

**MINUTES OF THE  
MONDAY, MAY 11, 2009  
ANNUAL TOWN MEETING**

**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 Chatham High School on Crowell Road in said Chatham on the 11<sup>th</sup> day of May at 6:00 o'clock in the evening, then and there to act on any business that may legally come before said meeting, and to meet again in the Community Center on Thursday, the 14<sup>th</sup> day of May, 2009 to elect the necessary Town Officers as contained in the Warrant.

Polls for the election of Officers will open at 7:00 a.m. and will close at 8:00 p.m.

Moderator William G. Litchfield opened the meeting at 6:06 p.m. There were 861 voters present in the hall, far exceeding the quorum of 100.

**On behalf of Town Clerk Julie Smith, the Moderator read the “Constables Return of Service: Barnstable, ss. Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before May 11, 2009 on April 15, 2009. Thomas R. Pennypacker, Constable.”**

**Moderator Litchfield then administered the Oath of Office to the volunteer Tellers for the evening: Bruce Bean, Kim Farber, Peter Farber, Paula Ferron, Nancy Geiger, Rosemary McPhee, Louise Redfield, Donnie St. Pierre, Deborah Walther, and Jean Young.**

**Moderator Litchfield asked that all non-voters present in the hall please move to the auditorium and announced that David Nixon would be acting as Assistant Moderator for those voters unable to find a seat in the gymnasium.**

**The Moderator introduced members of the Chatham Boy Scouts, Will Rodgers, Elijah Hart, Stephen Eldredge, and Aaron Lipman as they presented the State and National flags and lead the audience in the pledge of allegiance.**

**The Moderator welcomed Stefanie Farrell, and she one again provided CART service for the hearing impaired. Stefanie transferred the spoken word onto a screen in a format similar to “closed captioning” on television, for the benefit of those who have difficulty hearing.**

**Moderator Litchfield then told the meeting it was both traditional and appropriate to take a moment of silence in recognition of the town officers, employees and volunteers who have died since our last Annual Town Meeting. They are: Clara Leonore Hartson Wichmann, Herbert Weller, Marlene J. Devlin, James H. Andrews, Donald A. Killam, Jane Alcott Hurlburt Wade, Felicity J. Craven, Sherleene F. Sissell, Leonard L. Fougere, and Franklin S. Pease, Jr. Thank you, we appreciate their service to the town.**

**Resolution as presented by Selectman Summers: Resolved that the Town vote to adopt the following rules of procedure for the Annual Town Meeting of May 11, 2009.**

- 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.**

**AMENDMENT: Voter Judy Thomas moved that G be changed from 5 minutes to 3 minutes.**

**VOTE ON AMENDED MOTION: Voice. In my opinion, the majority has voted in favor of the 3 minute amendment, declared the Moderator.**

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

**Moderator Litchfield moved that David Nixon act as Deputy Moderator, should he need to step down for any reason.**

**VOTE: Voice. So voted unanimously.**

### **Article 1 – Annual Town Election**

To bring in their votes on one ballot to elect the following Town Officers:

- Moderator for a three (3) year term
- Two Selectmen for three (3) year terms
- One Housing Authority member for a five (5) year term
- One Housing Authority member for a one (1) year term
- One School Committee member for a three (3) year term

**Moderator Litchfield told the Meeting “Article One will be voted on at the Community Center on Thursday, May 14, 2009. The polls will be open from seven o’clock in the morning until eight o’clock in the evening.”**

### **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)

**MOTION: Ronald Bergstrom, Selectman, 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 as printed in the Warrant: 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.**

### **Article 3 – Fix Salaries – Elected Officials**

To fix the salaries of the elected Town officers for the fiscal year beginning July 1, 2009, or take

any other action in relation thereto.

<u>Officer</u>	<u>Appropriation FY09</u>	<u>Request FY10</u>
Moderator	\$ 600	\$ 600
Selectmen – Each	2,000	2,000
Chairman – Extra	500	500

(Board of Selectmen)

**MOTION:** Sean Summers, Chairman, 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 as printed in the Warrant:* 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, 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.**

#### **Article 4 – Consolidated Revolving Funds**

To see if the Town will vote pursuant to the authority granted under Massachusetts General Law Chapter 44, Section 53E1/2, 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 2010.

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 2010.

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 \$40,000 shall be expended from this fund during fiscal year 2010.

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 \$2,500 shall be expended from this fund during fiscal year 2010.

(Board of Selectmen)

**MOTION: Ronald Bergstrom, Selectman, 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 as printed in the Warrant: 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:*

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
<u>Airport Revolving Fund</u>				
FY08	\$ 372.39	\$34,456.40	\$28,767.32	\$6,061.47
FY09	\$6,061.47	\$12,937.50	\$11,871.33	\$7,127.64
(Thru 12/31/08)				
<u>Bassett House Revolving Fund</u>				
FY08	\$ 9,233.75	\$3,000.00	\$ 870.70	\$11,363.05
FY09	\$11,363.05	\$1,750.00	\$ 727.16	\$12,385.89

(Thru 12/31/08)

Inspectional Services Revolving Fund

FY08	\$23,569.13	\$47,119.92	\$15,571.82	\$55,117.23
FY09	\$55,117.23	\$19,961.01	\$ 4,626.90	\$70,451.34

(Thru 12/31/08)

Recycling Revolving Fund

FY09	0	\$ 801.95	0	\$ 801.95
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(Thru 12/31/08)

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

**VOTE: Voice. So voted unanimously.**

**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: Leonard Sussman, Selectman, 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 as printed in the Warrant: Town Meeting voted to adopt Chapter 44 Section 53F1/2 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 7-0-0**

**VOTE: So voted unanimously.**

**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, 2009 and ending June 30, 2010 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

**Budget Overview**

Description	08 Actual	09 Approp	10 Dept Req	Proposed Budget FY10	%
<b>Expenses</b>					
<b>Operating Budgets</b>					
General Government	\$1,835,116	\$1,950,882	\$1,904,706	\$1,904,706	- 2.37%
Public Safety	5,304,333	4,909,894	4,918,707	4,918,707	0.18%
Community Development	752,976	805,110	752,600	752,600	-6.52%
Health & Environment	820,558	844,953	828,510	828,510	-1.95%
Public Works & Facilities	3,704,483	3,865,631	3,907,212	3,907,212	1.08%
Community & Social Services	915,701	952,408	941,265	941,265	-1.17%
Education	9,002,755	9,126,983	9,765,207	9,765,207	6.99%
Employee Benefits	3,014,185	3,492,885	3,624,041	3,624,041	3.75%
Undistributed Ins. & Reserve Fund	348,560	333,902	351,097	351,097	5.15%
Debt Service	5,094,473	5,374,619	5,363,490	5,363,490	-0.21%
<b>Operating Budget Total</b>	<b>\$30,793,139</b>	<b>\$31,657,267</b>	<b>\$32,356,835</b>	<b>\$32,356,835</b>	<b>2.21%</b>

**MOTION: David R. Whitcomb, Selectman, moved that the Town vote to amend Article 6, debt service to \$5,118,209 and appropriate the sum of \$32,111,554 to fund the Operating Budget for the Town for the fiscal year beginning July 1, 2009 for the purposes and amounts designated in the column titled “Proposed Budget FY 10” of Article 6 of the Warrant and to meet said appropriation, the Town raise \$30,534,886 through the tax rate and transfer \$220,000 from the Waterways Improvement Fund, \$314,625 from the Community Preservation Fund, \$922,380 from the Land Bank Fund, \$25,000 from the Shellfish Revolving acct, \$71,663 from Free Cash, \$10,000 from Wetlands Protection Fund, \$10,000 from Cemetery Perpetual Care Fund, and \$3,000 from the Railroad Museum Fund.**

*Explanation as printed in the Warrant: Formulating the FY10 operating budget was a particularly difficult challenge. The Town of Chatham has developed very specific fiscal policies*

*during the past decade which have enabled our community to keep our tax rate relatively low and yet still be able to provide quality municipal services and replace the Town's aging infrastructure. These fiscal policies enabled municipal service growth during good economic times, but also plan for bad states of the economy as well.*

*Without question, the economic downturn has hit our community as it has our national economy. Therefore, it was even more important this year than ever before to formulate a budget which effects our local taxpayers who can least afford it as minimally as possible, yet still provide the municipal services upon which they depend.*

*The Town Manager's FY10 Fiscal Summary shown as an appendix at the end of this warrant describes in greater detail not only the services which the operating budget provides, but also the painstaking process of planning and review that was undertaken this year in our effort to provide a frugal, yet responsible operating budget. When the budget was proposed to the Board of Selectmen in January, the result of drawing upon our conservative financial policies had reduced a projected \$1.7M operating budget deficit to a \$558,000 deficit which would be funded in the form of an override. However, the utilization of the Town's debt service reserve was drawn upon to entirely offset the fiscal impact of such an override, if passed. This fiscally conservative tact would have maintained the tax impact of the operating budget to within that allowed by the limits of Proposition 2 1/2.*

*Nevertheless, the Board of Selectmen demanded that the operating budget be even further reduced. As a result, in conjunction with the School Committee, the operating budget was further offset or reduced by an additional amount in excess of \$450,000. This budget adjustment now eliminates the need for an override vote and incorporates less than \$100,000 of excess levy capacity from previous years in order to be balanced.*

*All of the fiscal elements in the Annual Town Meeting Warrant, not simply the operating budget, must be considered when calculating the fiscal impact on the tax levy and rate. Therefore, when you look at the summary operating budget shown above, it can readily be seen how the budget has been balanced. The general government's line items have collectively been reduced by the elimination of nine full-time equivalent positions and show reductions from previous year's funding levels. Only the employee benefit line item and the School Department line items show any significant increase. The net increase in the operating budget total is just slightly in excess of 2%. However, since the balance of the warrant enables the Town to continue to take advantage of declining debt expenditures, the impact of the total operating budget on the taxpayers of Chatham is less than 1%.*

*The impact of the passage of all of the fiscal elements in this warrant including the operating budget on the average taxpayer in Chatham with a home valued at \$600,000 would be an additional \$9.60/year, or 80 cents per month. This economy will be achieved with staff reductions which should not noticeably reduce municipal services to the citizens of Chatham.*

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Disapprove 5-4-0**

**VOTE: Hand Count:        YES: 456                    NO: 342**

**Article 6 is successfully passed, declared the Moderator.**

**Article 7 – Cost of Living Adjustment (COLA)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as are necessary to implement salary and wage adjustments in the Town's Personnel Policies-Classification and Compensation Schedule and to provide funding for other salary compensation not a part of the Classification Schedule including Police and Fire Union employees, or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:** Florence Seldin, Selectman, moved that the Town vote to raise and appropriate \$200,000 to implement salary wage adjustments in the Town's Personnel Policies-Classification and Compensation Schedules, and other salary compensation not a part of the Classification Schedule, including Police and Fire Union Employees.

*Explanation as printed in the Warrant:* Cost of living wage adjustments for both union and non-union employees, except School Department employees, is funded in a warrant article separate from the operating budget. This is a long-standing practice of the Town in order to highlight pay raises for employees. School Department pay increases are contained within the School budget. Cost of living adjustments are given annually in accordance with the annual increase in the consumer price index. A 2% cost of living increase has been placed in this budget warrant article for non-union employees. Fire Department union employees have been funded for a 3% cost of living increase for the second year of a three year contract.

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Approve 7-0-0**

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

**Article 8 – Stabilization Fund – Budget Supplemental**

To see if the Town will vote to transfer from available funds, a sum of money to fund Police and Fire Overtime, Library Operating Budget, the Chatham Public Schools Operating Budget and capital costs associated with the Lighthouse Beach patrol, or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:** Florence Seldin, Selectman, moved that the Town vote to transfer the sum of \$275,000 from the stabilization account in order to fund Police and Fire Overtime, Library Operating Budget, Chatham Public Schools Operating Budget and capital equipment for Lighthouse Beach.

*Explanation as printed in the Warrant:* During the past decade the Town has accumulated a balance of more than \$2M in its stabilization fund. This 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. The tax rate may be therefore “stabilized”. Bond rating agencies rate municipalities more highly if they maintain a healthy reserve balance in this and other reserve accounts. The Town has set an arbitrary goal of \$1.5M for this account. This goal has been achieved, primarily by appropriating the overlay reserve balance each year. The overlay reserve, funds remaining after all tax abatements have been paid, will continue to be available to replenish and add to the Town’s Stabilization Fund.*

*In addition to the use of the Stabilization Fund balance for emergency expenditures, it may be used for small capital expenditures in order to avoid borrowing costs. 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.*

*FY10 was a particularly challenging year in which to balance the Town’s budget. Review of certain departmental requests revealed that certain budgetary increases requested would be short term and not perpetually recurring. Increased expenditure in both the Police Department and Fire Department overtime accounts were due not simply to increased service demands, but due to injured on leave status of several officers or 111F payment obligations. These payments will continue into FY10, but will thereafter diminish. A similar situation has presented itself regarding funding for the Library. The Town funds a significant portion of the costs associated with Library services. However, the balance of the Library budget is funded by the interest generated from an endowment fund. Our national economic decline has reduced this endowment’s fund balance and, as a result, the interest, if any, which will be generated and available to fund the Library’s FY10 budget.*

*Both the increased need for funding in the Town’s public safety overtime budgets and the Library budget could be addressed by increasing the Town’s tax levy. In FY10 such an increase in the levy would need to be added to a proposed override. However, it is the Town’s expectation that all of these budget requests will be non-recurring. Injured officers will either retire or return to duty and the economy will improve and interest once again will be generated and available to subsidize the Library budget. If the tax levy is increased and the budgetary obligations disappear, then the excess tax levy could be absorbed by routine future budget requests.*

*What is proposed for FY10 is an appropriation of approximately \$120K for those various purposes from the Stabilization Fund. This appropriation will “stabilize” the budget until either the expenses are eliminated for the Police and Fire Departments or the revenue flow is re-established for the Library. Since the Town has a recurring revenue source for its Stabilization Fund, the inherent risk in this funding approach is minimized. If more than one budget cycle is required to reverse these budgetary needs, then the Reserve Fund has a sufficient balance not to be depleted dramatically; if the budgetary needs reverse themselves within the upcoming budget cycle, then the appropriated funds will not be used and will return to the Stabilization Fund.*

*In addition, upon further budgetary review, it has become apparent that the override implications of the School funding deficit may be reduced using the same concept described above. Circuit Breaker funds are received each year by the Schools and are used to supplement budget funding much like Chapter 70 funding. No balance remains available to help fund the*

*FY10 operating budget. However, additional Circuit Breaker funds will be received in FY10 which will be able to be applied against the FY11 budget. Therefore, stabilization funds may be applied against the FY10 budget and won't be necessary in FY11. This will reduce the need of an override by \$120,000. Finally, the first year capital costs associated with the Lighthouse Beach patrol have been added to this article.*

*Stabilization funds proposed to be used in this article are as follows:*

1) Police Department	\$ 10,000
2) Fire Department -	\$ 40,000
3) Library -	\$ 70,000
4) School – Circuit Breaker	\$120,000
5) Lighthouse Beach Capital	\$ 35,000
Total:	\$275,000

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Approve 9-0-0**

**VOTE: Hand Count: YES: 489 NO: 193**

**That is more than the requisite 2/3rds, Article 8 is passed, declared the Moderator.**

**Article 9 – 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, 2009 and ending June 30, 2010 inclusive, or take any other action in relation thereto.

(Water and Sewer Commissioners)

**Budget Overview**

				Proposed
				Water Budget
Description	08Actual	09Approp	10 Dept Req	FY 10
<b>WATER FUND</b>				
<b>Water Costs</b>				
Operating				
Salaries	149,478	194,891	187,885	187,885
Expenses	961,553	1,000,592	1,080,800	1,080,800
<b>Sub-total Operating</b>	1,111,031	1,195,483	1,268,685	1,268,685
<b>Debt</b>				
Principal	819,644	854,701	800,552	800,552

Interest – Long-term	298,925	268,886	263,840	263,840
Interest – Short-term	30,000	150,000	100,000	100,000
<b>Subtotal Debt</b>	1,148,569	1,273,587	1,164,392	1,164,392
<b>Total Water Direct Costs</b>	2,259,600	2,469,070	2,433,077	2,433,077
<b>Overhead – Indirect Costs</b>	139,806	210,799	210,468	210,468
<b>Overhead – GF Loan Repayment</b>	64,150	0	0	0
<b>Overhead – Rate payback for Bett</b>	157,101	144,906	138,751	138,751
<b>Subtotal Overhead</b>	361,057	355,705	349,219	349,219
<b>Water Operating Budget</b>	2,620,657	2,824,775	2,782,296	2,782,296

**MOTION:** Ronald Bergstrom, Selectman, moved that the Town vote to appropriate \$2,433,077 for direct costs, and further that an additional \$349,219 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, 2009, for the purposes and in the amounts designated in the column titled “Proposed Water Budget FY 10” of Article 9 of the Warrant and to meet said appropriation, the Town raise \$2,382,296, through water receipts and raise \$400,000 through the tax rate.

*Explanation as printed in the Warrant:* The FY10 Water Department budget is 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 the Town has safe drinking water and the required flows for fire fighting.

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 2009 Water Quality Report” and the “Chatham Water News” to all water customers;
- Perform a valve exercising program with the spring water system disinfection 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 2008 actual expenses for operating the water system.

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

**Finance Committee Recommendation: Approve 6-1-0**

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

**Article 10 – 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**

<b>Description</b>	<b>FY 09</b>	<b>FY 10</b>	<b>FY 10</b>
	<b>Actual</b>	<b>Request</b>	<b>Proposed</b>
<b>CAPITAL PROGRAM &amp; BUDGET SUMMARY</b>			
	<b>CAPITAL</b>		<b>CAPITAL</b>
	<b>BUDGET</b>		<b>BUDGET</b>
General Government	253,000	151,000	140,000
Public Safety	190,500	85,800	52,000
Community Development	10,000	125,000	0
Health & Environment	288,000	226,000	184,000
Public Works (without Water)	428,000	1,220,000	682,000
Equipment	353,000	852,500	376,000
Schools	239,468	246,444	246,444
<b>Total Town Funded Capital Budget</b>	<b>1,761,968</b>	<b>2,907,244</b>	<b>1,680,444</b>

**MOTION:** Leonard Sussman, Board of Selectman, moved that the Town vote to appropriate \$1,680,444 for the purpose of funding the FY10 Capital Budget in the column titled “FY10 Proposed” of Article 10 of the Warrant and to meet said appropriation, transfer \$1,534,622 from free cash, \$48,000 from Waterways Improvement Funds, \$5,000 from cemetery lot sales, \$30,000 from the Land Bank Receipts Reserved Appropriations Account, \$10,000 from article 7 of the May, 2004 Annual Town Meeting, \$33,246 from Article 8 of the May, 2007 Annual Town Meeting, \$5,723 from Article 6 of the May, 2005 Annual Town Meeting and \$13,853 from Article 2 of the November, 1999 Special Town Meeting.

*Explanation as printed in the Warrant: The Town’s five year capital budget is funded either from free cash, other available reserves or project balance turnbacks. Free cash is generated by revenue from non-property tax sources received in excess of estimates and from budget turnbacks. As expected and due to our economic decline, the amount of free cash available to fund this plan is less than in previous years. This budget consists primarily of annual maintenance accounts such as for buildings and roads, vehicle replacement and small projects. Fiscal policy has been established to enable this budget or program to be used as the Town’s*

*first hedge against economic decline. This hedge allows the Town to not immediately be forced to cut operating budgets and services. Certain maintenance balances cannot be fully replenished in this program or projects or vehicle replacement can be delayed. This hedge, or flexibility, can allow time to pass for the economy to recover and revenues to increase.*

*In FY10 most projects were delayed to an out year in the five year capital plan. Some vehicle purchases were delayed. However, one major maintenance project for the Transfer Station was included in the plan. Routinely, a project of this magnitude would be funded by a capital exemption. Instead, it was funded by free cash in order to eliminate a property tax impact.*

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Approve 8-1-0**

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

### **Article 11 – Stabilization Fund – Solid Waste Transfer Station Trailers**

To see if the Town will vote to transfer from available funds, a sum of money to fund four (4) open top trailers for the transportation of Municipal Solid Waste, or take any other action in relation thereto.

(Board of Selectmen)

**MOTION: David R. Whitcomb, Selectman, moved that the Town vote to appropriate and transfer the sum of \$280,000 for the purpose of purchasing (4) open top trailers for the transportation of Municipal Solid Waste, and to meet said appropriation, transfer \$130,000 from the 2007 allowance for abatement account and transfer \$150,000 from the stabilization account.**

*Explanation as printed in the Warrant: For the past several years, the Town has paid for the costs of its capital facility replacement plan by the increased funding available as amortization costs from previous capital projects decline. The result has been that new projects are funded without increasing the tax rate. A secondary benefit has been that funding is available each year for small projects or purchases as capital exemptions are passed by Town Meeting. The level of payment for annual debt costs remains stable.*

*In FY10, the use of this “debt drop off” by a capital exemption has been forgone.*

*The project scheduled for a capital exemption for FY10 is the purchase of four replacement trailers for solid waste transportation at the Town’s Transfer Station. The costs to replace these trailers in the past has been borne by the contractor in our annual hauling contract. Purchase of the trailers by the Town reduces pass through interest payments and has allowed the Town to reduce its FY10 Transfer Station budget. The four trailers that are used to transport the Town’s solid waste to SEMASS are approaching ten years old and are in desperate need of replacement.*

*Two funding sources will be used for this \$280,000 purchase. A total of \$130K in Overlay Surplus funds which is normally used annually to replenish the Town’s Stabilization Fund, will*

*be applied for this purpose. The balance of the purchase price will be paid for by the Stabilization Fund balance.*

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

**Finance Committee Recommendation: Approve 7-1-0**

**VOTE: Voice.** “Clearly, in my opinion, 2/3rds have voted, declared the Moderator.” With no request for a count, the Moderator declared, “I declare a 2/3rds vote in favor of Article 11; Article 11 has passed.”

### **Article 12 – Stabilization Fund – Beach Cleaner**

To see if the Town will vote to transfer from available funds a sum of money for paying the cost of purchasing a beach cleaning machine, or take any other action in relation thereto.

(Park and Recreation Commission)

**MOTION:** Gary Anderson, Chairman, Park and Recreation Commission, moved that the Town vote to transfer the sum of \$49,572 from the stabilization account in order to fund the purchase of a beach cleaning machine.

*Explanation as printed in the Warrant: The Park and Recreation consider our beaches the most important asset of a summer resort community. We have received increased complaints with regard to the deteriorating state of our south side beaches from year round and summer residents. The condition of our beaches is the subject of criticism each year at the Summer Town Meeting. The current practice of beach cleaning involves the use of a “York Rake” which will only remove large mounds of seaweed, but is incapable of removing smaller debris and trash. The Park and Recreation Commission held a demonstration of the beach raking system used by most Nantucket Sound communities this past November. We invited the Board of Selectmen and the Finance Committee to observe and all attendees agreed that the results delivered would greatly enhance the enjoyment of the beaches by our residents and visitors. Providing a cleaner beach experience at Hardings, Ridgevale and Cockle Cove Beaches would provide a quick payback to the Town in increased beach revenues and at the same time help decrease congestion at Lighthouse Beach. Our neighboring communities have found that their beach rakes have had a 15 to 20 year life cycle before replacement. We feel this purchase is an overdue and wise investment for our Town.*

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

**Finance Committee Recommendation: Approve 5-2-1**

**VOTE: Voice.** “So voted by more than the requisite 2/3rds majority,” declared the Moderator.

**The Moderator then took a moment to ask the meeting to extend their congratulations and thanks to Gary Anderson for his years of service on the Parks & Recreation Commission.**

### **Article 13 – Water Department Capital Budget**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the construction of a new Chemical Feed Building for the South Chatham Wells, and for all costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow an additional sum of money pursuant to Chapter 44, Sections 7 and 8 of the Massachusetts General Laws or any other enabling authority, or take any other action in relation thereto.

(Water and Sewer Commissioners)

**MOTION:** Florence Seldin, Selectman, moved that the Town vote to appropriate and transfer the sum of \$515,000 from Water Surplus for the purpose of construction of a new Chemical Feed Building for the South Chatham Wells, and for all costs incidental and related thereto, and to meet the additional costs that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow an additional sum of \$500,000 pursuant to Chapter 44, Sections 7 and 8 of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore; and further, that the Board of Selectmen is authorized to apply for and accept any grants that may be available from any sources on account of this project.

*Explanation as printed in the Warrant:* The existing chemical feed and electrical control building for the South Chatham Wells was originally constructed in the 1950's and has gone through extensive changes over its lifetime that make it inefficient. The chemical feed equipment is over 20 years old and is antiquated. The replacement of this building and its equipment will make it more efficient and dependable and will ensure the highest quality of water will be pumped into the water distribution system.

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

**Finance Committee Recommendation: Approve 8-0-0**

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

### **Article 14 – Wastewater - Capital**

To see if the Town will vote to appropriate a sum of money to pay costs of (i) designing, remodeling, constructing, reconstructing, expanding and equipping the Wastewater Treatment Facility and (ii) designing and constructing various projects involving wastewater collection facilities, including facilities for surface water nutrient management, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise, provided that if any such amount is authorized to be borrowed, no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts needed to repay any such borrowing from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2 ½), or to take any other action relative thereto.

(Board of Selectmen)

**MOTION:** Sean Summers, Chairman, Board of Selectman, moved that the sum of \$59,508,000 be and hereby is appropriated to pay costs of (i) designing, remodeling, constructing, reconstructing, expanding and equipping the Wastewater Treatment facility and (ii) designing and constructing various projects involving wastewater collection facilities, including facilities for surface water nutrient management, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44 Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however, that no sums shall be borrowed or expended for this purpose unless and until the Town shall have voted to exclude the amounts needed to repay any borrowing authorized by this vote from the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2 1/2); further, that the Town Manager and the Selectmen are further authorized to apply for and accept grants or contributions that may be available toward the cost of said project from the Federal government, the Commonwealth of Massachusetts or otherwise.

*Explanation as printed in the Warrant: The Comprehensive Wastewater Management Plan (CWMP) has been completed and the Town is moving into the implementation phase. The completion of the CWMP, coupled with the town's previous work on developing preliminary designs for expansion of both the wastewater treatment facility and town-wide collection system, presents the town the opportunity to take advantage of the American Recovery and Reinvestment Act (Federal Stimulus) funding. By accelerating the local appropriation, and implementation schedule, the town will be positioned to realize significant cost savings from the Federal Stimulus Program. Appendix G is a PowerPoint presentation made to the Board of Selectmen that provides detail on the proposed accelerated implementation plan and fiscal impact of the Federal Stimulus.*

*The funds sought in this article provide for preparation of the detailed design plans, supporting documents, and permitting of the Phase 1 upgrade/expansion of the Wastewater Treatment Facility and the preparation of a project manual, including bid documents. Phase 1 will expand the treatment facilities capacity to that necessary to allow sewerage of that portion of the town needed to meet the Nitrogen Total Maximum Daily Loads developed by MA DEP and approved by EPA. Following DEP approval of the design plans, the Phase 1 facility expansion/upgrade will be bid and constructed in accordance with the approved design.*

*Further, funds sought in this article will allow for the designing, permitting and constructing of extensions to the wastewater collection system, including 7 pump stations, along a significant portion of Route 28 and Barn Hill Road. Construction of these extensions now will provide the "backbone" for future extensions into residential neighborhoods north and south of Route 28. The majority of these neighborhoods are in watersheds to coastal embayments that have wastewater nitrogen removal targets of 100%. These extensions will coincide with the expansion of capacity at the wastewater treatment facility. This accelerated construction schedule will allow the Town to coordinate the proposed extensions with Mass. Highway's proposed reconstruction of Route 28 and town plans to reconstruct a portion of Barn Hill Road.*

*Funds are also provided for the services of an Owners Project Manager (OPM) to represent the town's interests during designing, permitting, bidding and constructing the new Wastewater Treatment Facilities.*

*Funds in this Article will also allow the Town to evaluate the ability of the treatment facility and the treated wastewater recharge beds to accommodate wastewater flow from Harwich as part of a potential inter-municipal agreement (IMA) and to provide legal services for the drafting of the IMA if determined to be feasible.*

*Funds are also provided for the evaluation and cleaning of the existing force mains that carry wastewater flow from the Stage Harbor Road Pump Station to the wastewater treatment plant off Sam Ryder Road. These force mains were constructed in the early 1970's and were last inspected and cleaned in the early 1980's. As part of the inspection process the mains will be evaluated for damage, sediment build-up and leaks, and repairs will be made as necessary. It is important that this evaluation/cleaning/repair be undertaken as the town moves forward with expansion of the wastewater collection system.*

*This article also provides supplemental funding for the Lovers Lake and Stillwater Pond Nutrient Inactivation Project. Prior funding approved by Town Meeting may be insufficient to undertake the Inactivation in both ponds concurrently as determined by the May 2008 Annual Town Meeting.*

*The following spreadsheet provides a breakdown of the funds being appropriated through this bond issue:*

The fiscal impact of this article to the average taxpayer is detailed in Appendix G.

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

**Finance Committee Recommendation: Approve 9-0-0**

**VOTE: Voice. So voted by well over the requisite 2/3rds majority, declared the Moderator.**

### **Article 15 - Affordable Housing Trust Fund**

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 the Affordable Housing Trust Fund, or take any other action in relation thereto.

(Community Preservation Committee)

**MOTION: Corinne Johnson, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$100,000 from FY 2010 Community Preservation Fund Revenues in order to fund the Affordable Housing Trust Fund.**

*Explanation as printed in the Warrant: The Affordable Housing Trust Fund (AHTF) was created by Town Meeting in 2006. The AHTF is a vehicle for the Town to receive funding from the Community Preservation Act, the Inclusionary Zoning Bylaw or other sources, to develop affordable housing in Chatham. The fund is administered by the Board of Selectmen and two*

*other appointed trustees. Placing funds in the AHTF enables the Town to respond to opportunities in the housing market in a time-sensitive and efficient manner, not having to wait for a future Town Meeting for approval. "Guidelines for the Disbursement of Funds in the AHTF" have been approved by the Board of Selectmen, the Community Preservation Committee and the Affordable Housing Committee.*

**Community Preservation Committee Recommendation: Approve 7-0-0**

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Disapprove 6-2-0**

**VOTE: Voice. Moderator asked for a show of cards.**

**Hand Count: YES: 245 NO: 169**

**Article 15 is carried, declared the Moderator.**

### **Article 16 - Preservation of the Joseph Nickerson Papers**

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 an archivist and equipment in order to organize, catalog and preserve historical papers in relation to Chatham Sea Captains and Chatham history, or take any other action in relation thereto.

(Community Preservation Committee)

**MOTION: John Kaar, Chairman, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$50,000 from FY 2010 Community Preservation Fund Revenues to fund an archivist and equipment in order to organize, catalog and preserve historical papers in relation to Chatham Sea Captains and Chatham history.**

*Explanation as printed in the Warrant: This seeks funding for an archivist and equipment to organize and catalog an extensive array of papers and materials having to do with Chatham sea captains. These papers were collected by the late Joseph A. Nickerson and the late A. Louise Wentworth Nickerson over their lifetimes. They were presented as a gift to the Chatham Historical Society by Mr. Nickerson, on the condition that the Society arrange for work to organize and preserve the papers so that they are accessible to historians and for the benefit of the public and the Town of Chatham. The Town of Chatham Historical Commission has unanimously endorsed this application.*

**Community Preservation Committee Recommendation: Approve 7-0-0**

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Approve 5-1-2**

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

### **Article 17 - Eldredge Public Library Staircase Renovation**

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 reconstruct and preserve the bluestone staircase of the Main Street entrance to the Eldredge Public Library, or take any other action in relation thereto.

(Community Preservation Committee)

**MOTION:** Robert Oliver, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$34,000 from FY 2010 Community Preservation Fund revenues to reconstruct and preserve the bluestone staircase of the Main Street entrance to the Eldredge Public Library.

*Explanation as printed in the Warrant:* This article seeks funds for the reconstruction and preservation of the bluestone staircase that leads to the front doors of the Main Street entrance to the Eldredge Public Library. The stairs are currently in disrepair in that the stairs are uneven, chipped and worn with mortar that has failed. The stone risers and steps will be removed, turned over, refinished and put back into place with new mortar. To comply with the current building codes, new iron handrails will also be installed. The Eldredge Public Library is on the National Register of Historic Places. The Town of Chatham Historical Commission unanimously endorsed this application.

**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.

### **Article 18 - Community Preservation Fund Reserve**

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

(Community Preservation Committee)

**MOTION:** Victor Di Cristina, Community Preservation Committee, moved that the Town vote to reserve \$190,000 from FY 2010 Community Preservation Revenues for Open Space.

*Explanation as printed in the Warrant:* 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 Resources, and Community Housing. The \$190,000 is to meet the 10% requirement for Open Space for FY 2010, as well as to make up not funding Open Space in FY 2009 when a warrant article was withdrawn at Town Meeting.

**Community Preservation Committee Recommendation: Approve 5-0-0**

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

**Finance Committee Recommendation: Approve 8-0-0**

**VOTE: Voice. So voted unanimously.**

**Article 19 - 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: Robert Denn, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$15,000 from FY 2010 Community Preservation Fund Revenues for the purpose of funding administrative costs associated with the Community Preservation Act.**

*Explanation as printed in the Warrant: 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.*

**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.**

**Article 20 - Community Preservation Budgeted Reserve**

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

(Community Preservation Committee)

**MOTION: John Kaar, Chairman, Community Preservation Committee, moved that the Town vote to reserve \$150,000 from FY 2010 Community Preservation Revenues for future appropriation.**

*Explanation as printed in the Warrant: The Community Preservation Act allows Town Meeting to reserve excess budgeted revenues for future appropriations. By reserving excess future revenues it enables the Town to have the funds available for appropriation immediately after the Town Meeting vote instead of delaying the use of these funds until they are actually collected and closed at year end into the fund balance.*

**Community Preservation Committee Recommendation: Approve 7-0-0**

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

**Finance Committee Recommendation: Approve 9-0-0**

**VOTE: Voice. So voted unanimously.**

**Article 21 – Marconi RCA Wireless Receiving Station Lease Authorization**  
**Operations Building**

To see if the Town will vote to authorize the Board of Selectmen to lease, on such terms as the Board of Selectmen deem appropriate, the building known as the Operations Building located at the Marconi RCA Wireless Receiving Station located at 847 Orleans Road (Route 28) in North Chatham, Assessors Maps 10J and 11J Parcel 11J-7, to the Chatham Marconi Maritime Center, the prospective lessee designated under the agreement of December 20, 2006, or take any other action relative thereto.

(Board of Selectmen)

**MOTION: Ronald Bergstrom, Selectman, moved that the Town vote to authorize the Board of Selectmen to lease, on such terms as the Board of Selectmen deem appropriate, the building known as the Operations Building located at the Marconi RCA Wireless Receiving Station located a 847 Orleans Road (Route 28) in North Chatham, Assessors Maps 10J and 11J Parcel 11J-7, to the Chatham Marconi Maritime Center, the prospective lessee designated under the agreement of December 20, 2006.**

*Explanation as printed in the Warrant: This warrant article authorizes the next step in the process of leasing of the Operations Building at the RCA Marconi site. In May 2006, the Town received proposals from non-profit organizations interested in restoring and using the four vacant buildings at the site. In late December 2006, the Board of Selectmen voted to “tentatively designate” the Chatham Marconi Maritime Center (CMMC) as the end user of the Operations Building. The Chatham Housing Authority and the Cape Cod Commercial Hook Fishermen’s Association (CCCHFA), Inc received the same designation for the two single-family homes and the Hotel respectively. The tentative designation gave each of the prospective lessees the opportunity to raise funds over an agreed upon time period to convert the buildings for their needs. After designation, the Housing Authority and later the CCCHFA informed the Town that they were no longer interested in proceeding; however, the CMMC has reiterated their continued interest in leasing the Operations Building. The CMMC has reported to the Board of Selectmen on a semi-annual basis as to its fund raising efforts. They expect to be ready to proceed early in 2010.*

*In 2007, the Town of Chatham petitioned the Legislature for permission to lease property at this site for a term greater than ten years. Chapter 48 of the Acts of 2007 was signed into law on June 7, 2007 allowing long-term leases at the Marconi site. Based on this approval by the Legislature, the Town and CMMC are in the process of negotiating a long-term lease for the use of the property. The town-drafted model lease that was part of the original bid package for the disposition of the buildings is being utilized for these negotiations. The lessee and the lessor are currently negotiating the final provisions of the lease and it is expected that these negotiations will be finished later this spring.*

*A favorable vote on this article will authorize the Board of Selectmen to negotiate the final details of the lease which will allow the CMMC to restore the Operations Building and create a*

*museum and educational center which will explain and promote the birthplace of wireless communications, right here in Chatham.*

**Board of Selectmen Recommendation: Approve 4-0-0**

**Finance Committee Recommendation: Approve 7-0-1**

**VOTE: Voice. So voted unanimously.**

### **Article 22 - Public Ceremonies Committee**

To see if the Town will vote to amend Chapter 10, Boards, Committees, and Commissions of the General Bylaws as follows:

- 1) By adding at the end of Section 10-1-B the following:  
“This subparagraph shall not apply to the appointed members of the Public Ceremonies Committee.”
- 2) By adding a new section 10-2-A-17 “Public Ceremonies Committee.”

or take any other action in relation thereto.

(Board of Selectmen)

**MOTION: Leonard Sussman, Selectman, moved that the Town vote to amend Chapter 10, Boards, Committees and Commissions of the General Bylaws as follows: 1) By adding at the end of Section 10-1-B the following: “This subparagraph shall not apply to the appointed members of the Public Ceremonies Committee.” 2) By adding a new section 10-2-A-17 “Public Ceremonies Committee.”**

*Explanation as printed in the Warrant: The passage of this amendment will allow non-residents to serve on the Public Ceremonies Committee.*

**Board of Selectmen Recommendation: Approve 4-0-0**

**Finance Committee Recommendation: Approve 8-0-0**

**VOTE: Voice. So voted unanimously.**

### **Article 23 – Kendrick Village – Drainage Easement**

To see if the Town will vote to authorize the Board of Selectmen to release, remise, abandon, and/or convey to Eastward Homes Business Trust, for the sum of \$1.00, the drainage easement now running under the land of Lot 9 Kendrick Village, such easement being recorded at the Barnstable Registry of Deeds in Book 2276, Page 037, and any others as may exist, including that shown on a plan recorded at the Barnstable Registry of Deeds in Plan Book 300, Page 30, and that the Selectmen be further authorized to acquire by gift, purchase or eminent domain a new easement for drainage purposes on Lot 9 Kendrick Village 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, or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:** David R. Whitcomb, Selectman, moved that the Town vote to authorize the Board of Selectmen to release, remise, abandon, and/or convey to Eastward Homes Business Trust, for the sum of \$1.00, the drainage easement now running under the land of Lot 9 Kendrick Village, such easement being recorded at the Barnstable Registry of Deeds in book 2276, Page 037, any others as may exist, including that shown on a plan recorded at the Barnstable Registry of Deeds in Plan Book 300, Page 30, and that the Selectmen be further authorized to acquire by gift, purchase or eminent domain a new easement for drainage purposes on Lot 9 Kendrick Village 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 as printed in the Warrant:* A drainage easement currently runs from Heritage Lane, over two abutting lots and terminates on Lot 9 in Kendrick Village. The easement currently runs into the center of the lot as shown on the attached plan. Eastward Homes has had the drainage engineered and will be installing drainage structures, at no cost to the Town, along the property lines to properly dispose of the road run off. Currently the road run off is of an outfall pipe variety and dumps out onto the property towards the cranberry bog without the benefit of proper filtration and leaching. Relocation of the easement will improve the lot.

**Board of Selectmen Recommendation: Approve 4-0-0**

**Finance Committee Recommendation: Approve 8-0-0**

**VOTE: Voice. So voted by more than the requisite 2/3rds, declared the Moderator.**

#### **Article 24 – Road Takings – Ell Street and Sky Way**

To see if the Town will vote to accept Ell Street and Sky Way as Town ways laid out by the Board of Selectmen according to plans and descriptions now on file in the Town Clerk's office, and to authorize the Board of Selectmen to take, by eminent domain, all necessary interests in real estate as shown on said plans, with no land damages to be paid by the Town and to appropriate \$220,000 for the purpose of bringing the streets up to established Town standards, and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, be authorized to borrow said sum under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws. One hundred percent (100%) of the costs of construction and related expenditures authorized hereby, and the costs of amortization of any debt instruments issued pursuant to this article, will be defrayed through betterment assessments made by the Board of Selectmen in accordance with Chapters 80 and 83 of the Massachusetts General Laws and Chapter 240 of the Town of Chatham General Bylaws, or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:** Sean Summers, Chairman, Board of Selectmen, moved that the Town vote to accept Ell Street and Sky Way as Town ways as laid out by the Board of Selectmen according to plans and descriptions now on file in the Town Clerk's office and authorize the Board of Selectmen to take, by eminent domain, all necessary interest in real estate as

**shown on said plans, with no land damages to be paid by the Town, and to appropriate and borrow, pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, the sum of \$220,000 for the purpose of bringing the streets up to established Town standards, and that one hundred percent (100%) of the costs of construction and related expenditures authorized hereby, and the costs of amortization of any debt instruments issued pursuant to this article, will be defrayed by betterment assessments made by the Board of Selectmen in accordance with Chapters 80 and 83 of the Massachusetts General Laws and Chapter 240 of the Town of Chatham General Bylaws.**

*Explanation as printed in the Warrant: The Board of Selectmen has accepted a petition from the abutters of Ell Street and Sky Way to have their roads laid out as public ways. The Selectmen have done so with the provision that all of the costs necessary to construct and lay out the ways be borne by the abutters. This article would accept these roads as Town ways and appropriate the money necessary for lay out and construction. The funds utilized to accomplish this work would be repaid to the Town via the assessment of betterments to each property owner which may be paid over time (up to 20 years) pursuant to and as authorized by Chapters 80 and 83 of the Massachusetts General Bylaws and Chapter 240 of the Town of Chatham General Bylaws.*

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

**Finance Committee Recommendation: Approve 8-0-0**

**VOTE: Voice. So voted unanimously.**

### **Article 25 - Affordable Housing Gift of Land**

To see if the Town will vote to donate a portion of land off of Depot Road in Chatham, Massachusetts identified by Assessors Map 14E-52, consisting of approximately 28,700 square feet, more or less, as shown in Plan Book 213 Page 13 and more fully described in a deed recorded with the Barnstable County Registry of Deeds in Book 1371 Page 712 owned by the Town of Chatham, to a non-profit agency, to be selected through a competitive public bidding process for the purpose of developing affordable housing, or take any other action in relation thereto.

(Board of Selectmen)

*Explanation as printed in the Warrant: This article proposes to gift a parcel of land known as the "Grange Parcel", which was acquired by the Town in 1967, to a non-profit agency for the purposes of building affordable housing. The parcel, approximately 0.67 acres in area fronting on Depot Road, would be gifted to a non-profit development agency selected through a competitive bidding process. The primary criteria for selecting the most advantageous proposal from a non-profit entity responding to the Request for Proposals (RFP) will include the following: construction of affordable housing for households making less than 80% of the area median income, an affordability restriction in perpetuity, a design layout respecting the site's natural features and meeting all applicable requirements for sewage waste disposal. The selected non-profit agency will be responsible for all phases of design, permitting ("friendly" 40B) and construction. The continued creation of housing units is integral towards attaining the*

*Comprehensive Plan's goal of having 10% of the Town's year round housing stock affordable by 2015.*

**Board of Selectmen Recommendation: Approve 3-2-0**

**Finance Committee Recommendation: Disapprove 6-3-0**

**MOTION: Selectman Sean Summers moved for indefinite postponement.**

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

### **Article 26 – Elipham(l)et's Lane**

To see if the Town will vote to correct a misspelling by changing *Eliphamet's Lane* to *Eliphalet's Lane*.

(by petition)

*Explanation as printed in the Warrant: In 1805 the east side of Mill Pond was owned by Richard Howes, Joseph Dexter, and Eliphalet Hamilton, and the landing at the foot of the present lane was known as Hamilton's Landing, after Daniel Hamilton who first appears in Town records in 1702 (he was a Selectman in 1707, before the Town incorporated). Several of his descendants were named Eliphalet, after two of the sons of the Bible's King David – (Eliphalet means "God's Deliverance"). An Eliphalet Hamilton served in the Militia in 1754, and an Eliphalet Hamilton saw action in 1778 during the Revolutionary War. The lane is probably named after Eliphalet Hamilton (1794-1858), although there is no record of this street naming. In Seaside Cemetery there is a large tombstone bearing his name. The misspelling Eliphamet's occurred in the 1930's, one of several misspelled street sign names, presumably by the same sign maker. An 80 year old error should not replace over three hundred years of history and service to the Town of Chatham by the Eliphalet Hamiltons.*

(by petition)

**Board of Selectmen Recommendation: No Recommendation**

**Finance Committee Recommendation: No Recommendation**

**MOTION: Selectman Ronald Bergstrom moved for indefinite postponement.**

**VOTE: Voice. So voted unanimously.**

### **Article 27 - Rescind Annex/Police Department Funding**

To see if the Town will vote to rescind the authorization and appropriations made under Article 11 of the Annual Town Meeting of May 14, 2007, and Articles 15 and 16 of the Annual Town Meeting of May 12, 2008 (except for such obligations already incurred that must be paid, if any), and rescind the final design acceptance made under Article 14 of the Annual Town Meeting of May 12, 2008, for the construction of a new Annex/Police Department facility; and further, vote to direct the Board of Selectmen and Town Manager to suspend the expenditure of any appropriations made under the foregoing Articles for the purposes set forth therein until such

time and date as a subsequent Town Meeting shall vote to authorize approval of such expenditures.

(by petition)

**MOTION:** Mr. Coleman moved that the Town see if the Town will vote to rescind the authorization and appropriations made under Article 11 of the Annual Town Meeting of May 14, 2007, and Articles 15 and 16 of the Annual Town Meeting of May 12, 2008 (except for such obligations already incurred that must be paid, if any), and rescind the final design acceptance made under Article 14 of the Annual Town Meeting of May 12, 2008, for the construction of a new Annex/Police Department facility; and further, vote to direct the Board of Selectmen and Town Manager to suspend the expenditure of any appropriations made under the foregoing Articles for the purposes set forth therein until such time and date as a subsequent Town Meeting shall vote to authorize approval of such expenditures.

*Explanation as printed in the Warrant: Prior Town Meetings have authorized spending in excess of \$16 million for replacement facilities on town-owned land on George Ryder Road. For many this project seems to be a very expensive solution to a low-priority need. In light of the changed economic situation and the financial crisis gripping the world, nation, state and Town, the sponsors of this Article believe all prior authorizations should be cancelled, except as necessary to pay for costs already incurred, and that work and expenditure of funds on this project should be halted until action of a future Town Meeting.*

(by petition)

**Board of Selectmen Recommendation: Disapprove 4-1-0**  
**Finance Committee Recommendation: Disapprove 9-0-0**

**VOTE:** Voice. I believe the no's have it, declared the Moderator. After a request for a count from the voters:

**Hand Count: YES: 104 NO: 252**

The motion is not passed, declared the Moderator.

**MOTION:** Voter Susan Plumb moved that we stand in recess until Tuesday, May 12<sup>th</sup> at 6:00 p.m.

**VOTE:** Voice. So voted.

**MINUTES OF THE  
MONDAY, MAY 12, 2009  
ANNUAL TOWN MEETING**

Moderator William G. Litchfield opened the meeting at 6:00 p.m. There were 224 voters present in the hall.

**Article 28 - Zoning / Affordable Secondary Dwelling Units Incidental to Single Family Dwellings**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend, **Section VII – Special Regulations, Subsection 1-1: Affordable Apartment Incidental to a Single Family Dwelling**, as follows:

**12-.1. Affordable ~~Apartment~~ Secondary Dwelling Units Incidental to Single Family Dwellings**

**A. Purpose and Intent:**

The purpose and intent of this section is to provide opportunities for Chatham homeowners to create ~~some~~affordable year round rental housing to help meet the needs of Chatham's affordable housing needs~~residents and workers~~. This ~~section~~Bylaw sets forth the requirements, standards and conditions for Affordable Apartments Secondary Dwelling Units Incidental to Single Family Dwellings. ~~The standards are intended to be consistent with those recommended by the Cape Cod Commission for use by Towns~~. It is also intended that “affordable” units required and approved under this Bylaw remain affordable.

**B. Definitions:**

**“AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)”** means a plan meeting the minimum standards set forth by the Department of Housing and Community Development (DHCD) to create fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations in the selection of tenants.

**“AFFORDABLE, RENTAL UNIT”** used in reference to *dwelling units* means intended for rental ~~or sale~~ to low or moderate income-eligible people households and in conformance with the requirements of this Bylaw ~~in~~with regard to pricerent and income level of tenant (s).

**“AFFORDABLE ~~APARTMENT~~SECONDARY DWELLING UNITS INCIDENTAL TO SINGLE FAMILY DWELLINGS”** means a *dwelling unit*

subordinate to a *one-family dwelling* approved on the condition that the requirements of this Bylaw are met for *affordable price-rent* and *income-eligible* tenants.

**“AFFORDABLE PRICE RENT”** ~~used in reference to a *dwelling unit*, means *housing costs* ~~a monthly rent or mortgage payment~~~~ which does not exceed 30% of the gross monthly income of a household whose income is 70% of the area median income for Barnstable County as reported by the United States Department of *Housing and Urban Development (HUD)* as adjusted for bedrooms.

**“AREA MEDIAN INCOME (AMI)”** means the estimated median income, adjusted for family size, by county or metropolitan area. The AMI is adjusted annually by HUD.

**“CHATHAM HOUSING AUTHORITY”** means the local Housing Authority organized pursuant to Massachusetts General Laws, Chapter 121B, Section 3.

**“DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)”** means the Massachusetts agency that oversees State funded programs and other funding incentives to promote affordable housing.

**“HOUSING COSTS, RENTAL UNIT”** means including rent and utilities.

**“HOUSING AND URBAN DEVELOPMENT (HUD)”** means the Federal agency responsible for addressing the nation’s housing needs, enforcing of fair housing laws and helping local communities meet development needs.

**“INCOME—ELIGIBLE”** means that the household income of a person or family does not exceed 80% of the median income, adjusted for household size, for Barnstable County as reported by the United States Department of *Housing and Urban Development (HUD)*.

**“KITCHEN”** means an area used, or designated to be used, for the preparation of food (780 CMR 52.00 - MA Building Code).

**“LOCAL ACTION UNITS (LAU)”** means *affordable* units built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, a contract provision (e.g., reuse of municipal or school building as housing), or an agreement between the town and a non-profit organization to build or rehabilitate municipal buildings into housing. This component of the *LIP* gives communities the opportunity to include housing units on the state’s *Subsidized Housing Inventory* that were built without a Comprehensive Permit but which meet *LIP* criteria.

**“LOCAL INITIATIVE PROGRAM (LIP)”** means a State program under which communities may use local resources and technical assistance from *DHCD* to develop affordable housing pursuant to 760 CMR 56.00.

**“LOCAL PROGRAM ADMINISTRATOR (LPA)”** means the entity responsible for oversight of *affordable* units. This could be the *Chatham Housing Authority*, a local official, the director of an area housing non-profit organization, or another appropriate person meeting *DHCD* approval.

**“SUBSIDIZED HOUSING INVENTORY (SHI)”** means *DHCD*'s official list of units, by municipality, that counts toward a community's 10% goal.

**“USE RESTRICTION”** means an executed restriction in a form acceptable to the Special Permit Granting Authority (SPGA), recorded with the Barnstable County Registry of Deeds.

**“ZONING ENFORCEMENT OFFICER”** means the Building Commissioner or his/her designee charged with the authority to enforce the provisions of the Chatham Protective (Zoning) Bylaw.

### **C. General Requirements:**

No more than ~~4~~<sup>2</sup> Special Permits acted upon in the order received shall be granted for *Affordable Apartments*~~Secondary Dwelling Units~~ *Incidental to Single Family Dwellings* in any ~~12~~<sup>4</sup>-month period.

*Affordable Apartments*~~Secondary Dwelling Units~~ *Incidental to Single Family Dwellings* are allowed by Special Permit approved by the Zoning Board of Appeals in all districts except Municipal Conservancy (M/C) and Industrial (I) as set forth in this ~~section~~Bylaw and the procedures and criteria found in Section VIII. C. – Special Permit Procedures.

The Zoning Board of Appeals shall solicit comments on the proposal from other Town regulatory agencies which have jurisdiction in the particular case, and prior to acting upon the application, the Zoning Board shall consider any comments received from such agencies.

### **2D. Conditions-Standards:**

All *Affordable Apartments*~~Secondary Dwelling Units~~ *Incidental to Single Family Dwellings* shall be subject to the following ~~e~~conditionsstandards:

1. No *Affordable Apartments*~~Secondary Dwelling Units~~ *Incidental to Single Family Dwellings* shall be approved in addition to a *Guest House* on a single family lot nor shall a *Guest House* be granted after an *affordable* secondary dwelling unit incidental to a single family dwelling is granted.
2. Either the proposed ~~apartment~~secondary dwelling unit or the principal dwelling may be ~~proposed to be~~ rented as *affordable*, provided the property owner occupies the unit which is not designated as *affordable*. A change in the designation of which unit is *affordable* shall require an amendment to the Special Permit. For

the purposes of this Bylaw, the “owner” shall mean one who holds legal or beneficial title.

3. The owner of the property must dwell in either the ~~apartment~~ secondary dwelling unit or in the principal dwelling unit and shall not rent both the ~~apartment~~ affordable secondary dwelling unit incidental to a single family dwelling and the principal dwelling unit at the same time, except as follows;

- a. An owner of a property containing an affordable secondary dwelling unit incidental to a single family dwelling who is absent for a period of less than two (2) years may rent the owner’s unit as well as the secondary dwelling unit during the temporary absence provided: written notice thereof shall be made to the Zoning Enforcement Officer or designee on a form prescribed by him/her and that the owner shall be a resident of the property for at least two years prior to and between such temporary absences.

- b. For a period of not more than thirty (30) days in a calendar year.

4. The owner of the property must meet and adhere to the requirements for an affordable rental dwelling unit as set forth below in ~~theis~~ Bylaw under Paragraph E. - Conditions for Affordable Rental Dwelling Units.

5. ~~Application may be made for a Special Permit under this section provided the property where the apartment is to be located has a minimum of 20,000 square feet of buildable upland area.~~

*Affordable ~~Apartments~~ Secondary Dwelling Units Incidental to Single Family Dwellings shall meet all applicable State and Local requirements for the establishment of *dwelling units*, including the Board of Health regulations limiting the number of bedrooms, Building Code, Wetlands Protection Regulations, Zoning and other approvals as necessary.*

6. Unless specifically waived by the Zoning Board of Appeals, two parking spaces shall be provided for the affordable ~~apartment~~ secondary dwelling unit incidental to a single family dwelling in addition to the two parking spaces required for the single family dwelling.

7. The Special Permit shall lapse in the event that the affordable ~~apartment~~ secondary dwelling unit incidental to a single family dwelling is not used for a period of two years. Upon application by the owner, the Zoning Board of Appeals may reinstate the Special Permit after a public hearing. If the reinstatement is not requested or is denied by the Zoning Board, the *Zoning Enforcement Officer may shall* order that the *kitchen* be removed from the affordable ~~apartment~~ secondary dwelling unit incidental to a single family dwelling unless the apartment was legal as a matter of right.

8. The *Zoning Enforcement Officer* has the authority to order the *kitchen* to be removed from the affordable ~~apartment~~ secondary dwelling unit incidental to a

single family dwelling upon finding a violation of the conditions of the Special Permit issued under this ~~section~~Bylaw and in the event that the owner does not correct the violation in a timely manner, after being given proper notice.

9. The maximum gross floor area of *Affordable Secondary Dwelling Units Incidental to Single Family Dwellings* shall not exceed 1,000 square feet. ~~The affordable apartment~~ secondary dwelling unit incidental to a single family dwelling may be part of the principal dwelling or in a separate building accessory to the single family dwelling.
  
10. ~~The site shall provide for privacy, noise reduction, and an outdoor recreation area for the tenants of the apartment.~~ No *Affordable Secondary Dwelling Units Incidental to Single Family Dwellings* shall be separated by ownership from the principal dwelling unit or principal structure. Any lot containing such a dwelling unit shall be subject to a recorded restriction that shall restrict the lot owner's ability to separately convey interest in the affordable secondary dwelling unit incidental to a single family dwelling.

#### **Review Criteria:**

~~In addition to the review criteria for Special Permits set forth in this Bylaw, the following criteria shall be used in the review of all Special Permits for *Affordable Apartments Incidental to a Single Family Dwelling*:~~

- ~~\* Adequacy and suitability of the site for the addition of the apartment, whether or not new construction is proposed, with consideration of the size and shape of the site, access to the site, location of existing and proposed buildings, topography of the site and surrounding area, and existing vegetation.~~
  
- ~~\* Impact of the proposal upon the abutters and the neighborhood, including such considerations as the size of the unit proposed, location of the unit on the site, proximity of the unit to the abutters, layout of parking provided, and location of the outdoor use area for the unit.~~

#### **E. Conditions for Affordable Rental Dwelling Units:**

~~*Affordable Rental Dwelling* units required to be affordable or approved under this Bylaw with the condition that they are affordable shall be subject to the following requirements: of this section:~~

- ~~\*1.~~ Any dwelling unit required or approved under this Bylaw as *affordable* shall meet the definition of *affordable pricerent* as set forth in this Bylaw. Certification by the ~~Chatham Housing Authority~~LPA that the *pricerent* is an “*affordable pricerent*” shall be provided to the *Zoning Enforcement Officer*.
  
- ~~\*2.~~ Any dwelling approved under this Bylaw as an *affordable rental unit* shall be rented subject to a minimum 12-month lease.

\*3. For any *dwelling unit* required or approved as an *affordable* rental under this Bylaw, certification by the ~~Chatham Housing Authority~~LPA that the tenants occupying the affordable unit are *income eligible* and the rent charged them is *affordable* per the definitions in this Bylaw must be submitted to the *Zoning Enforcement Officer* at the time of the signing of the lease and on an annual basis thereafter. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.

\*4. ~~Owners of affordable units created under this Bylaw shall be encouraged to rent units to Chatham residents, workers, or people with ties to the community. The selection of a tenant shall be in accordance with DHCD's Affirmative Fair Housing Marketing Plan (AFHMP) guidelines. Additionally, creation of all units shall be in compliance with DHCD Regulations at 760 CMR 56.00 et seq and applicable guidelines regarding the SHI, use restrictions and the LIP.~~

5. *Affordable* dwelling units shall be subject to *affordable housing use restrictions* that are executed by the homeowner, the Municipality, and *DHCD* and filed by the *LPA* in the Registry of Deeds/Land Court Registry District subject to the following provisions regarding the early termination of such restrictions:

a. Tenant Notice

In all cases, the owner must provide an existing tenant at least 60 days prior written notice that his or her lease will not be renewed.

b. Use Restrictions that are revocable by the owner upon transfer of the property to a bona fide purchaser at an arms length.

If the Use Restriction is not renewed by the new owner, the municipality must notify DHCD. The unit will no longer be deemed a Local Action Unit and will be removed from the Subsidized Housing Inventory unless the new owner obtains municipal approval to rent the affordable dwelling unit and enters into an affordable housing restriction in the form approved by DHCD.

c. Restrictions that allow the owner to voluntarily terminate the restriction and cancel a Special Permit at the end of a tenant's lease term.

Voluntary termination may occur only after the owner has rented an affordable dwelling unit to income-eligible tenant(s) for a minimum of two (2) years except as provided for in Section G below. The municipality must notify DHCD that the restriction has been voluntarily terminated, and the unit will no longer be deemed a Local Action Unit and will be removed from the Subsidized Housing Inventory. Such, voluntary termination shall also nullify the Special Permit and subject the owner to the enforcement provisions of Section VII. 2. D. 7. & 8. regarding the removal of the second kitchen.

d. Removal of Use Restriction

In the event that an owner of such dwelling unit decides not to continue with the program, then the Affordable Housing Restriction recorded as a *use restriction* shall be discharged by recording an appropriate document executed by the *LPA*.

#### **F. Special Permit Review Criteria**

In addition to meeting the requirements, standards and conditions for Special Permits set forth in this Bylaw, the criteria found in Section VIII. C. 4. shall be used in the review of all Special Permits for *Affordable Secondary Dwelling Units Incidental to Single Family Dwellings*.

#### **G. Conditions of Approval:**

The Zoning Board may impose conditions upon the approval of a Special Permit for an *affordable apartment*~~secondary dwelling unit~~ incidental to a single family dwelling in keeping with the review criteria referenced in Section F. above, and such conditions may include a limit on the number of people who can occupy the affordable unit.

In the event that a change, extension, and/or alteration of a nonconforming use or structure that increases the nonconforming nature of the single family dwelling or creates a new nonconformity is sought, the Zoning Board may consider requiring the two (2) year minimum *use restriction* be increased up to an eight (8) year maximum. Any such conditions shall be transferable to a subsequent owner pursuant to Section VII. E. – Conditions for Affordable Rental Dwelling Units.

#### **H. Achievement of the 10% Goal**

At such time that the Town of Chatham achieves the goal of having ten percent (10%) of the Town's year round housing stock considered *affordable* under Chapter 40B as indicated on the *Subsidized Housing Inventory (SHI)* the Zoning Board Appeals may deny projects submitted under this Bylaw based upon the presumption that the local need for *affordable* housing has been satisfied.

#### **2.12~~5~~. Affordable Dwelling Units, Mandatory Provision**

And amend **Section II – Definitions, Subsection B.**, of the Bylaw accordingly to be consistent with the Definitions indicated in **Section VII, Special Regulations, Subsection 2.1, Affordable Secondary Dwelling Units Incidental to a Single Family Dwelling, Paragraph B. Definitions** above, including the corresponding renumbering.

Or take any other action in relation thereto.

(Planning Board)

**MOTION:** Mark Zibrat, Chairman, Planning Board, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

***Explanation as printed in the Warrant:** The above article proposes to make amendments to the existing Section VII, 1-1, Affordable Apartment Incidental to Single Family Dwelling of the Zoning Bylaw to provide opportunities to create affordable secondary dwelling units incidental to single-family dwellings that count on the State's Housing Inventory, which can also be credited towards meeting the Town's goal of 10% of the year round housing units being affordable to those making up to 80% of median income. The proposed article has been modified from the all-inclusive proposal last year, focusing only on affordable residential accessory secondary dwelling units.*

*The proposed article includes the following primary changes:*

*Changes to definitions and program references for consistency with current Department of Housing and Community Development (State) requirements, to meet the primary goal of this initiative by providing a mechanism for accessory secondary dwelling units created by homeowners under zoning to count towards the Town's goal of 10% of the year-round housing stock being affordable.*

*Removal of the 20,000 square foot minimum buildable upland area requirement provides opportunities for a greater number of Chatham property owners to pursue this provision, while maintaining the Special Permit review.*

*Further clarification of affordability and program requirements, enforcement procedures and the creation of affordable secondary dwelling units in non-conforming structures.*

*Introduction of the concept of a "revocable" use restriction, intended to address concerns/perceptions of land owners that creating such a unit would limit future options.*

***Please Note:** A detailed "markup" version indicating language to be deleted and inserted line by line with corresponding marginal note commentary is also available for review at the Office of the Town Clerk, 549 Main Street, the Community Development Department at the Annex, 261 George Ryder Road and on the Town's website ([www.Chatham-MA.gov](http://www.Chatham-MA.gov)) under the "Zoning Bylaw Rewrite".*

*The intent of these changes is to promote the development of affordable housing that counts towards the 10% goal, dispersed throughout the Town's residential zoning districts through participation of homeowners in a manner that balances incentives for participation with the protection of community character.*

**Planning Board Recommendation: Approve 5-0-0**

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

**Finance Committee Recommendation: Disapprove 5-0-4**

**VOTE:** After a show of cards, the Moderator declared, "In my opinion there is clearly not 2/3rds, the motion has lost for lack of a 2/3rds vote." After a request for a hand count:

**HAND COUNT: YES: 86 NO: 118**

**The Article is lost, declared the Moderator.**

**Article 29 - Zoning / Affordable Apartments Incidental to a Commercial Use**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

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

“AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)” means a plan meeting the minimum standards set forth by the Department of Housing and Community Development (DHCD) to create fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations in the selection of tenants.

“AFFORDABLE APARTMENT INCIDENTAL TO A COMMERCIAL USE” means a *dwelling unit* located on a commercially zoned *lot* intended for rental to low or moderate *income eligible* households on a year round basis in conformance with the applicable affordability requirements of **Section VII. 4.1. B. – Conditions for Affordable Rental Dwelling Units** including requiring a five (5) year use restriction that is not voluntarily revocable.

“AFFORDABLE RENT” means *housing costs* which do not exceed 30% of the gross monthly income of a household whose income is 70% of the area median income for Barnstable County as reported by the United States Department of Housing and Urban Development (HUD) as adjusted for bedrooms.

“AFFORDABLE, RENTAL UNIT” used in reference to *dwelling units* means intended for rental to low or moderate *income-eligible* households and in conformance with the requirements of this Bylaw with regard to *rent* and income level of tenant (s).

“APARTMENT, MARKET RATE” means a rental dwelling unit used for occupancy on the basis of rental for greater than two weeks per year and not subject to any restrictions on income-eligible tenants.

“AREA MEDIAN INCOME (AMI)” means the estimated median income, adjusted for family size, by county or metropolitan area. The *AMI* is adjusted annually by *HUD*.

“CHATHAM HOUSING AUTHORITY” means the local Housing Authority organized pursuant to Massachusetts General Laws, Chapter 121B, Section 3.

“DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)” means the Massachusetts agency that oversees State funded programs and other funding incentives to promote affordable housing.

“HOUSING AND URBAN DEVELOPMENT (HUD)” means the Federal agency responsible for addressing the nation’s housing needs, enforcing of fair housing laws and helping local communities meet development needs.

“HOUSING COSTS, RENTAL UNIT” means including rent and utilities.

“INCOME-ELIGIBLE” means that the household income of a person or family does not exceed 80% of the median income, adjusted for household size, for Barnstable County as reported by the United States Department of Housing and Urban Development (HUD).

“LOCAL ACTION UNITS (LAU)” means *affordable* units built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, a contract provision (e.g., reuse of municipal or school building as housing), or an agreement between the town and a non-profit organization to build or rehabilitate municipal buildings into housing. This component of the *LIP* gives communities the opportunity to include housing units on the state’s *Subsidized Housing Inventory* that were built without a Comprehensive Permit but which meet *LIP* criteria.

“LOCAL INITIATIVE PROGRAM (LIP)” means a State program under which communities may use local resources and technical assistance from *DHCD* to develop affordable housing pursuant to 760 CMR 56.00.

“LOCAL PROGRAM ADMINISTRATOR (LPA)” means the entity responsible for oversight of *affordable* units. This could be the *Chatham Housing Authority*, a local official, the director of an area housing non-profit organization, or another appropriate person meeting *DHCD* approval.

“SUBSIDIZED HOUSING INVENTORY (SHI)” means *DHCD*’s official list of units, by municipality, that counts toward a community’s 10% goal.

“USE RESTRICTION” means an executed restriction in a form acceptable to the Special Permit Granting Authority (SPGA), recorded with the Barnstable County Registry of Deeds.

“ZONING ENFORCEMENT OFFICER” means the Building Commissioner or his/her designee charged with the authority to enforce the provisions of the Chatham Protective (Zoning) Bylaw.

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

And, amend, **Section VII – Special Regulations, Subsection 4. Apartment, Incidental to a Commercial and Industrial Use**, as follows:

**4. Apartment, Incidental to a Commercial Use and Industrial Use**

Permitted in the Industrial I Districts and allowed by special permit in the General Business (GB) Districts as follows:

a. The ~~use~~ structure shall comply with the dimensional requirements stipulated in Appendix II for the commercial ~~use~~ zoning district provided:

1. The area of any lot shall provide not less than ten thousand (10,000) square feet of buildable upland for each *apartment*.

2. In the GB District there shall be no more than four (4) *apartments* in one building.
  3. There shall be living quarters ofn not more than two (2) stories above finish grade and none below such level.
  4. In the Industrial District, there shall be no more than one two-bedroom *apartment* per lot incidental to the commercial or industrial use.
- b. The residential use of the property shall be compatible with the nature and scale of the permitted commercial/industrial uses on the lot.

#### **4.1. Affordable Apartment Incidental to a Commercial Use**

Allowed by a Special Permit granted by the Zoning Board of Appeals (ZBA) in the General Business (GB) Districts as follows:

A. The structure shall comply with the dimensional requirements stipulated in Appendix II for the commercial zoning district provided:

1. The area of any lot shall provide not less than five thousand (5,000) square feet of buildable upland for each *Affordable Apartment Incidental to a Commercial Use* apartment in the GB1, GB2 and GB3 Districts.
2. In the GB District there shall be no more than a total of six (6) *apartments* in one building, with a maximum of four (4) market rate *apartments*.
3. There shall be living quarters on not more than two (2) stories above finish grade and none below such level and living quarters shall only be allowed on the second floor in the GB1 District.
4. Notwithstanding the requirement for an *Apartment Incidental to a Commercial Use* to maintain a minimum of 51% of the total floor area of the building(s) above finish grade for commercial purposes, the following minimum percentages will be allowed for *Affordable Apartment Incidental to a Commercial Use*:
  - a. At least one-third (1/3) of the total floor area of the building(s) above finish grade is utilized for commercial purposes in the GB2 and GB3 Districts, with no more than one-third (1/3) of the first level being devoted to residential use.

B. Conditions for Affordable Rental Dwelling Units

*Affordable* rental dwelling units approved under this Bylaw shall be subject to the following requirements:

1. Any dwelling unit required or approved under this Bylaw as *affordable* shall meet the definition of *affordable rent* as set forth in this Bylaw. Certification by the

LPA that the rent is an affordable rent shall be provided to the Zoning Enforcement Officer.

2. Any dwelling approved under this Bylaw as an affordable rental unit shall be rented subject to a minimum 12-month lease. In all cases, the owner must provide an existing tenant at least 60 days prior written notice that his or her lease will not be renewed.
  3. For any dwelling unit required or approved as an affordable rental under this Bylaw, certification by the LPA that the tenants occupying the affordable unit are income eligible and the rent charged them is affordable per the definitions in this Bylaw must be submitted to the Zoning Enforcement Officer at the time of the signing of the lease and on an annual basis thereafter. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.
  4. The selection of a tenant shall be in accordance with DHCD's Affirmative Fair Housing Marketing Plan (AFHMP) guidelines. Additionally, creation of all units shall be in compliance with DHCD Regulations at 760 CMR 56.00 et seq and applicable guidelines regarding the SHI, use restrictions and the LIP.
  5. Affordable dwelling units shall be subject to affordable housing use restrictions that are executed by the homeowner, the Municipality, and DHCD and filed by the LPA in the Registry of Deeds/Land Court Registry District.
- C. Special Permits may be granted when it has been found that the uses involved will not be detrimental to the established or future character of the area and the Town, and when it has been found that the uses involved will be in harmony with the general purpose and intent of the Bylaw. The Special Permit Granting Authority shall make written findings certifying compliance with the specific requirements governing individual special uses and addressing at a minimum each of the following considerations, if applicable:
1. Adequacy of the site in terms of size for the proposed uses;
  2. Suitability of the site for the proposed uses;
  3. Impact on traffic flow and safety of the inhabitants on foot, bike and/or motor vehicle;
  4. Impact on area visual character, including views and vistas and the protection of the commercial character of the business façade;
  5. Adequacy of method of sewage disposal, source of water and drainage relating to the commercial/industrial use and the residential use;
  6. Adequacy of utilities and other public services;

7. Noise and litter;
8. Compatibility of the proposed use with surrounding land uses;
9. Impact on the natural environment including slopes, vegetation, wetlands, groundwater and water bodies.
10. Adequate safe parking for inhabitants.

D. Conditions of Approval - The Zoning Board may impose conditions upon the approval of a Special Permit in keeping with the above review criteria.

Any such conditions shall be transferable to a subsequent owner pursuant to Section VII. 4.1. B. – Conditions for Affordable Rental Dwelling Units.

And Amend, **Appendix I, Schedule of Use Regulations** by adding **“Affordable Apartment Incidental To A Commercial Use”** to the schedule so as to read:

**Affordable Apartment Incidental To A Commercial Use**

R-60	R40 R40A	R-30	R-20	R-20A	SB	GB	I	M/C	M
X	X	X	X	X	X	<b>SP</b>	X	X	X

Or take any other action in relation thereto.

(Planning Board)

**MOTION: Mark Zibrat, Chairman, Planning Board, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant.**

*Explanation as printed in the Warrant: The above article proposes to make amendments to the existing Section VII, 4, Apartment, Incidental to a Commercial and Industrial Use of the Zoning Bylaw to provide opportunities to create affordable accessory apartments incidental to commercial uses that count on the State’s Housing Inventory towards meeting the Town’s goal of 10% of the year round housing units being affordable to those making up to 80% of median income. The proposed article has been modified from the all-inclusive proposal last year, focusing only on Affordable Apartments incidental to a Commercial Use.*

*The proposed article includes the following primary changes:*

- *Reduced buildable upland requirement of 5,000 square feet for Affordable Apartments Incidental to a Commercial Use.*
- *Ability to create additional units in a building in exchange for a five year affordability restriction.*
- *New “use mix” in the GB2 and GB3 Districts allowing a maximum of 33% residential area on the first level with a maximum of 66% residential in the*

*entire building, versus the existing minimum requirement of 51% of the first level being devoted to solely commercial activity. The 51% requirement would remain for the GB1 (Downtown) District.*

- *Creation of specific review criteria for apartments located within a GB Commercial district.*

**Please Note:** A detailed “markup” version indicating language to be deleted and inserted line by line with corresponding marginal note commentary is also available for review at the Office of the Town Clerk, 549 Main Street, the Community Development Department at the Annex, 261 George Ryder Road and on the Town’s website ([www.Chatham-MA.gov](http://www.Chatham-MA.gov)) under the “Zoning Bylaw Rewrite”.

*The intent of these changes is to promote the development of affordable housing in the GB districts through participation of private property owners and developers, in a manner that balances incentives for participation with the protection of community character.*

**Planning Board Recommendation: Approve 5-0-0**

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

**Finance Committee Recommendation: Disapprove 5-1-3**

**VOTE: Hand Count: YES: 119 NO: 90**

**It is not passed, it does not receive a 2/3rds vote, declared the Moderator.**

### **Article 30 - Zoning / Affordable Apartments Incidental to an Industrial Use**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

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

**“AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)”** means a plan meeting the minimum standards set forth by the Department of Housing and Community Development (DHCD) to create fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations in the selection of tenants.

**“AFFORDABLE APARTMENT INCIDENTAL TO AN INDUSTRIAL USE”** means a dwelling unit located on an industrial lot intended for rental to low or moderate income eligible households on a year round basis in conformance with the applicable affordability requirements of Section VII. 4.2. B. – Conditions for Affordable Rental Dwelling Units including requiring a five (5) year use restriction that is not voluntarily revocable.

**“AFFORDABLE RENT”** means housing costs which do not exceed 30% of the gross monthly income of a household whose income is 70% of the area median income for

Barnstable County as reported by the United States Department of Housing and Urban Development (HUD) as adjusted for bedrooms.

**“AFFORDABLE, RENTAL UNIT”** used in reference to *dwelling units* means intended for rental to low or moderate *income-eligible* households and in conformance with the requirements of this Bylaw with regard to rent and income level of tenant (s).

**“APARTMENT, MARKET RATE”** means a rental dwelling unit used for occupancy on the basis of rental for greater than two weeks per year and not subject to any restrictions on income-eligible tenants.

**“AREA MEDIAN INCOME (AMI)”** means the estimated median income, adjusted for family size, by county or metropolitan area. The *AMI* is adjusted annually by *HUD*.

**“CHATHAM HOUSING AUTHORITY”** means the local Housing Authority organized pursuant to Massachusetts General Laws, Chapter 121B, Section 3.

**“DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)”** means the Massachusetts agency that oversees State funded programs and other funding incentives to promote affordable housing.

**“HOUSING AND URBAN DEVELOPMENT (HUD)”** means the Federal agency responsible for addressing the nation’s housing needs, enforcing of fair housing laws and helping local communities meet development needs.

**“HOUSING COSTS, RENTAL UNIT”** means including rent and utilities.

**“INCOME-ELIGIBLE”** means that the household income of a person or family does not exceed 80% of the median income, adjusted for household size, for Barnstable County as reported by the United States Department of Housing and Urban Development (HUD).

**“LOCAL ACTION UNITS (LAU)”** means *Affordable* units built pursuant to a local action such as a zoning provision, a condition of a variance or special permit issued by the planning board or zoning board of appeals, a contract provision (e.g., reuse of municipal or school building as housing), or an agreement between the town and a non-profit organization to build or rehabilitate municipal buildings into housing. This component of the *LIP* gives communities the opportunity to include housing units on the state’s *Subsidized Housing Inventory* that were built without a Comprehensive Permit but which meet *LIP* criteria.

**“LOCAL INITIATIVE PROGRAM (LIP)”** means a State program under which communities may use local resources and technical assistance from *DHCD* to develop affordable housing pursuant to 760 CMR 56.00.

**“LOCAL PROGRAM ADMINISTRATOR (LPA)”** means the entity responsible for oversight of *affordable* units. This could be the Chatham Housing Authority, a local official, the director of an area housing non-profit organization, or another appropriate person meeting *DHCD* approval.

“SUBSIDIZED HOUSING INVENTORY (SHI)” means DHCD’s official list of units, by municipality, that counts toward a community’s 10% goal.

“USE RESTRICTION” means an executed restriction in a form acceptable to the Special Permit Granting Authority (SPGA), recorded with the Barnstable County Registry of Deeds.

“ZONING ENFORCEMENT OFFICER” means the Building Commissioner or his/her designee charged with the authority to enforce the provisions of the Chatham Protective (Zoning) Bylaw.

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

And, amend, **Section VII – Special Regulations, Subsection 4. Affordable Apartment, Incidental to a Commercial Use and Industrial Use,** by adding the following new sub section:

**4.2. Affordable Apartment, Incidental to an Industrial Use**

Allowed by a Special Permit in the Industrial I Districts granted by the Zoning Board of Appeals (ZBA) as follows:

A. The structure shall comply with the dimensional requirements stipulated in Appendix II for the industrial use provided:

1. The area of any lot shall provide not less than five thousand (5,000) square feet of buildable upland for each Affordable Apartment, Incidental to an Industrial Use.
2. There shall be living quarters on not more than two (2) stories above finish grade and none below such level.
3. In the Industrial District, there shall be no more than one (1) two-bedroom apartment per lot incidental to the commercial or industrial use; except for an Affordable Apartment, Incidental to an Industrial Use, there shall be no more than two (2) apartments per lot with the affordable units limited to one (1) bedroom.

**B. Conditions for Affordable Rental Dwelling Units**

Affordable rental dwelling units approved under this Bylaw shall be subject to the following requirements:

1. Any dwelling unit required or approved under this Bylaw as affordable shall meet the definition of affordable rent as set forth in this Bylaw. Certification by the LPA that the rent is an affordable rent shall be provided to the Zoning Enforcement Officer.

2. Any dwelling approved under this Bylaw as an *affordable* rental unit shall be rented subject to a minimum 12-month lease. In all cases, the owner must provide an existing tenant at least 60 days prior written notice that his or her lease will not be renewed.
  3. For any dwelling unit required or approved as an *affordable* rental under this Bylaw, certification by the *LPA* that the tenants occupying the affordable unit are *income eligible* and the rent charged them is *affordable* per the definitions in this Bylaw must be submitted to the *Zoning Enforcement Officer* at the time of the signing of the lease and on an annual basis thereafter. Such certification is also required upon any change in tenants or rent charged. Dates of occupancy shall be stated in the certification.
  4. The selection of a tenant shall be in accordance with DHCD's Affirmative Fair Housing Marketing Plan (AFHMP) guidelines. Additionally, creation of all units shall be in compliance with DHCD Regulations at 760 CMR 56.00 *et seq* and applicable guidelines regarding the SHI, use restrictions and the LIP.
  5. *Affordable* dwelling units shall be subject to *affordable* housing use restrictions that are executed by the homeowner, the Municipality, and *DHCD* and filed by the *LPA* in the Registry of Deeds/Land Court Registry District.
- C. Review Criteria - The residential use of the property shall be compatible with the nature and scale of the permitted industrial uses on the lot. Special Permits may be granted when it has been found that the uses involved will not be detrimental to the established or future character of the area and the Town, and when it has been found that the uses involved will be in harmony with the general purpose and intent of the Bylaw. The Special Permit Granting Authority shall make written findings certifying compliance with the specific requirements governing individual special uses and addressing at a minimum each of the following considerations, if applicable:
1. Adequacy of the site in terms of size for the proposed uses;
  2. Suitability of the site for the proposed uses;
  3. Impact on traffic flow and safety of the inhabitants on foot, bike and/or motor vehicle;
  4. Impact on area visual character including views and vistas.
  5. Adequacy of method of sewage disposal, source of water and drainage relating to the commercial/industrial use and the residential use;
  6. Adequacy of utilities and other public services;
  7. Noise and litter;
  8. Compatibility of the proposed use with surrounding land uses;

9. Impact on the natural environment including slopes, vegetation, wetlands, groundwater and water bodies;

10. Adequate safe parking for inhabitants.

D. Conditions of Approval - The Zoning Board may impose conditions upon the approval of a Special Permit in keeping with the above review criteria.

Any such conditions shall be transferable to a subsequent owner pursuant to Section VII. 4.2. B. – Conditions for Affordable Rental Dwelling Units.

And Amend, **Appendix I, Schedule of Use Regulations** by adding **“Affordable Apartment Incidental To An Industrial Use”** to the schedule so as to read:

***Affordable Apartment Incidental To An Industrial Use***

R-60	R40 R40A	R-30	R-20	R-20A	SB	GB	I	M/C	M
X	X	X	X	X	X	X	<b>SP</b>	X	X

Or take any other action in relation thereto.

(Planning Board)

**MOTION:** Mark Zibrat, Chairman, Planning Board, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

*Explanation as printed in the Warrant: The above article proposes to make additional amendments to Section VII, 4, Apartment, Incidental to a Commercial and Industrial Use of the Zoning Bylaw by adding a new section to create Affordable Apartments Incidental to Industrial Uses that count on the State’s Housing Inventory towards meeting the Town’s goal of 10% of the year round housing units being affordable to those making up to 80% of median income. The proposed article has been modified from the all-inclusive proposal last year, focusing only on affordable apartments incidental to an industrial use.*

*The proposed article includes the following primary changes:*

- *Reduction of buildable lot area required (from 10,000 sq. ft. to 5,000 sq. ft.) when an affordable apartment is provided.*
- *Creation of specific review criteria for affordable apartments located within the Industrial (I) district.*
- *Ability to create one additional (1 bedroom) affordable apartment, beyond the one (2 bedroom) apartment currently allowed in District I, for a maximum of two apartments.*

**Please Note:** A detailed “markup” version indicating language to be deleted and inserted line by line with corresponding marginal note commentary is also available for review at the Office

of the Town Clerk, 549 Main Street, the Community Development Department at the Annex, 261 George Ryder Road and on the Town's website (www.Chatham-MA.gov) under the "Zoning Bylaw Rewrite".

The intent of these changes is to promote the development of affordable housing in the industrial districts through participation of private property owners and developers, in a manner that balances incentives for participation with the protection of community character.

**Planning Board Recommendation: Approve 5-0-0**

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Disapprove 7-0-2**

**VOTE: After a show of cards, the Moderator declared, "In my opinion, there is clearly not a 2/3rds majority in favor." After a request for a count:**

**Hand Count: YES: 100 NO: 101**

**It does not pass, declared the Moderator.**

**Because he is a member of the Charter Review Committee, Moderator Litchfield stepped down from the podium and Deputy Moderator David Nixon stepped forward to assume Moderator duties for Article 31.**

### Article 31 – Charter Revisions

To see if the Town will vote to adopt the following Amendments to the Town of Chatham Charter as printed in this Warrant and identified as proposed changes or proposed language and to delete from the Charter those sections of the Charter identified as existing language in this Warrant, or take any other action in relation thereto.

(Board of Selectmen)

(Note: ~~Strike-outs~~ indicate the language to be removed. **Shading** indicates new language.)

#### **Part IX**

##### Section 9-1 Continuation of Existing Laws

All **town** bylaws, resolutions, rules, regulations, **orders, special acts,** and votes of the town meeting which are in force, ~~at the time this charter is adopted,~~ not inconsistent with the provisions of this charter, shall continue in full force until amended or repealed. ~~Where~~

~~provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.~~

#### **Part IX**

##### Section 9-2 ~~Existing Officials and Employees~~

~~Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform the duties of the office until provisions shall have been made in accordance with this charter for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of the town shall forfeit pay grade or time in service. Each person shall be retained in a capacity as similar to the person's former capacity as is practical.~~

## **Part IX**

### ~~Section 9-3 — Continuation of Government~~

~~All town officers, boards, commissions or agencies shall continue to perform their duties until reappointed, or reelected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another town office, board, commission or agency.~~

## **Part IX**

### ~~Section 9-42 — Transfer of Records and Property~~

~~All records, property and equipment whatsoever of any office, board, commission, committee or agency or part thereof, the powers and duties of which are assigned in whole or in part to another town office, board, commission or agency shall be transferred forthwith to such office, board, commission or agency.~~

## **Part IX**

### ~~Section 9-5 — Time of Taking Effect~~

~~This charter shall become fully effective upon ratification by the voters except as otherwise provided in this section:~~

- ~~(a) As soon as practical following the election at which the charter is adopted the board of selectmen shall appoint a town manager.~~
- ~~(b) Within eight weeks after the adoption of this charter, the moderator shall appoint a committee of five members to review town bylaws. Within two years of such appointment the committee shall report back to the town meeting with recommendations to bring bylaws in conformity with the provisions of the charter.~~
- ~~(c) The incumbents serving as members of the cemetery commission, park commission, planning board, recreation commission and the board of health shall continue to serve for the balance of the terms for which they were elected. Upon the expiration of the terms of office of members of the cemetery commission, park commission, planning board, recreation commission and the board of health the succeeding officers shall be appointed by the board of selectmen until such other form of organization is provided for in accordance with Section 5-1.~~
- ~~(d) The incumbents serving as members of the finance committee shall continue to serve for the balance of the terms for which they were appointed. Upon the expiration of the terms of office, or should any vacancies occur sooner, the moderator shall appoint members of the finance committee in accordance with Section 3-4.~~

- ~~(e) The incumbent in the office of highway surveyor shall continue to serve for the balance of the term for which the highway surveyor was elected. Upon the expiration of the term of office of the highway surveyor, or if a vacancy shall occur sooner, the highway surveyor shall be appointed by the town manager until some other form of organization is provided for in accordance with Section 5-1.~~
- ~~(f) The incumbent in the office of tree warden shall continue to serve for the balance of the term for which the tree warden was elected. Upon the expiration of the term of office of the tree warden, or if a vacancy shall occur sooner, the tree warden shall be appointed by the town manager until such other form of organization is provided for in accordance with Section 5-1.~~
- ~~(g) The elected constables shall continue to serve for the balance of the term for which they were elected. Upon the expiration of the term of office of any constable, or if a vacancy shall occur sooner, the constables shall be appointed by the board of selectmen.~~
- ~~(h) Incumbent members of the Water and Sewer Commission will continue as an advisory committee to the board of selectmen and town manager.~~
- ~~(i) Within twenty four months after the adoption of this charter the town manager shall prepare a comprehensive plan of organization in the form of an administrative order in accordance with Section 5-1(a) of this charter. The town manager shall also indicate any changes in the number, responsibilities, and powers and duties of any board, commission or committee that may be restructured by the board of selectmen in accordance with Section 5-1(b). Notwithstanding Section 5-1(a) of this charter, administrative orders proposed by the town manager shall become effective on the sixtieth day following the day on which notice of the proposed administrative order is filed with the board of selectmen unless the board of selectmen shall, within such period, by majority of the board of selectmen vote to reject such administrative order or has sooner voted to affirm such administrative order with or without amendments.~~

~~This section is intended to provide the board of selectmen sufficient time to review and amend the initial administrative order proposed by the town manager; thereafter any administrative orders proposed shall become effective in the manner provided in Section 5-1(a). Until such time as another form of organization is provided in accordance with the procedures set forth in this section, or as made available under Section 5-1(a) of this charter, the organization of town government shall include but not be limited to, the following departments:~~

- ~~(1) a department of administration and finance;~~
- ~~(2) a department of community development;~~
- ~~(3) a department of coastal resources;~~
- ~~(4) a department of public works;~~
- ~~(5) a department of health and environment;~~
- ~~(6) a department of parks and recreation;~~
- ~~(7) a fire department; and~~
- ~~(8) a police department.~~

~~The town manager may organize such departments incorporating functions, services and agencies into such departments as deemed appropriate. The town manager may appoint department heads or act as the department head.~~

## **Part I**

### **Section 1-6 Consistency with Town Bylaws**

Where provisions of this charter conflict with provisions of town bylaws, rules, regulations, orders, general laws, special acts and acceptances of general laws, the charter provisions shall govern. All provisions of town bylaws, rules, regulations, orders and special acts not superseded by this charter shall remain in force.

## **Part I**

### **Section 1-67 Intergovernmental Relations**

The town, through the board of selectmen, may enter into agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

## **Part V**

### **Section 5-1 (a) Method of Organization – Town Departments**

The organization of town government into operating departments for the provision of services and the administration of government shall be the responsibility of the town manager. Subject only to the express prohibitions in the laws of the commonwealth or the provisions of this charter, the town manager may by administrative order reorganize, consolidate, create, merge, divide or abolish any town department or office, in whole or in part, establish such new town departments or offices as he deems necessary or advisable, and prescribe the functions and the administrative procedures to be followed by all such departments or offices.

At a minimum, the town manager shall provide for the following governmental functions:

- Administration and finance;
- Law enforcement;
- Fire protection and rescue service;
- Operation and maintenance of the town's roads, parks, buildings and other facilities;
- Management and Protection of coastal resources;
- Town planning and enforcement of zoning and building codes;
- Enforcement of health and environmental regulations;
- Operation of the water and sewer systems.

Administrative orders made by the town manager shall become effective on the thirtieth (30) day following the day on which notice of the proposed administrative order is filed with the board of selectmen and the office of the town clerk unless the board of selectmen shall, within such period, by majority vote of the board of selectmen, vote to reject such administrative order or has earlier voted to affirm it.

*Explanation: Part IX is composed of provisions dealing with the transition from Chatham's pre-charter government. Since all of these provisions have long since been accomplished, most*

*of Part IX is excess baggage and can be deleted. A few sections of Part IX are necessary for assuring that pre-charter town policies are preserved in the new Part IX. Other sections which are more than simply transitional in nature have been moved to other Parts where they fit better.*

*The original charter detailed a list of departments, subject to later reorganization. In this proposal the list would be replaced by a list of government functions and it would be moved to Part V-1a.*

## **Part VIII**

### **Section 8-2 Periodic Charter Review**

At least once in every ~~seven~~ **five** years a special committee shall be appointed by the board of selectmen for the purpose of reviewing the provisions of the charter and to make a report concerning any proposed amendments or revisions which such committee deems necessary.

*Explanation: Part VIII section 8-2 specifies a periodic charter review at least once every seven years. Before the last charter revision, this had been every five years. This proposal changes it back to the way it was.*

## **Part VI**

### **Section 6-1 Budget Process**

At the onset of the annual budget process, the town manager shall meet with the board of selectmen, the school committee and the finance committee to discuss the upcoming operating and capital budgets.

Within a time fixed by bylaw prior to the annual town meeting, the town manager shall submit to the board of selectmen **and finance committee** a proposed operating and capital budget for all town departments, including the operating and capital budgets as adopted by the school committee for the ensuing fiscal year with an accompanying budget message and supporting documents.

The budget adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school committee's requested appropriation on the town total budget which is required to be submitted under this section.

The budget message submitted by the town manager shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed fiscal policies of the town for the ensuing fiscal year; describe the important features of the proposed budget and indicate any major variations from the current budget, fiscal policies, expenditures and revenues together with reasons for such change. The proposed budget shall provide a complete fiscal plan of all town funds and activities and shall be in the form the board of selectmen deems desirable.

~~Within a time fixed by bylaw the board of selectmen shall review the operating and capital budget improvements program and make changes as deemed appropriate prior to transmitting the budget and capital improvement program to the finance committee.~~

~~The budget as adopted by the school committee shall be submitted to the town manager in sufficient time to enable the town manager to consider the effect of the school department's requested appropriation on the town total budget which is required to be submitted under this section.~~

Upon receipt of the Town Manager's proposed operating budget, the Board of Selectmen shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.

## **Part VI**

### **Section 6-2 Capital Improvements Program**

The town manager shall submit a five-year capital improvement program to the board of selectmen and the finance committee at the date fixed by bylaw for the submission of the proposed operating budget unless some other time is provided by bylaw. The capital improvement program shall contain information ~~concerning~~ regarding the cost of such program including a schedule of the existing principal and interest owed by the town. Year one of the five year capital improvements program shall be submitted ~~with~~ the operating budget for the ensuing fiscal year.

Upon receipt of the Town Manager's proposed capital improvement budget, the Board of Selectmen shall announce the date on which they intend to act on the budget, but in no case earlier than 30 days after receipt.

## **Part VI**

### **Section 6-3 Finance Committee Action**

The finance committee shall, upon receipt of the operating and capital budgets from the ~~board of selectmen,~~ town manager, consider in public meetings the detailed expenditures for each town department and agency. The finance committee may request the town manager to provide necessary information from any town agency. The town manager shall promptly meet requests of the finance committee.

~~The finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the proposed budget. The report of the finance committee shall include the fiscal and tax implications of the proposed budget and a statement outlining support or opposition to the proposed budget or sections of the proposed budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town manager shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.~~

The finance committee shall make budget recommendations and report those recommendations to the board of selectmen in sufficient time for the board of selectmen to consider those recommendations prior to the board of selectmen voting on the operating and capital budgets.

## **Part VI**

### **Section 6-4 Board of Selectmen Action**

Within a time fixed by bylaw the board of selectmen shall review the operating and capital budget improvements program, make changes as deemed appropriate and place their approved budget on the annual town meeting warrant. The board of selectmen shall transmit their approved budget to the finance committee.

## **Part VI**

### **Section 6-5 Town Meeting Action**

The finance committee shall vote their recommendations for action on the budget as received from the board of selectmen. Additionally, the finance committee shall file a report of its recommendations for action prior to the date on which the town meeting is to act on the budget. The report of the finance committee shall include the fiscal and tax implications of the budget and a statement outlining support or opposition to the budget or section of the budget. The report of the finance committee shall be prepared in sufficient time to be incorporated in the annual town meeting warrant. The budget to be acted upon by the town meeting shall be the budget approved by the board of selectmen with the accompanying recommendations of the finance committee.

## **Part VI**

### **Section 6-46 Approval of Warrants for Payment**

Warrants for payments of town funds prepared by the town accountant shall be submitted to the town manager for approval. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer.

*Explanation: Part VI of the charter deals with the annual budget process. The new proposal requires the Town Manager to begin the annual budget process by meeting with School Committee, Selectmen, and Finance Committee, to plan the upcoming budget. It also mandates that the Town Manager's budget proposal to the Board of Selectmen be given simultaneously to the Finance Committee. It requires that the Board of Selectmen then allow at least 30 days during which the Finance Committee can analyze the budget and make a report to the Board of Selectmen, after which, as before, the Board of Selectmen decides what budget proposal is put on the Town Meeting warrant, and, as before, the Finance Committee makes a budget recommendation to the Town Meeting.*

## **Part I**

### **Section 1.8 Ethical Standards**

Elected and appointed officers, officials and employees of the Town of Chatham are expected to demonstrate, in their general conduct and in the performance of their duties and responsibilities, the highest ethical standards. Elected and appointed officers, officials and employees of the Town of Chatham are expected to recognize that they hold their offices or positions for the benefit of the public and that while acting in their official capacity they are expected to faithfully discharge the duties of their offices in the public interest, regardless of personal considerations. Elected and appointed officers, officials and employees of the Town of Chatham shall not use their official positions to secure or to grant special consideration, treatment, advantage, privilege

or exemption to themselves or to any other person beyond that which is available to every person.

*Explanation: This section is being proposed as an expression of citizens' aspirations for our town government.*

### **Part III**

#### **Section 3-2 (b) Powers and Duties**

The executive authority of the town shall be vested in the board of selectmen who shall serve as the chief policy making agency of the town. The board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen by the laws of the commonwealth, and such additional powers and duties authorized by the charter, by bylaw or by vote of the town, except those powers and duties granted to the town manager under this charter.

The board of selectmen shall have the powers and duties of a water and sewer commission, unless they choose to delegate those powers and duties to another town agency. The board of selectmen shall cause the laws and orders for the government of the town to be enforced and shall cause a record of all its official acts to be kept. To administer and implement its policies and aid the board in its official duties, the board of selectmen shall appoint a town manager as provided in Part IV of this charter.

#### **Section 3-2 (c) Appointment Powers**

The board of selectmen shall appoint a town manager, town counsel, registrars of voters, and election officials. The board of selectmen shall further appoint members of boards, commissions or committees for which no other appointment provision is made in this Charter.

*Explanation: The present charter mandates that the Water and Sewer Commission be the Board of Selectmen. This proposal would allow the Board of Selectmen the flexibility of either continuing as commissioners or appointing a Water and Sewer Commission if they so choose.*

### **Part II**

#### **Section 2-8 Town Meeting Action**

The exercise of the legislative power by a vote of Town Meeting shall be presumed to be binding, and shall be implemented by a designated town agency or department in conformance with the law or such vote.

*Explanation: Not all votes of the Town Meeting can be implemented. The added language gives Town Meeting votes as much authority as is practicable.*

### **Part V**

#### **Section 5-1b Method of Organization – Town Boards, Commissions or Committees**

Unless otherwise provided by this charter, the establishment and organization of boards, commissions or committees shall be the responsibility of the board of selectmen. Subject only to the express prohibitions of the laws of the commonwealth or the provisions of this charter, the

board of selectmen may by vote prescribe the term of office, reorganize, consolidate, create, merge, divide or abolish any town board, commission or committee, in whole or in part, establish such new board, commission or committee as deemed necessary or advisable, and prescribe the functions, purpose and responsibilities of such boards, commissions or committees. Nothing in this section shall prohibit the town meeting from authorizing the appointment of ~~any ad hoc study or research committee.~~ one or more committees. Votes of Town Meeting which authorize the formation of such committees shall state the charge, composition and town agency to be the appointing authority, if other than the Board of Selectmen. The tenure of any such committee shall continue pursuant to its charge and until abolition by or change by a subsequent town meeting.

*Explanation: This Section has been expanded in order to clarify how Town Meeting shall form and dissolve Town Meeting committees.*

## **Part V**

### **Section 5-3 Personnel System**

Subject to the approval of the board of selectmen, the town manager shall adopt rules and regulations establishing a personnel system. The adoption of rules and regulations shall be subject to a public hearing. The personnel system shall make use of modern concepts of personnel management and ~~may~~ shall include, ~~but not be limited to,~~ at least the following elements:

- a method of administration;
  - personnel policies indicating the rights, obligations and benefits of employees;
  - a classification plan;
  - a compensation plan;
  - a method of recruiting and selecting employees based on merit;
  - a centralized record keeping system;
  - disciplinary and grievance procedures;
  - a written performance evaluation system for all full-time year-round employees;
  - a professional development, ~~evaluation~~ and training program;
- and other elements that are deemed necessary.

All town agencies and positions shall be subject to the rules and regulations adopted under this section excluding employees of the school department and employees covered by collective bargaining agreement. The personnel rules and regulations shall not apply to the position of town manager.

~~The board of selectmen shall appoint a personnel committee which shall serve in an advisory capacity to the town manager. One member of the personnel committee shall be a town employee who is subject to the Personnel Rules and Regulations. Said member shall not be a department head and shall be recommended to the board of selectmen by vote of those employees subject to the Personnel Rules and Regulations.~~

*Explanation: Existing language in Part V, Section 3 allows for discretion in carrying out the elements of a personnel system. This would mandate that these elements be carried out,*

*including an additional specification for written performance evaluations for all full-time employees.*

*Also proposed is the deletion of reference to a personnel advisory committee.*

**MOTION:** Deborah Aikman, Chairman, Charter Review Committee, moved that the Town vote to accept the proposed Amendments to the Charter as printed in this Warrant.

**Board of Selectmen Recommendation: Approve 4-1-0**

**Finance Committee Recommendation: Approve 9-0-0**

*Explanation: The original charter included language to allow for the possible appointment of a personnel committee made up of both town citizenry and a Town employee to advise the Town Manager on personnel issues. This section has been deleted in the current proposed charter revisions. The CMEA recommends that this section be re-instated as proposed in the motion in order to maintain both a committee versed in personnel issues as well as to preserve a means of communication between non-union employees and Town Management.*

**AMENDMENT:** Voter Stuart Moore proposed Charter Amendment - Article 31 Part V Section 5-3: “The Board of Selectmen may appoint a three member personnel committee which shall serve in an advisory capacity to the Town Manager. One member of the personnel committee shall be a Town employee who is subject to the Personnel Rules and Regulations. Said member shall be appointed by the Board of Selectmen upon a majority vote of the non-union employees who are subject to the Personnel Rules and Regulations. The remaining two members shall have training background and education in Human Resource issues.”

**VOTE ON AMENDMENT:** Voice. Moderator unable to determine.

**HAND COUNT ON AMENDMENT:** YES: 94 NO: 72

The Amendment carries, declared the Moderator.

**VOTE:** Voice. So voted by more than a 2/3rds majority, I rule that Article 31 passes, declared the Moderator.

### **Article 32 – Regional School District Planning Committee**

To see if the Town will vote to create a special unpaid committee to be known as a regional school district planning committee, to consist of three members, including one member of the school committee, to be appointed by the Moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended, or take any other action in relation thereto.

(School Committee)

**MOTION:** Jeffrey Dykens, Chairman, School Committee, moved that the Town vote to create a special unpaid committee to be known as a regional school district planning

**committee, to consist of three members, including one member of the school committee, to be appointed by the Moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended.**

*Explanation as printed in the Warrant: In order for Chatham and Harwich to move forward towards the possible formation of a regional school system both towns must form a regional school district planning committee according to Massachusetts Public Law, Chapter 71, Sections 14-16.*

*The duties of the Committee are to study the fiscal and educational feasibility of establishing a Regional School District, develop a Long Range Plan and submit a report of its findings and recommendations to the Selectmen of the respective towns.*

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

**Finance Committee Recommendation: Approve 8-1-0**

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

### **Article 33 – Fish Pier Easement**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase an easement from Robert S. and Barbara W. Carroll, 448 Shore Road, as follows:

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**EASEMENT**

We ROBERT S. CARROLL and BARBARA W. CARROLL, husband and wife as Tenants by the Entirety, of 448 Shore Road, Chatham, Barnstable County, Massachusetts, in consideration of the non exclusive right in common with others, as appurtenant to our property landward of the easements and assent granted herein, to tie a “dinghy” or skiff, less than 12’ in length, to the existing and/or future wooden and/or concrete floats located seaward of the grantors property in Aunt Lydia’s Cove and in consideration of \$75,000.00 paid by the TOWN OF CHATHAM, a municipal corporation in the County of Barnstable, Massachusetts, with a mailing address of 549 Main Street, Chatham, MA 02633, grant to the INHABITANTS OF said TOWN OF CHATHAM and its assigns forever,

with Quitclaim covenants, EASEMENTS to:

1. use, maintain, repair and reconstruct the existing bulkhead, concrete pier and all necessary appurtenances as shown on Pier Easement Plan, sheet 3 of 5 attached hereto;
2. construct, maintain and use the proposed platform and stairs to the beach to provide access for fishing, fowling and navigation as provided by the Colonial Ordinance of 1641-7 and the proposed gangway to future floats within the waters of the Commonwealth all or portions of which will be located within the Pier Easement as shown on Pier Easement Plan, sheet 3 of 5 attached hereto; and
3. dredge tidelands subject to appropriate permits within the area shown as dredging easement on Dredging Easement Plan, sheet 4 of 5 attached hereto.

The grantors further assent to the existing wooden pier and floats and proposed gangway and wooden and concrete floats to be constructed in Aunt Lydia's Cove, the limits of which are shown on Assent Plan, sheet 5 of 5 attached hereto.

And for the consideration aforesaid, we accept said sum in full payment of said easements and for our successors and assigns do hereby release the said Town of Chatham and all other persons from all damages that have arisen or may hereinafter arise by reason of said construction, reconstruction, repair and maintenance on or upon our land **together with an indemnification by the grantee for any claim made against us, or our successors and assigns arising out of, or related to, the use of the said Easement.**

For title, see Barnstable County Registry of Deeds, Deed Book 16,004, Page 43.

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Said easement is more fully described on plans prepared by Eldredge Surveying and Engineering, LLC dated January 29, 2009, on file with the Town Clerk and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

(Board of Selectmen)

**MOTION:** Sean Summers, Chairman, Board of Selectmen, moved that the Town vote to authorize the Board of Selectmen to acquire an easement as set forth in this article amended such that the last paragraph now reads as follows:

*And for the consideration aforesaid, we accept said sum in full payment of said easements and for our successors and assigns do hereby release the said Town of Chatham and all other persons from all damages that have arisen or may hereinafter arise by reason of said construction, reconstruction, repair and maintenance on or upon our land together with an indemnification by the grantee for any claim made against us, or our successors and assigns arising out of, or related to, the use of the said Easement.*

*Explanation as printed in the Warrant:* For several years, the Town has been working on developing enhancements to the existing pier and float system at the northern end of the Fish Pier property to provide for improved dinghy tie-up and temporary berthing for the commercial fishing fleet. This is a project which has been strongly supported by the Aunt Lydia's Cove Committee and Waterways Advisory Committee. Funding is provided by a \$300,000 Commonwealth of Massachusetts Seaport Bond grant which was awarded to the Town during the fall of FY 09. Funding for the Town's cost-sharing portion of the project was appropriated at last year's annual Town Meeting. Based on negotiations between the Town and the owners of an abutting property, funds were included in the Seaport grant for the development and purchase of an easement to enable project construction. This easement serves two primary purposes. First it will resolve issues regarding encroachment of portions of existing Fish Pier structures onto the abutting private property. Secondly, it will enable the construction, use, and maintenance of the proposed project improvements while also allowing for improved shore access and potential future dredging in specific areas immediately adjacent to the facility.

**Board of Selectmen Recommendation: Approve 5-0-0**  
**Finance Committee Recommendation: Approve 9-0-0**

**VOTE: Voice. So voted unanimously.**

**MOTION TO ADJOURN: AT 8:20 p.m. Selectman Ronald Bergstrom moved that the meeting be adjourned.**

**VOTE: Voice. So voted.**

**Respectfully Submitted,**

**Julie S. Smith  
Town Clerk**