- Perform a valve exercising program with the spring water system disinfecting and flushing program;
- Maintain all public fire hydrants and perform fire flow tests;
- Optimizing the corrosion control system to ensure the water system continues to meet lead and copper regulations;
- Cleaning, painting, and keeping organized all well pumping stations;
- Update water main and service records;
- Maintain and replace water meters; and
- Optimize the accuracy of all existing and new accounts on the Town's centralized computer system.

All the above will be performed by funding the Water Department's budget line items based on FY 2011 actual expenses for operating the water system.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



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Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 9 – Five Year Capital Authorization

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 capital projects, equipment and expenses, or take any other action in relation thereto.

(Board of Selectmen)

Capital Budget Overview

Description	FY 12 Actual	FY 13 Request	FY 13 Proposed
CAPITAL PROGRAM & BUDGET SUMMARY			
General Government	60,000	144,300	139,300
Public Safety	52,600	306,539	135,000
Community Development	0	12,500	12,500
Health & Environment	124,000	536,000	134,000
Public Works (without Water)	298,500	1,486,000	363,000
Equipment	352,500	1,435,500	290,500
Schools	0	0	0
Total Town Funded Capital Budget	887,600	3,920,839	1,074,300

MOTION: Leonard Sussman, Board of Selectmen, moved that the Town vote to appropriate \$1,074,300 for the purpose of funding the FY13 Capital Budget in the column titled "FY13 Proposed" of Article 9 of the Warrant and to meet said appropriation, the Town raise \$1,035,300 through the tax rate and transfer \$1,000 from cemetery lot sales, and \$38,000 from Waterways Improvement Fund.

Explanation: This budget has been funded at 50% less than the requested amounts for needed equipment, property management projects, and infrastructure repairs. In FY2013 the Town has the opportunity to appropriately fund a capital program that addresses needed capital and infrastructure improvements to sustain and protect the Town's investment. (Please refer to Appendix G for details on the proposed Capital budget.)

The Capital budget requests funding at a level that the Town can appropriate from within/under the allowable levy limit without the need for a debt exclusion, or one-time capital exclusion to tax above the allowable levy limit. This provides for a one-year departure from the Town's practice of using available but diminishing "Free Cash" to fund the Capital budget in order to build up reserves - by carrying forward the current balance of Free Cash certified at \$583,000 in 2011. Chatham is one of the few MA towns with a AAA bond rating, but reserves have been decreasing since the Town received the rating in 2009 which is one area that is susceptible. As we have a review by the Bonding agencies scheduled in late May 2012 for a June bond sale of \$43,900,000 of previously approved debt, this one year departure from using Free Cash to fund the Capital budget will provide for Free Cash to carry-forward to build up the Town's reserves and preserve the bond rating as recommended by the Town's Financial Advisor. In maintaining a multi-year perspective, in FY2014 we plan return to the practice of funding the Capital budget with Free Cash.

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 5-2-0

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



Julie S. Smith, MMC/CMMC

TOWN CLERK
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TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 10 - Capital Authorization – Quint Fire Apparatus

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 the purchase of the Quint Fire Apparatus, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy Roper, Board of Selectmen, moved that the Town vote to appropriate \$850,000 for the purchase of a Quint Fire Apparatus, and for all costs incidental and related thereto, and to meet said appropriation, the Town raise \$850,000 through the tax rate.

Explanation: The purpose of this article is to purchase a "Quint" type of fire apparatus. This vehicle will replace the fire department's 26 year old pumper, which is considered to be beyond its useful years in life. The National Fire Protection Association Standard 1911 recommends fire apparatus over 25 years of age should be taken out of service. The fire department has three pumpers which are 11, 23 and 26 years old. The 2011 Fire Department Operational Study, which recommends the purchase of a Quint, states, "Given the current staffing pattern, having the capability of a Quint is essential for safe and effective operations." The study states the need for a ladder truck and replacement of the 26 year old pumper. The Quint is one vehicle that will serve the function of both a fire pumper and ladder truck for the next 25 years.

Because of the financial impact for this capital expenditure, the request for the "Quint" apparatus was separated from the capital budget (Article 10) to provide the taxpayers direct input in deciding this purchase. Rather than borrowing or leasing for this purchase which would have a multi-year impact to the tax rate plus interest, in FY2013, the Town has the funding capacity to purchase this apparatus in full within/under the allowable tax levy limit. Approval of this article to appropriate \$850,000 to purchase the Quint will add \$0.14 to the FY2013 tax rate. For the average home valued at \$794,000, such will add \$111.16 to the annual tax bill in FY2013.

Board of Selectmen Recommendation: Approve 4-1-0
Finance Committee Recommendation: Approve 0-7-0 [Disapprove]

AMENDED MOTION: Ken Sommer, Chairman, Finance Committee, moved that the Town vote to appropriate \$200,000 to fund a lease or purchase for a Quint Fire apparatus, and for all costs incidental and related thereto, and to meet said appropriation, the Town raise \$200,000 through the tax rate.

VOTE TO ACCEPT AMENDMENT: Voice. I believe the ayes have it, declared the Moderator. After a request for a hand count:

YES: 298

NO: 209

VOTE ON MOTION AS AMENDED BY KENNETH SOMMER: Voice. So voted by more than a majority, declared the Moderator.

Article 10 passes for a \$200,000 lease, declared the Moderator.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 11 – Water Department Capital Budget – Mill Pond Wells

To see if the Town will vote to appropriate a sum of \$650,000 for the construction of the Mill Pond Wells' pumps and pump houses, including appurtenances, and for all costs incidental and related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

(Board of Selectmen)

MOTION: Sean Summers, Board of Selectmen, moved that the Town appropriate \$650,000 for the construction of the Mill Pond Wells' pumps and pump houses, including their appurtenances, and for 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 \$650,000 under G.L. Chapter 44, Sections 7 and/or 8 or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to contract for any federal or state aid available for the project provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of the bonds or notes under this vote; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

Explanation: In 2007 the Town appropriated \$1,500,000 for the design and construction of a single well at the Mill Pond site in Northwest Chatham. To assure that the Town would not have to spending millions of dollars to treat this well's water to meet drinking water regulations for surface water supplies, the well was relocated 150 feet from Mill Pond. The aquifer at 75 feet from the pond, the original well's location, is 75 feet thick and is able to supply 700 gallons per minute, the amount the Town needs from this site. The new well location, 150 feet from the pond, is only 25 to 35 feet thick and requires two wells at 350gpd to produce the needed 700gpd. The additional funds are needed for the construction of the second well.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously, declared the Moderator.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 12 – Water Department Capital Budget - Iron Removal Treatment Facilities

To see if the Town will vote to appropriate \$700,000 to pay costs of the design of Iron Removal Treatment Facilities for Tirrell's & Ebens Way Wells, and for all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action in relative thereto.

(Board of Selectmen)

MOTION: David Whitcomb, Board of Selectmen, moved that \$700,000 is appropriated to pays costs of the design of Iron Removal Treatment Facilities for Tirrell's and Ebens Way Wells, and for all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen, is hereby authorized to borrow \$700,000 under G.L. Chapter 44, Sections 7 and/or 8 or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to contract for any federal or state aid available for the project provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of the bonds or notes under this vote; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

Explanation: Many locations in New England have iron in the soil that is dissolved by the ground water. Over time the concentration of the iron increases to an amount that discolors the water that is pumped from the aquifer by wells. Tirrell's Way Well #6 and Ebens Way Well #7 located in South Chatham are pumping water that has an iron concentration that is turning the Town water red and brown. The solution is to remove the iron from the water by changing the type of iron that is found in natural water to a type that can be filtered. An iron removal treatment facility will perform this treatment and provide clear water from these two wells.

Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 13- Water Capital Budget Authorization – Water Mains

To see if the Town will vote to appropriate \$1,000,000 for the design and construction of replacement water mains and for all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing pursuant to Chapter 44 of the General Laws, from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

(Board of Selectmen)

MOTION: Florence Seldin, Chairman, Board of Selectmen, moved that \$1,000,000 is appropriated for the purpose of financing the design and construction of replacement water mains and for all costs incidental and related thereto, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,000,000 and issue bonds or notes therefor under Chapter 44, §7(1) of the General Laws and or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Board of Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 or Chapter 29C; that the Treasurer or any other Town official with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen, Treasurer or other appropriated local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Explanation: *The replacement of old, unlined, and under sized water mains and the public portion of the water services connected to these water mains will improve the quality of water to the customers who have these pipes delivering water to them. The smaller water mains and the water services were installed using pipes made from lead, steel or copper that leach into the water, and unlined water mains leach iron into the water. The replacement of these pipes will also conserve water by preventing the waste*

of water through possible leaks from the old pipes. Undersized water mains will be replaced with a water main with a minimum diameter of eight inches to improve the flow of water for fire protection. The Town is eligible to receive a grant of between 35% to 45% from the United States Department of Agriculture for the replacement of these type of water mains and services.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 19 – Community Preservation - Main Street Property

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to acquire by purchase for conservation, open space purpose and passive recreation a parcel of land 2175 Main Street, Chatham Massachusetts as identified by Assessors' Map 5E/4/F23, as more fully described in a deed recorded with the Barnstable Registry of Deeds in Book 25909, Page 317 owned by the Chatham Conservation Foundation, and to authorize the Selectmen to take all necessary measure 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, §§31-33 at the time of closing, or take any other action in relation thereto.

(Community Preservation Committee)

Motion: Victor Di Cristina, Community Preservation Committee, moved that the Town vote to appropriate \$173,250 with \$87,500 from Open Space Reserve and \$85,750 from FY2013 estimated revenues to acquire by purchase for conservation and open space purposes, a parcel of land consisting of 1.36 acres, more or less, located at 2175 Main Street, Chatham, Massachusetts as identified by Assessors' Map 5E/4/F23, as more fully described in a deed recorded with the Barnstable Registry of Deeds in in Book 25909, Page 317 owned by the Chatham Conservation Foundation, Inc. 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 Board of Selectmen to grant a perpetual conservation restriction as authorized under MGL Chapter 184, §§ 31-33 that is to be held by the Chatham Conservation Foundation, Inc.

Explanation: It is the charge of the Land Bank Open Space Committee to identify properties for acquisition as open space, and to present the opportunity to Town Meeting. 2175 Main Street contains 1.348 acres and is developed with a 1960 commercial building and an asphalt and gravel parking lot. It is abutted on the east by conservation land owned by the Chatham Conservation Foundation, Inc. and on the north (across Route 28) by conservation lands owned by both the Town of Chatham and by the Chatham Conservation Foundation, Inc. In order to accomplish a timely closing of the purchase, the Chatham Conservation Foundation, Inc., agreed to act as a "placeholder" for the Town (as they did in the Town's acquisition of the Valley Farm

property off Hardings Beach Road in 2006). The Foundation completed the purchase on December 9, 2011 and has held title pending voter approval at May's Annual Town Meeting.

The funding for this "Main Street conservation and beautification project" will be provided in part by the Land Bank (Article 18), Community Preservation Fund (Article 19), and a donation from the Chatham Conservation Foundation, Inc. (\$38,500).

Explanation: Please refer to the explanation in Article 18 above.

Community Preservation Committee Recommendation: Approve 6-0-0

Board of Selectmen Recommendation: Approve: 2-3-0 [Disapprove]

Finance Committee Recommendation: Approve: 1-6-0 [Disapprove]

VOTE: More than a majority has voted in favor, I declare that Article 19 is passed, declared the Moderator.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 20 – Community Preservation - Orpheum Theatre Preservation

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund utility/site improvements at the former Chatham/Orpheum Theater located at 637 Main Street, Chatham, Massachusetts; or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: John Kaar, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$398,712 from the FY2013 Community Preservation Revenues in order to fund utility/site improvements at the former CVS to fund the Historic preservation of the building by the Chatham Orpheum Theatre organization.

Explanation: This request is to assist the Chatham Orpheum Theatre group in their goal to bringing back to Chatham a part of its history. The Orpheum Theatre building was for the last 30+ years a commercial business with little attention paid to its previous life as a theater. The restoration of this building as a theater will not only provide a pleasing aesthetic exterior, but the reuse as a theater creates a connection with the past that has been lost over the last few decades. This project will help contribute to a vibrant Main Street, while preserving a significant landmark for townspeople. The funds recommended would be used for restoration of the exterior of the building to include trim, roofing, siding, doors & windows, paint, etc. Funds would also assist with improvements necessary for ADA Compliance. The Chatham Historical Commission has deemed this property as one that is "historically and culturally significant" (minutes 11/1/11). The Community Preservation Act requires that a Historic Deed Restriction be placed on the property.

Community Preservation Committee Recommendation: Approve 6-1-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted almost unanimously, declared the Deputy Moderator.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 21 – Community Preservation - Historic Property Survey

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund a Historic Property Survey, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Jane Moffett, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$21,000 from FY2013 Community Preservation Fund Revenues in order to fund continuance of the Historic Property Survey.

Explanation: *This article seeks funds to continue the program of the Chatham Historical Commission, begun in 2003, to professionally document, in narrative and photos, the historic properties in the Town. This program was initiated at the recommendation of the Massachusetts Historical Commission. Since its inception the program has documented approximately 600 of structures built prior to 1900. The requested amount is expected to be sufficient to contract for the completion of an additional 60 surveys. The negative votes noted below were a desire for a larger sum to be allocated for this program, and do not reflect lack of support for the survey.*

Community Preservation Committee Recommendation: Approve 4-3-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 22 – Community Preservation – St. Martin’s Lodge (Masonic Temple)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund repairs necessary for the preservation of the Masonic Temple, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: John Kaar, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$56,030 from FY2013 Community Preservation Fund Revenues in order to fund exterior repairs and renovation for St Martin’s Lodge (Masonic Temple) at 52 Old Harbor Road, Chatham.

Explanation: *This article seeks funds for repairs necessary to the exterior of St. Martin’s Masonic Lodge on Old Harbor Road. The building dates to the 1850s when it was built as the Baptist Church. The Chatham Historical Commission has determined that the building is historically significant, an example of classic Greek revival architecture.*

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 4-4-0 [Disapprove]

VOTE: Voice. Unable to determine, the Deputy Moderator asked for a show of cards. The majority is aye, so Article 22 passes, declared the Deputy Moderator.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 23 - Chatham Housing Authority - Housing Production Plan (FY2012)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund consulting services to establish the Chatham Housing Production Plan, or take any other action in relation thereto.

MOTION: Joanne Taylor, Community Preservation Committee, moved that the Town vote to transfer the sum of \$10,000 from Article 19 of the May 2008 Town Meeting (Technical Assistance for Affordable Housing Accessory Apartments) in order to fund assistance in establishing the Chatham Housing Production Plan.

Explanation: This article would transfer funds available under a previous CPA article to be used immediately upon appropriation in the current fiscal year to hire a consultant to create a Housing Production Plan. The Housing Production Plan is a 'roadmap' to create affordable housing units. This request would allow for the Housing Production Plan to be underway before the Affordable Housing consultant is hired. The current balance in the 2008 article is \$56,848.28, and this will use \$10,000 of those funds.

Community Preservation Committee Recommendation: Approve 7-0-0
Board of Selectmen Recommendation: Approve 5-0-0
Finance Committee Recommendation: Approve 7-0-1

VOTE: Voice. So voted unanimously.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 24 - Community Preservation - Affordable Housing Consultant

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money as it determines necessary to contract with an Affordable Housing Consultant, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Joanne Taylor, Community Preservation Committee, moved that the Town vote to appropriate and transfer the sum of \$25,000 from FY 2013 Community Preservation Fund revenues in order to contract with an Affordable Housing Consultant in accordance with the Explanation below.

Explanation: *The Town is required to have a Production Plan for new affordable housing units, but the plan needs many details to be worked out before it is implemented. This appropriation would allow the Affordable Housing Committee and Community Development Department to hire a consultant, on an as-needed basis, to help develop programs to deliver the new affordable housing units expected by the Town's Production Plan.*

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 7-0-1

VOTE: Voice. So voted by a very substantial majority.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 25 - Community Preservation Fund Reserve (Community Housing)

To see if the Town will vote to reserve for later appropriation a sum of money it determines necessary for Affordable/Community Housing, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: John Kaar, Community Preservation Committee, moved that the Town vote to reserve \$55,000 from FY 2013 Community Preservation Revenues for Community Housing.

Explanation: The Community Preservation Act requires 10% of estimated revenues be appropriated or set aside (reserved for later appropriation) for the each of the following three categories: Open Space, Historic Preservation, and Community Housing. The \$55,000 is to meet the 10% requirement for Community Housing for FY 2013.

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 28 - Community Preservation - Administrative Costs

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary for the purpose of funding administrative costs associated with the Community Preservation Act, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Ira Seldin, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$15,000 from FY 2013 Community Preservation Fund Revenues for the purpose of funding administrative costs associated with the Community Preservation Act.

Explanation: *The Community Preservation Act allows Town Meeting to appropriate up to 5% of estimated revenues for the Community Preservation Committee to carry out its statutory duties. This year \$15,000 is being requested for clerical expenses, appraisals, consulting and legal services. Any unspent funds return to the Community Preservation Fund balance.*

Community Preservation Committee Recommendation: 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

VOTE: Voice. So voted unanimously.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 29 - Transfer of Town Land for Cemetery Expansion Purposes (Seaside Cemetery)

To see if the Town will vote to transfer the control and management of a parcel of land off of Hitching Post Road in Chatham, Massachusetts identified as Assessors Map 14F-1, consisting of approximately 1.57 acres, more or less, as fully described in a deed recorded with the Barnstable County Registry of Deeds in Book 1111 Page 361 owned by the Town of Chatham, from the Board of Selectmen to the Cemetery Commission for the expansion of the Seaside Cemetery, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Jill Goldsmith, Town Manager, moved that the Town vote to transfer the control and management of the parcel of land described in the Warrant for Article 29 from the Board of Selectmen to the Cemetery Commission for the expansion of the Seaside Cemetery.

Explanation: *This article proposes to transfer the control and management a parcel of land off of Hitching Post Road from the Board of Selectmen to the Cemetery Commission for the expansion of the Seaside Cemetery. This parcel was acquired by the Town in 1961.*

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 30 – Granting of Easement Stepping Stones Road (Union Cemetery)

To see if the Town will vote to authorize the Board of Selectmen to grant a permanent access easement across a portion of Union Cemetery, identified as Assessor's Parcel 12F-7, fronting Stepping Stones Road along the western property boundary for the purposes of providing driveway access to land of Pamela N. Riley, 56 Stepping Stones Road, identified as Assessor's Parcel 12G-12-4A and 58 Stepping Stones Road, identified as Assessor's Parcel 12G-8B-C3 and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Florence Seldin, Chairman, Board of Selectmen, moved that the Town vote to authorize the Board of Selectmen to grant a permanent access easement for the purposes of providing driveway access across a portion of Lot 12F-7 to Pamela N. Riley, 56 and 58 Stepping Stones Road as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

Explanation: *Grant of this easement is to complete an outstanding agreement associated with the construction of the Old Colony Rail Trail along Stepping Stones Road. If passed, this Article authorizes the Board of Selectmen to grant a permanent access easement across a portion of the Union Cemetery Property fronting on Stepping Stones Road. This grant of a permanent easement across Lot 12F-7 is "quid-pro-quo" compensation agreed to back in 2004. The corresponding Bike Path Easement has been granted to the Town for the Rail Trail in this vicinity.*

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 31 – Petition to the Massachusetts General Court to Validate Charter Amendments Voted by Town Meeting as Article 21 of the May 2001 Town Meeting and Article 3 of the Special Town Meeting of January 25, 2010 as Voted by Ballot on May 13, 2010

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to file special legislation to validate the Chatham Charter amendments votes as Article 21 at the May 15, 2001 session of the Annual Town Meeting and the May 13, 2010 Annual Town Election, notwithstanding any general or special law to the contrary, or as amended by the legislature to accomplish the purposes intended, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Leonard Sussman, Board of Selectmen, moved that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court to file special legislation to validate the Chatham Charter amendments votes as Article 21 at the May 15, 2001 session of the Annual Town Meeting and the May 13, 2010 Annual Town Election, notwithstanding any general or special law to the contrary, or as amended by the legislature to accomplish the purposes intended.

Explanation: This action was requested by the Legislature's House Counsel to validate actions previously voted by Town Meeting. We were recently notified on February 6, 2012 that the legislation became "stale" having expired during the last Legislative term with no action. Re-voting of this article validates it for the current Legislative term. The article was previously approved as Article 21 of the May 2001 Town Meeting and Article 3 of the Special Town Meeting of January 25, 2010 as Voted by Ballot on May 13, 2010.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 32 - Local Option; Other Post Employment Health Insurance Liability Trust Fund

To see if the Town will vote to adopt MGL Chapter 32B, Section 20 authorizing the Town to create an Other Post Employment Health Insurance Liability Trust Fund for the purpose of funding future financial obligations of the Town for health insurance benefits of retirees, such legislation to take effect without further submissions to a Town Meeting, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Timothy Roper, Board of Selectmen, moved that the Town vote to create an Other Post Employment Health Insurance Liability Trust Fund for the purpose of funding future financial obligations of the Town for health insurance benefits of retirees, such legislation to take effect without further submissions to a Town Meeting.

Explanation: Acceptance of this statute provides for the establishment of a trust fund to fund future financial obligations for Town health insurance benefits – also referred to as other post-employment benefits (OPEB) for retirees. Such action is viewed favorably by bonding agencies and complies with GASB 43 and 45. At this time, no funding appropriation is requested. The OPEB report is available on the Town's website: http://www.chatham-ma.gov/public_documents/ChathamMA_Finance/Barnstable%20County%20GASB%2043_45%20report%20as%20of%206_30_2010%20-%20Unit%20.pdf

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

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



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 33 - Senior Citizen Property Tax Work-off Abatement

To see if the Town will vote to accept MGL Chapter 59, Section 5k to establish a Senior Citizen Property Tax Work-off Abatement program, effective Fiscal Year 2013, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Sean Summers, Board of Selectmen, moved that the Town vote to accept MGL Chapter 59, Section 5k to establish a Senior Citizen Property Tax Work-off Abatement program, effective Fiscal Year 2013.

Explanation: Acceptance of this statute (local option) provides for the establishment of a property tax work off program for taxpayers over 60 years old. Taxpayers must be the assessed owner of the property on which the tax to be abated is assessed. If the property is in subject to a trust, the senior must have legal title (be one of the trustees.) Under this program, participating taxpayers volunteer their services to the municipality in exchange for a reduction in their tax bills. The abatement is calculated by hours volunteered at the established state minimum wage for a maximum abatement. After acceptance of the statute, the Selectmen may establish procedures to set the maximum abatement per taxpayer (typically a maximum of \$600) and number of participants based on annual availability of funds (not to exceed \$10,000), as well as program coordination and other restrictions. Acceptance of the statute may be revoked, but after three years from acceptance.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted, Article 33 is adopted, declared the Moderator.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 34 – Stabilization Fund

To see if the Town will vote to raise and appropriate and/or transfer from available funds, a sum of money to the Stabilization Fund, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: David Whitcomb, Board of Selectmen, moved that the Town vote to transfer \$50,000 from the Overlay Surplus account and said funds to be added to the Stabilization Account.

[Two-Thirds Majority Vote Required (Stabilization Fund)]

Explanation: *The Stabilization fund is a reserve fund, or a rainy day fund, and is set aside in order to be available for emergency expenditures. In the case of an unforeseen expenditure, a community with a Stabilization Fund balance may use the available fund balance rather than spiking its property tax rate. Bond rating agencies rate municipalities more highly if they maintain a healthy reserve balance in this and other reserve accounts. The Town has set a goal of \$1.5M for this account, with the current balance of \$1,676,825 as of January 31, 2012.*

A municipality needs to be extremely cautious about using a stabilization fund balance, or any reserve balance for a recurring expense, since such a practice would eventually deplete a reserve balance resulting in a non-funded recurring obligation or deficit. This article is a request to begin to replenish the funds that were utilized in FY10 and FY11.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.



Julie S. Smith, MMC/CMMC

TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 35 - Amendment to the Pleasant Bay Resource Management Plan

To see if the Town will vote to amend the 2008 Pleasant Bay Resource Management Plan Update by inserting, after section 8.6.3, a new section 8.6.4, the text of which is as printed below. The full section, with referenced tables and figures, as well as a report providing detailed background to this recommendation is on file with the Town Clerk. [Copies of the full section as well as the back-up report may also be viewed at the Town Hall Annex, Health and Environment Dept. and on the Town web site.]

8.6.4 Limited Improvement Dredging to Maintain or Restore Historical Navigable Access

Under the following conditions *within the area identified in Figure 4 as the Zone of Potential Future Dredging* in the Pleasant Bay ACEC, the resource management plan indicates that a municipality may seek local, regional and state authorization to undertake improvement dredging:

1. The proposed dredging is intended to maintain or restore historical navigable access for the public and is of the minimum scale necessary to maintain that access. Historical navigable access refers to the location of navigation channels and water depth at mean low water necessary to accommodate vessel drafts characteristic of the majority of vessels traditionally moored in Pleasant Bay and its subembayments. For contextual reference, historical channel depths are provided in Table 1, and the sizes of moored vessel are provided in Table 2. Figures A, B and C show channel width at a depth of four feet or greater.
2. Shoaling and changes in tidal regime have altered traditional channels such that historical navigable access between Pleasant Bay and Chatham Harbor, between either water body and the Atlantic Ocean, or through the entrance to Bassing Harbor, is severely impeded. Severely impeded access would, for example, preclude access by the commercial fleet for safe haven of vessels, or preclude safe and reasonable access by recreational boaters.
3. Through the permitting process, the municipality has undertaken an evaluation of alternatives to improvement dredging which demonstrates that the proposed improvement dredging is the preferred feasible alternative to restore historical

navigable access with regard to avoiding and minimizing impacts to natural resources.

4. A feasible plan is proposed to place the dredged material within the Pleasant Bay system in a manner that is beneficial to resources protected under local and state wetlands protection regulations.

5. Through the permitting process the municipality has undertaken an evaluation of resource impacts resulting from proposed improvement dredging and placement of dredged material, and is able to demonstrate avoidance and minimization of resource impacts and adequate mitigation for any unavoidable impacts. Resource impacts of concern include those affecting shellfish populations and habitat, finfish populations and habitat and other resources and values protected under state and local wetlands protection regulations.

The proposed project would be subject to all applicable local, regional and state regulations. During regulatory proceedings the Alliance would provide public comments based on an assessment of information and materials provided with regard to items 1 through 5 above and to further describe the proposed improvement dredging project.

Or take any other action in relation thereto.

(Board of Selectmen)

MOTION: Florence Seldin, Chairman, Board of Selectmen, moved that the Town vote to amend the 2008 Pleasant Bay Resource Management Plan Update as described in the Warrant.

Explanation: Under state law, improvement dredging (dredging in areas that have never been previously permitted) is prohibited in any state designated Area of Critical Environmental Concern (ACEC) such as Pleasant Bay. Maintenance dredging (dredging that has previously been permitted) is allowed within an ACEC provided appropriate permits for the area are valid and up to date.

With the encouragement of the Chatham Board of Selectmen, the 2008 Pleasant Bay Resource Management Plan Update charged the Pleasant Bay Alliance with conducting a "study of the potential need for, impacts from, and feasibility of improvement dredging in areas where shoaling is limiting access in areas that traditionally have served as important public navigable waterways." The impetus for this analysis was the recognition that the 2007 inlet had the potential to drastically alter the navigability of the traditional navigation channels in the vicinity of the new inlet. It was recognized that since dredging had never been conducted in those waterways within the ACEC that future improvement dredging would be prohibited even if conditions deteriorated to the point of impeding traditional boating access.

The proposed amendment is the result of more than two years of study of these issues. In addition to this analysis, the Alliance has held several discussions with state officials to

explore regulatory solutions to the ACEC prohibition on improvement dredging. The final analysis and amendment proposed above, incorporates the input of these officials.

The amendment is intended to make it possible for the Town of Chatham to potentially seek state and local permits for improvement dredging within the Pleasant Bay Area of Critical Environmental Concern (ACEC) under the following conditions:

- proposed improvement dredging is municipally sponsored and within the zone specified in the section;
- proposed dredging is intended to maintain or restore public navigation access within channels which have been impeded by natural sediment movement; and
- the extent of proposed dredging is the minimum needed to maintain historic access.

The proposed amendment is not a recommendation or proposal for dredging, but an acknowledgement that due to the dynamic conditions, the Town of Chatham may need to dredge some portion of the designated area in the future in order to maintain traditional access. Such a proposal would still undergo extensive local, state and federal permitting reviews. The proposed amendment removes a hurdle that enables the Town to more effectively seek state authorizations for improvement dredging, if needed, within the designated portion of the ACEC subject to all customary environmental reviews associated with the permitting process.

This proposed amendment has been endorsed by the Waterways Advisory Committee, Shellfish Advisory Committee, and Chatham Conservation Commission.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 9-0-0

VOTE: Voice. So voted unanimously.



TOWN CLERK
549 Main Street
Chatham, Massachusetts
02633



Julie S. Smith, MMC/CMMC

TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 14, 2012 Annual Town Meeting:

Article 36 – Zoning Bylaw Amendment: Appliances/Accessory Buildings and Structures

Strikethrough indicates language proposed for deletion
Underline indicates language proposed for inclusion
Bold Italicized Words are defined in the Bylaw

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, by adding new definitions as follows:

“SHED, GARDEN STORAGE” means a single ***story, accessory building*** used for the shelter or storage of tools and/or equipment incidental to the lot's principal use.

“SHED, UTILITY” means a single ***story, accessory building*** used for the housing and operation of mechanical pumps, filters, generators, condensers, air conditioners, power shop tools and the like which are used in a manner that generates and emits noise on a continuous or regular basis.

Including, renumbering the remainder of **Subsection B.** accordingly to account for the above new definitions;

And also, amend **SECTION III - D. District Area Regulations, 3. Specific Requirements** by deleting the existing subsection g.:

~~g. Accessory Buildings and Structures~~

~~All structures accessory to a residential use, including buildings over one hundred (100) square feet in area, swimming pools and tennis courts and their enclosures, shall be set back from the road and abutters as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements.~~

~~There shall be impassable fencing at least four (4) feet in height, around all private, in-ground swimming pools. Buildings accessory to the operation of such swimming pools shall be secured at the discretion of the Building Inspector.~~

And replacing it with a new subsection g. to read as follows:

g. Exterior Mechanical System Appliances

All exterior mechanical system appliances, located at ground level, including but not limited to air conditioners; condensers; generators; and pumps shall be set back the

distance of the **Abutters Setback** to the property line as required for **buildings** and **structures** in **Appendix II, Schedule of Dimensional Requirements**.

And substituting a new subsection **h.** for the existing subsection **h.** to read as follows:

h. Accessory Buildings and Structures

1. Over 100 square feet in area

All **structures** accessory to a residential use, including **buildings** over one hundred (100) square feet in area; **swimming pools** and tennis courts and their enclosures, shall be set back from the **street** and **abutters** as required for **buildings** and **structures** in **Appendix II, Schedule of Dimensional Requirements**.

2. Under 100 square feet in area

Garden Storage Sheds

Garden Storage Sheds under one hundred (100) square feet in area shall be set back a minimum of one third (1/3) the distance of the **Abutters Setback** from the property line, as required for **buildings** and **structures** in **Appendix II, Schedule of Dimensional Requirements**. Placement of **Garden Storage Sheds** within the **Street Setback** area is prohibited, except by Special Permit from the Zoning Board of Appeals. There shall be no more than one (1) **Garden Storage Shed** located within the required setback area. The **Building Height** of these **Garden Storage Sheds** shall not exceed ten feet (10') for sheds with gable, gambrel, hip or lean-to or saltbox style roofs and eight feet (8') for shed or flat style roofs.

Utility Sheds

Utility Sheds under one hundred (100) square feet in area shall be set back the distance of the **Abutters Setback** to the property line as required for **buildings** and **structures** in **Appendix II, Schedule of Dimensional Requirements**. The **Building Height** of these **Utility Sheds** shall not exceed ten feet (10') for sheds with gable, gambrel, hip or lean-to or saltbox style roofs and eight feet (8') for shed or flat style roofs.

3. Structures Under 25 square feet in area

Single **story structures** under twenty five (25) square feet in area and six feet (6') or less in height shall be set back a minimum of one third (1/3) the distance of the **Abutters Setback** from the property line as required for **buildings** and **structures** in **Appendix II, Schedule of Dimensional Requirements**.

And re-letter the existing subsection **h. Lots in More than One** District to subsection **i.** and the remainder of **Subsection D. 3.** as necessary to account for the above new subsection.

Or take any other action in relation thereto.

(Planning Board)

MOTION: Cory Metters, Chairman, Planning Board, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant for Article 36.

AMENDED MOTION: Mary Ellen Sussman moved to amend Section III – D., Paragraph 3. Subsection **h. 2.** for Garden Storage Sheds under one hundred (100) square feet. In the last sentence change the words “ten feet” (10') for sheds with gable, gambrel, hip, lean-to or saltbox style roofs to “twelve feet” (12') for sheds with gable, gambrel, hip, lean-to or saltbox style roofs.

Explanation: Historically in Chatham, for almost three decades, property owners have been allowed to locate small sheds closer to their neighbor's lot lines than the dimensional schedule allows. Recent changes to the Building Code have exempted small sheds under 100 sq. ft. from any setback requirement absent a local regulation. The purpose of this Article is the codification of setbacks for sheds, graduated for each zoning district by requiring a minimum setback of 1/3 the distance of the abutters' setback from the property line for Garden Sheds (tool storage) and meeting the distance of the abutters' setback from the property line for Utility Sheds (noise emitting) and mechanical appliances.

Only one garden shed per property would be allowed to intrude into the setback areas and the location of garden sheds in the Road Setback would only be allowed by Special Permit. Additionally, this article contains maximum heights of 10 feet for sheds with gable, gambrel, saltbox or hip roofs while flat roofed sheds could only be 8 feet in height.

Planning Board Recommendation:	Approve 4-1-0
Board of Selectmen Recommendation:	Approve 1-4-0 [Disapprove]
Finance Committee Recommendation:	Approve 5-4-0

VOTE TO ACCEPT AMENDMENT: Voice. So voted by more than a majority, declared the Moderator.

VOTE ON MOTION AS AMENDED BY MARY ELLEN SUSSMAN: Voice. So voted unanimously, declared the Moderator.