

announcing the anniversary were produced in preparation for display in the four villages of Chatham beginning in early January, 2012.

The Committee is grateful to the nearly 1000 residents and friends who gave generously in support of the celebratory events and to the many volunteers who are contributing their time and expertise to make this the greatest year of celebration in the 300 years since we became Chatham.

Respectfully submitted,
Bob Hamblet, Chairman
Ed Conway, Vice Chairman
Donald Aikman, Sharene Davis, Spencer,
Grey, Dave Davis, John Heuther,
Tim Linnell, Don St. Pierre, Peter Taylor

Annual Town Meeting Monday May 9, 2011

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 9th 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 12th day of May, 2011 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 Litchfield opened the meeting at 6:00 pm. 464 voters were present, far exceeding the quorum of 100.

On behalf of the Town Clerk, 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 14 days before May 9, 2011 on April 7, 2011. John Proudfoot, Constable."

Moderator Litchfield then administered the oath of Office to the volunteer Tellers for the evening: Bruce Beane, Nancy Geiger, Louise Redfield, Peter Taylor, Deborah Walther, and Jean Young.

The Moderator introduced members of Boy Scouts Troop #71, Justin Brown, Elijah Eldredge, Owen Kennedy, and Vaughn Yerkes as they presented the Massachusetts and United States flags.

Elijah Eldredge then led the meeting in the pledge of allegiance.

Moderator Litchfield welcomed Stefanie Farrell, and she again provided CART service for the hearing impaired. He reminded the meeting that Stefanie would be transferring the spoken word onto a screen in a format similar to "closed captioning" on television, for the benefit of those who have difficulty hearing. He also announced to the meeting that timekeepers from the League of Women Voters were present in the hall, and would be keeping track of the 5 minute rule for speakers.

Moderator Litchfield then asked the meeting to join us in a moment of silence for town Committee members and employees who have died in the past year: Elizabeth C. Breed, Jeannette G. Fontaine, James Alcock, Arthur Child, John C. Kenyon, Walter A. Hahn, William L. Robertson, Alan Daly, R. Theodore 'Ted' Vreeland, Carl Peter Doelger, III.

Resolution as presented by Selectman Sussman: Resolved that the Town vote to adopt the following rules of procedure for the Annual Town Meeting of May 9, 2011.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.
- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.

F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.

G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

VOTE: Voice. So voted unanimously.

Article 1 – Annual Town Election

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

One Selectman for a three (3) year term

One Housing Authority member for a five (5) year term

Two School Committee members for three (3) year terms

Two Regional School Committee members for three (3) year terms

One Regional School Committee member for a two (2) year term

One Regional School Committee member for a one (1) year term

Explanation: In accordance with the Regional School Committee Agreement the two candidates receiving the highest and second highest number of votes will be elected to three (3) year terms; the candidate receiving the third highest number of votes will be elected to a two (2) year term; and the candidate receiving the fourth highest number of votes will be elected to a one (1) year term.

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: Leonard Sussman, Chairman, Board of Selectmen, moved that the Town Moderator and Board of Selectmen be authorized to appoint the necessary Town officers whose appointments are not other-

wise provided for and that the Town hear and accept the reports of various Town officers and committees as they appear in the Town Report.

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

VOTE: Voice. So voted unanimously.

At this point, Selectman Leonard Sussman acknowledged outgoing Town Manager William Hinchey, recognized him for his 12 years of service to the Town of Chatham, and the meeting thanked Bill with a standing ovation.

Article 3 – Fix Salaries – Elected Officials

To fix the salaries of the elected Town officers for the fiscal year beginning July 1, 2011, or take any other action in relation thereto.

Officer	Appropriation FY11	Request FY12
Moderator	\$ 600	\$ 600
Selectmen – Each	2,000	2,000
Chairman – Extra	500	500

(Board of Selectmen)

MOTION: Florence Seldin, Selectman moved that the Town vote to fix the salaries of the elected Town officers in accordance with the positions and amounts in this Article.

Explanation: In accordance with Massachusetts General Law, Chapter 41, Section 108, salaries and compensation of elected officers must be fixed annually by vote of the Town at an Annual Town Meeting. This Article fixes, 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 2012.

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 2012.

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 \$55,000 shall be expended from this fund during fiscal year 2012.

D) Recycling Revolving Fund

All monies received by the Department of Health and Environment from the sale of recycling bins, compost bins, rain barrels, kitchen scrap buckets, water saving devices, recycling bags/totes, and other items particular to recycling conservation, shall be credited to this fund. The Department of Health and Environment, with the approval of the Town Manager, shall be authorized to expend from this fund, without further appropriation, to defray the expense of purchasing additional recycling containers and items particular to recycling and conservation, including advertising the availability of such items. No more than \$5,000 shall be expended from this fund during fiscal year 2012.

(Board of Selectmen)

Article 4

	<u>Balance</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance</u>
<u>Airport Revolving Fund</u>				
FY10	\$11,778.02	\$25,501.11	\$20,586.18	\$16,692.95
FY11	\$16,692.95	\$13,858.98	\$10,035.21	\$20,516.72
				(Thru 12/31/10)
<u>Bassett House Revolving Fund</u>				
FY10	\$13,748.64	\$ 3,000.00	\$ -	\$16,748.64
FY11	\$16,748.64	\$ 1,250.00	\$ -	\$17,998.64
				(Thru 12/31/10)
<u>Inspectional Services Revolving Fund</u>				
FY10	\$79,008.10	\$37,290.35	\$40,694.43	\$75,604.02
FY11	\$75,604.02	\$20,873.01	\$26,413.38	\$70,063.65
				(Thru 12/31/10)
<u>Recycling Revolving Fund</u>				
FY10	\$ 550.13	\$ 6,346.94	\$ 5,982.08	\$ 914.99
FY11	\$ 914.99	\$ 1,553.86	\$ 876.00	\$ 1,592.85
				(Thru 12/31/10)

Article 6 - Budget Overview

MOTION: Timothy Roper, 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: 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:

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

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: Sean Summers, 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: 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 5-0-0**

VOTE: Voice. So voted unanimously.

Description	10 Actual	11 Approp	12 Dept Req	Proposed Budget FY12
Expenses				
Operating Budgets				
General Government	\$1,866,528	\$1,873,652	\$1,792,789	\$1,816,202
Public Safety	5,009,385	5,088,607	5,166,365	5,162,333
Community Development	761,860	736,856	661,100	661,100
Health & Environment	816,048	823,654	785,301	815,635
Public Works & Facilities	3,923,974	3,900,646	3,913,246	3,913,246
Community & Social Services	938,932	942,861	984,057	961,523
Employee Benefits	3,412,026	3,869,383	3,840,390	3,840,390
Undistributed Ins. & Reserve Fund	300,017	351,097	351,097	351,097
Debt Service	4,972,217	5,020,196	5,272,691	5,272,691
Operating Budget Total	\$22,000,987	\$22,606,952	\$22,767,036	\$22,794,217

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, 2011 and ending June 30, 2012 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

MOTION: David Whitcomb, Selectman, moved that the Town vote to appropriate the sum of \$22,794,217 to fund the Operating Budget for the Town for the fiscal year beginning July 1, 2011 for the purposes and amounts designated in the column titled "Proposed Budget FY12" of Article 6 of the Warrant and to meet said appropriation, the Town raise \$21,730,698 through the tax rate and transfer \$170,000 from the Waterways Improvement Fund, \$870,519 from the Land Bank Fund, \$10,000 from the Wetlands Protection Fund, \$10,000 from Cemetery Perpetual Care Fund and \$3,000 from the Railroad Museum Fund.

Explanation: A full explanation of this funding request and its fiscal context can be seen in Appendix B: Town Manager's Budget Summary.

The Board of Selectmen's request to the Town Manager was to provide a budget which, aside from School funding, did not increase expenditures allowed by the available 2 ½ spending amount. The Board reviewed the Town Manager's spending request to determine whether or not in their opinion such spending constraints were "affordable" in terms of service delivery. As a result of the

Board of Selectmen's budget review, several modifications were made to the Town Manager's budget recommendation and have been incorporated into the budget request printed above. Those changes were as follows:

1. to incorporate School funding into a separate warrant article
2. to increase the Town Manager's salary line item by \$25,000
3. to increase the Lighthouse Beach budget line item by \$67,400
4. to increase the Health and Environment salary line item (Shellfish Constable) by \$31,208
5. to increase the Library budget line item by \$5,100

These changes, if voted, would allow an operating budget which provides for a full and acceptable range of municipal service, and would result in an excess levy capacity of approximately \$200,000.

**Board of Selectmen Recommendation:
Approve 4-1-0
Finance Committee Recommendation:
Approve 6-2-0**

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

Article 7 – School Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for Educational and School expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the School's departments and offices, all for the fiscal year beginning July 1, 2011 and ending June 30, 2012 inclusive, or take any other action in relation thereto.

(Board of Selectmen)

Article 7 - Budget Overview

				Proposed
Description	10 Actual	11 Approp	12 Dept Req	Budget FY12
Expenses				
Operating Budgets				
Chatham Public Schools	9,594,435	9,710,595	10,118,742	9,974,126
Cape Cod Regional Technical H.S.	183,157	278,874	287,652	287,652
Operating Budget Total	9,777,435	9,989,469	10,406,394	10,261,778

MOTION: Jeffrey Dykens, Chairman, School Committee, moved that the Town vote to appropriate the sum of \$10,261,778 to fund the Operating Budget for the Schools for the fiscal year beginning July 1, 2011 for the purposes and amounts designated in the column titled "Proposed Budget FY 12" of Article 7 of the Warrant and to meet said appropriation, the Town raise \$10,261,778 through the tax rate.

Explanation: The proposed 2012 Town appropriation of \$9,974,126 reflects an increase of \$263,531 from fiscal year 2011. However, there are no town-side funds for the school district's capital expenditures in the FY 2012 budget. Funding for the 2012 capital budget in the amount of \$184,733 has been included in the Chatham Public Schools' operating budget. As such, the total increase in Town funds to support both the operations and the capital expenditures of the Chatham Public Schools is \$128,798. This amount represents a 1.3% increase from the Town's FY11 total appropriation including capital of \$9,845,328.

In order to sustain our educational programs for students, the Chatham Public Schools continue to utilize School Choice funds to support its operating budget. For FY12 School Choice funds supporting the operating budget total \$1,502,411 or 13% of the total budget. This represents a \$200,000 or 15.4% increase from FY11. The Cape Cod Regional Technical High School assessment is based on the State Preliminary Required Contribution as supplied by the DESE based on the Governor's budget.

Board of Selectmen Recommendation:
Approve 3-2-0

Finance Committee Recommendation:
Approve 5-3-0

After a successful motion and vote to cut off debate:

VOTE: Voice. In my opinion, clearly a majority is in favor, declared the Moderator.

Article 8 – Water Department Operating Budget

To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as it determines necessary for expenses and charges, including without limitation of the foregoing, debt and interest, wages, salaries and expenses for operation of the Town Water Department for the fiscal year beginning July 1, 2011 and

ending June 30, 2012 inclusive, or take any other action in relation thereto.

(Water and Sewer Commissioners)

MOTION: Leonard Sussman, Chairman, Board of Selectmen, moved that the Town vote to appropriate \$2,387,823 for direct costs, and further that an additional \$341,695 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, 2011, for the purposes and in the amounts designated in the column titles "Proposed Water Budget FY 12" of Article 8 of the Warrant and to meet said appropriation, the Town raise \$2,329,518, through water receipts and raise \$400,000 through the tax rate.

Article 8 - Budget Overview

				Proposed
Description	10Actual	11Approp	12 Dept Req	Water Budget FY 12
WATER FUND				
Water Costs				
Operating				
Salaries	192,357	192,635	187,723	187,723
Expenses	1,047,841	1,091,800	1,115,550	1,115,550
Sub-total Operating	1,240,198	1,284,435	1,303,273	1,303,273
Debt				
Principal	823,051	793,174	765,297	765,297
Interest – Long-term	272,229	249,985	219,253	219,253
Interest – Short-term	21,980	100,000	100,000	100,000
Subtotal Debt	1,117,260	1,143,159	1,084,550	1,084,550
Total Water Direct Costs	2,357,458	2,427,594	2,387,823	2,387,823
Overhead – Indirect Costs	210,468	201,324	215,316	215,316
Overhead – Rate payback for Bett	138,751	132,568	126,379	126,379
Subtotal Overhead	349,219	333,892	341,695	341,695
Water Operating Budget	2,706,677	2,761,486	2,729,518	2,729,518

Explanation: The FY12 Water Department budget was directed towards continuing to improve: the quality of water provided; customer relations; and providing a high level of reliability to the water supplies and distribution system to ensure 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 2011 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 2010 actual expenses for operating the water system.

Board of Selectmen Recommendation:
Approve 5-0-0
Finance Committee Recommendation:
Approve 8-0-0

VOTE: Voice. So voted unanimously.

Article 9 – Five Year Capital Authorization

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

(Board of Selectmen)

MOTION: Florence Seldin, Selectman, moved that the Town vote to appropriate \$887,600 for the purpose of funding the FY12 Capital Budget in the column titled "FY12 Proposed" of Article 9 of the Warrant and to meet said appropriation, transfer \$814,300 from free cash, \$1,000 from cemetery lot sales, \$8,000 from Shellfish Revolving, and \$64,300 from unexpended

articles as follows: \$3,236 from Article 9 of the May, 1995 Annual Town Meeting; \$4,461 from Article 14 of the May, 1997 Annual Town Meeting; \$4,183 from Article 7 of the May, 2001 Annual Town Meeting; \$3,669 from Article 6 of the May, 2002 Annual Town Meeting; \$1,525 from Article 7 of the May, 2003 Annual Town Meeting; \$11,150 from Article 6 of the May, 2004 Annual Town Meeting, \$1,075 from Article 10 of the May, 2008 Annual Town Meeting and \$35,000 from Article 10 of the May, 2010 Annual Town Meeting.

Explanation: (Appendix G provides a full capital budget detail.) 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 free cash has declined in the past few years due to our economic decline resulting in lower receipts and fewer budget turnbacks. Once again, many of the requested capital items are deferred to future years due to availability of funds. The items approved for FY2012 are those with the most priority.

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.

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

VOTE ON MOTION AS PRINTED IN THE WARRANT: Voice. So voted by a very substantial majority, declared the Moderator.

Motion to Reconsider and Adopt Article 9 With Correction: Selectman David Whitcomb moved that Article 9 be reconsidered and be voted as previously moved by Selectman Seldin with the following changes to those numbers set forth in the warrant overview: Increase Public Safety from 52,600 to \$65,100 and decrease Public Works from 298,500 to \$286,000.

VOTE ON MOTION TO RECONSIDER: Voice. So voted unanimously.

VOTE ON ARTICLE 9 WITH CORRECTION: Voice. So voted unanimously.

Article 10 – Water Department Capital Budget

To see if the Town will vote to appropriate a sum of \$375,000 for the purpose of paying costs for the design and installation of impervious fill over the abandoned wells and the removal of the old chemical feed building located at the South Chatham Well Field, and for all costs incidental and related thereto, and to transfer from available funds of the Water Department the sum of \$375,000, or take any other action in relation thereto.

(Water and Sewer Commissioners)

MOTION: Timothy Roper, Selectman, moved that the Town appropriate \$375,000 for the design and installation of impervious fill over the abandoned wells and the removal of the old chemical feed building located at the South Chatham Well Field, and for all costs incidental and related thereto, and to transfer from available funds of the Water Department the sum of \$375,000.

Article 9 - Capital Budget Overview

Description	FY 11 Actual	FY 12 Request	FY 12 Proposed
CAPITAL PROGRAM & BUDGET SUMMARY			
	CAPITAL		CAPITAL
	BUDGET		BUDGET
General Government	83,300	190,000	60,000
Public Safety	114,700	286,500	52,600
Community Development	7,000	60,000	0
Health & Environment	124,000	156,000	124,000
Public Works (without Water)	533,450	735,000	298,500
Equipment	163,000	547,188	352,500
Schools	134,733	184,733	0
Total Town Funded Capital Budget	1,160,183	2,159,421	887,600

Explanation: South Chatham Wells #1 and #2 have frequently experienced the presence of coliform bacteria in the water. These wells are located in an area with a high water table that does not provide adequate protection to the aquifer. During heavy rains and when the pumps are working to meet the Town's larger water demands is when the bacterial contamination is found in these wells' water. Since the reconstruction and redevelopment of Well #2, in 2002, the occurrence of bacterial contamination has been more frequent. Either the construction activities or the wells redevelopment may have enlarged the hole(s) through which surface water recharges the aquifer without adequate filtration. These direct recharge routes could also be the old vacuum wells that have been removed but not sealed; the disturbed areas around Well #2, when it was reconstructed; and/or the old chemical feed building and the areas where the old chemical injection vaults were located. All these possible points of entry are close to Wells #1 and #2. A solution is to remove the old chemical feed building and install an impervious layer of fill over all these points of entry which will require the rain recharge water to travel a longer distance through the soils and better filtration before entering the aquifer.

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

VOTE: So voted unanimously.

Article 11 – Meals Tax Increase

To see if the Town of Chatham will vote to accept M.G.L. c. 64(L), §2(a), to impose a local meals excise, or take any other action in relation thereto.

(Board of Selectmen)

Motion: Florence Seldin, Selectman, moved that Article 11 be voted as printed in the Warrant.

Explanation: A city or town may now impose an excise of 0.75% on the sales of restaurant meals originating within a municipality. This additional tax would become effective on July 1st of this year. It is anticipated that the acceptance of this article would result in approximately \$200,000 of additional annual revenue for the Town of Chatham.

Board of Selectmen Recommendation:
Approve 3-2-0
Finance Committee Recommendation:
Disapprove 4-4-0

After a Motion and successful vote to cut off debate:

VOTE: Voice. In my opinion, a majority are in favor, declared the Moderator. After a request for a count:

YES: 269

NO: 162

Article 11 has passed, declared the Moderator.

Article 12 - Disposition of Town Land for Affordable Housing

To see if the Town will vote to donate a portion of land off of Depot Road in Chatham, Massachusetts as shown on a plan on file with the Town Clerk 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 creating affordable housing, or take any other action in relation thereto. (Board of Selectmen)

MOTION: Florence Seldin, Selectman, moved that the Town vote to donate to a non-profit agency a portion of the parcel of land described in the Warrant for the purpose of creating affordable housing.

Explanation: This article proposes to gift a portion of the land known as the "Grange Parcel", adjacent to Veteran's Field and fronting on Depot Road and acquired by the Town in 1967, to a non-profit agency for the purposes of creating affordable housing. Approximately 14,000 sq. ft. of the parcel, 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 project concept is to preserve parking for Chatham Anglers games on the eastern portion of the parcel and locate one duplex building (two housing units) on the western

half of the lot. The proposed location of the duplex building would maintain a minimum 15 foot setback from the property line and to minimize site disturbance, a 10 foot "no-cut" zone clearing is proposed to maintain existing vegetation along the western and southern property boundaries. Additionally, supplemental plantings are proposed along the eastern boundary for further screening.

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 4-4-0
After successful motion and vote to cut off debate:

VOTE: In my opinion there is clearly not a 2/3rds affirmative vote, declared the Moderator.

After a request for a hand count:

YES: 114

NO: 286

The article is lost, declared the Moderator.

Article 13 - Cemetery Commission Rules and Regulations

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

To see if the Town will vote to amend the existing Cemetery Rules and Regulations as follows:

~~In the Town of Chatham the~~ cemetery grounds, both public and private are maintained and controlled by the Cemetery Commission. ~~All burial grounds in the Town are under the control of the Cemetery Commission, both public and private.~~ All visitors are requested to keep in mind that the cemeteries are consecrated to the memories of those who are buried within. Dignified behavior is expected and will be required. In the many years of cemetery operation, it has been shown that it is necessary to adopt and enforce regulations to govern the conduct of visitors, to ensure respect for the dead, ~~protection of the grounds, and the safety of the~~ visitors. The rules and regulations are fair and common sense guidelines.

Rules for Visiting a Cemetery:

- The speed limit is 15 MPH.
- Park on roads only.
- Walk on roads and paths only.

- Do not trespass on private lots and graves.
- Sunbathing, picnicking, and drinking of alcoholic beverages is prohibited and playing in cemeteries is not permitted. Any person found to be intoxicated shall be removed from the cemetery.
- Ball playing, roller-skating, sledding, the riding of bicycles, mini-bikes, go-carts, skateboards, and/or any other types of similar recreational sports are strictly forbidden.
- Loud, boisterous or undignified behavior will not be tolerated.
- Dogs and other pets are not permitted on the grounds.
- Picking of blossoms, flowers or foliage is prohibited.
- Gravestone repairs or rubbings require prior authorization of the Cemetery Commission, or their Coordinator.
- No household trash shall be disposed of in the rubbish containers.

Any person found in violation of the above subsection shall be deemed a trespasser and subject to prosecution therefore.

Purchase of a Cemetery Lot:

The sale of any lot may be made to any Chatham one resident listed on the registered voting list, or a real estate tax payer or any resident in the Town of Chatham. For this rule, a parent or parents, and their children living at the same address will be considered as one residence. In the event a resident of over ten years has been forced to live outside of Chatham due to health conditions beyond his or her control, he may purchase a lot as a special condition of this regulation with the Cemetery Commission's approval. The person or his estate must show evidence of residency to qualify. In any case, not more than two (2) two grave lots will be conveyed to any person, and for the purpose of this regulation a married couple will be considered as one entity in the Chatham Cemeteries where there are single lots, not more than four grave lots maybe sold as a group to any one person.

The sale of any lot will in no case include any part of a roadway, path or walkway, and in no case may a lot be purchased for the sole purpose of resale, for profit, or to circumvent the residency rule. In the event that the purchaser of a lot is unable to use the lot, or wishes to dispose of a lot(s), the lot must be returned to the Town of Chatham, Cemetery Commission. The owner of any lot(s) being returned shall be paid the current price for an equal size lot. Any portion of the original purchase fee that was indicated to be put into a perpetual care fund will not be refunded.

The original fee including the perpetual care fees may be refunded if the lot has not been used and the current owner has owned the lot for two years or less, from the date of purchase.

The title of the owner of a lot may not be changed without the written permission of the Cemetery Commission, and all requests must be made in writing.

Use of a Burial Lot(s):

No earth burials or the burial of cremated remains may be made in any cemetery or burial ground in the Town of Chatham without the prior approval of the Cemetery Commission. All requests for burial must be made in writing with a minimum of a forty-eight hour notice. A separate burial permit is required for each individual burial in accordance with M.G.L. Chapter 114, Sections 45, 46 and 47.

No grave may be opened or re-opened without a written request to the Cemetery Commission, and all arrangements must be made with a licensed funeral director being present from beginning to end.

No lot owner shall permit a burial on any lot if the deceased is not a relative, or an heir of the lot owner without written approval permission of the Cemetery Commission.

No lot may be used for any other purpose than the burial of human remains. The use of a burial vault or a concrete burial box is required for all burials. No ashes shall be spread on the surface of any lot, and all ashes being buried on any lot shall be in an urn or a similar type container.

Following a burial in any cemetery or burial ground, the funeral residue must be removed from the lot within two weeks of the burial. Any residue found on any lot after two weeks from the time of the burial may be removed at the discretion of the Cemetery Commission.

Items of personal remembrance maybe left on any burial plot between November 15th and April 15th. At any other time of the year the items must be removed within two weeks of the burial for the maintenance and care and maintenance of the cemetery. In the event the items of personal remembrance have not been removed within at the two week period after the date of the burial, the items may be removed at the discretion of the Cemetery Commission, and will be disposed of in the customary manner as trash.

Cemetery Commission Liability:

The Cemetery Commission will exercise all reasonable care to protect the monuments, markers, and plantings on all burial sites. The Commission will not be responsible

for any and all damage caused by routine maintenance, or vandalism in any cemetery or burial ground in the Town of Chatham, or damages caused by a private contractor providing either burial or maintenance services.

Any personal injuries sustained by anyone violating the rules and regulations of the Cemetery Commission will not be the responsibility of the Commission or of the Town of Chatham.

Any damage to a lot or grave markers caused by a burial or by a private contractor working in at the cemetery or burial ground shall be the responsibility of the contractor, the burial company, or the burial vault company. No responsibility will be assumed by the Commission or the Town of Chatham.

Correction of Errors:

The Cemetery Commission reserves, and shall have, the right to correct any errors that may be made by it, the Cemetery Coordinator, or employees of the Commission or the Town of Chatham, either in making interments, disinterment or removals, or in the description, or conveyance of any interment rights, or lots. Corrective action may be either by canceling such conveyance and substituting and conveying in lieu thereof other interment rights or a lot of equal value and similar location as far as possible, as may be selected by the Cemetery Coordinator, or, in the sole discretion of the Cemetery Commission, by refunding the amount of money paid for the purchase price of the burial plot. In the event of any such error shall involve the interment of the remains of any person in any lot, the Cemetery Commission reserves, and shall have the right to remove and re-inter the remains in such other lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

Monuments, Markers, and Permanent Amenities:

No Monuments, markers, headstones, or borders shall be placed on any lot without prior approval of the Cemetery Commission. This rule shall apply to any type of bench, fence, or curbing. All monuments, markers and headstones shall be placed on concrete footings, which are adequate to support the weight of said amenities, and any, No borders or curbing shall be set flush with the ground so as to not permitted on any lot or lots which hinder the general maintenance of the cemetery grounds.

Markers for cremation plots when developed in a cemetery in the Town, shall be limited to flat markers, approximately 1' by 2' set flush with to the ground on a concrete foundation footing.

Any markers, headstones, or corner markers improperly set shall be moved and placed in the proper location on a concrete foundation at the expense of the lot owner.

The maintenance, repair, and cleaning of any headstones or grave markers are the responsibility of the lot owner. In the event that the lot owner is deceased, and there are no heirs of the original owner of the lot, the Cemetery Commission shall have the right to maintain, repair, and to clean any headstones or grave markers, as funds will allow.

When installing corner markers, lot corner pipes may not be removed. When corner markers are installed, they are to be set flush with the ground and the original corner marker must be left in place. Original lot markers are usually pipe.

Use of Lots Regarding Plantings and Ground Cover:

No type of ground cover or plantings shall be permitted on any lot or within any cemetery in the Town of Chatham without the prior approval of the Cemetery Commission prior to any work being done. Plantings of and trees shall be of such size, variety, and located in such a manner as to not hinder the general maintenance of the cemetery grounds. This regulation shall also cover sodding and seeding of cemetery lots.

The use of lawn sprinklers is not permitted in any cemetery. No watering device is to be left unattended. Only hand held nozzles, which are attended, may be used. Any water found to be left on and not unattended shall be turned off without notice, by any member of the Cemetery Commission, staff members, or the Chatham Police Department.

There shall be no glass jars or any type of glass receptacles used for any purpose in a cemetery.

Potted plants, baskets and floral arrangements are to be removed from any area of the cemeteries when the arrangements have served their useful life. This is the responsibility of the lot owners. Christmas wreaths and greens shall will be allowed to decorate a burial plot from the last week in November, to February 1st of the following year.

Any flag standards on any lot are not the responsibility of the Cemetery Commission. In the event that a flag or a standard is missing, from a lot, it is the responsibility of the lot owner to of said lot shall contact the proper organization for the replacement of the same, such as the V.F.W., Legion, Fire and Police Departments, or any other organization to have it replaced. In the event a member of the family is a veteran and has been buried in a Chatham Cemetery, for information regarding flag standards and flags, please, the family

may contact the V.F.W. or Legion at 1-508-945-0554. The Cemetery Commission may does collect and properly dispose of any flags found in the cemeteries that are all damaged and broken or damaged flags.

Existing plantings that are in the cemeteries that, and have over grown and are interfering with the use of any ways, roadways, or the use of adjoining lots, or are deemed to be causing damage to adjoining lots shall be removed by the lot owner of said lot. The Cemetery Commission shall have the sole right to make the determination if plantings or trees are causing an obstruction or are a problem to adjoining lots, or are a maintenance problem for the Commission. In the event the trees or plantings are restricting the immediate burial on an adjoining lot, the Cemetery Commission shall have the sole right to take whatever action necessary to permit the burial. Other than the conditions created by an immediate burial, the Cemetery Commission shall make a reasonable effort to contact a lot owner regarding obstructions caused by overgrown trees and plantings, or trees and plantings, or heir of the owner, regarding the problem with the over grown conditions, or plantings of any kind improperly placed in the cemetery. In the event that the Cemetery Commission owner cannot locate or contact the owner or heirs of the owner be found, the Commission shall will put one notice in the local newspaper of said condition. Said notice shall give the common name of the cemetery, the name of the lot owner, the lot number, and a short description of the work to be done. Fourteen days after the notice appears in the newspaper, if the Commission has not been contacted, the Commission may take whatever action that the Commission feels is necessary to correct the matter. The cost shall be billed to the record owner or to their heirs.

SEASIDE CEMETERY – SECTION “A” In Section “A” of Seaside Cemetery the following shall apply and shall be strictly enforced by the Commission and any employees thereof.

1. All single lots will be use in the following manner. One full size earth burial and one cremation will be permitted, or the single lot maybe used for up to four cremation urns.
2. All work performed on graves or lots by the owner, or by their order, shall be performed only with prior written authorization of the Cemetery Commission, in order to preserve as much as possible the natural appearance of the cemetery.
3. Only flat markers will be allowed in Section “A”, being made of bronze, granite, marble, or slate. All markers shall be

centered on the lot at either the head of the lot, or at the med-line. No upright markers shall be permitted in this Section “A”.

4. Corner markers maybe placed in the corners of the lots, and must be set flush to the ground.
5. Fences, borders, curbing, hedges, trees, invasive plantings, crushed stone, shells, or any other material, other than grass, shall be prohibited.
6. No signs, lettered boards, Sheppard hooks, wind chimes, novelty items, votive candles will be permitted at any grave site in section “A”.
7. No more than four single lots shall be sold to any one resident listed on the registered voting list, or a real estate tax payer in the Town of Chatham. For this rule, a parent or parents, and their children living at the same address will be considered as one residence.

Every effort is being made to keep Section “A” as natural as possible, and to not distract attention from the Old Methodist Cemetery or the Veterans War Memorial which are adjacent this new section.

These rules and regulations shall replace any and all prior rules and regulations of the The Town of Chatham Cemetery Commission. Each section of reserves the right to enforce these rules and regulations shall be construed as separate to the end that if any clause, phrase, section, or sentence thereof shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force and effect. These rules and regulations may be amended from time to time by the Cemetery Commission for the Town of Chatham as provided for in the Commonwealth of Massachusetts General Laws, and to cause a person or persons who have knowingly violated a rule or regulation to attend a hearing. In the event there is information presented at the hearing to show wrong doing, The Cemetery Commission may impose a fine of \$ 50.00 dollars for each violation of these Rules and Regulations.

These rules and regulations shall take effect upon their acceptance by the Chatham Town Meeting Current Rules and Regulations were effective May 9, 2005.

Rules and Regulations as amended are to become effective May 2010.

And, add the following attachments:

Appendix 1 - Property Under the Care of the Chatham Cemetery Commission
Form - Burial Information
Form - Buy Back of Cemetery Lot by the Town
(Cemetery Commission)

MOTION: George Goodspeed, Chairman, Cemetery Commission, moved that the Town vote to amend the existing Cemetery Rules and Regulations as printed in the Warrant with 1 change, the effective date would be May 9, 2011.

Explanation: These changes to the Cemetery Rules and Regulations are necessary to make them easier to understand and to allow continued effective management.

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 8-0-0

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

Article 14 - Chatham Housing Authority - Chatham Resident Voucher Program

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 Chatham Resident Voucher Program, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Joanne Taylor, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$239,720 from FY 2012 Community Preservation Fund Revenues in order to fund the Chatham Resident Voucher Program.

Explanation: This article is a continuation of the successful rental assistance program providing affordable rental units in Chatham. The program provides rental assistance, allowing an unaffordable unit to become affordable. Tenants are required to meet income requirements, where they are at or below 60% of the Barnstable County Area median income. This program expects to assist 24 families as the demand for rental assistance remains high.

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 3-2-0

Finance Committee Recommendation: Approve 6-0-1

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

Article 15 - 300th Anniversary Historic Signs

To see if the Town will vote to raise and ap-

propriate and/or transfer from available funds a sum of money it determines necessary to fund signs for placement on historic sites located in Chatham or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Victor Di Cristina, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$22,000 from FY 2012 Community Preservation Fund Revenues to fund signage to identify historic sites/buildings in Chatham.

Explanation: This seeks funding for fourteen signs that will identify historic sites within the town to correspond with our 300th anniversary. The signs will not only identify historic sites but will educate the public as to the significance of each site/building to the town of Chatham. The sites include:

*Town Office Building (2)
Marconi Site
Lighthouse Overlook
Railroad Depot
Chatham Lighthouse
Godfrey Grist Mill
Atwood School
Monomoy National Wildlife Center
Mayo House
Champlain Monument
Nickerson Family Center (2)
Chatham Fish Pier*

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.

Article 16 - Marconi Station Brick Residential Building Utility Improvements

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money it determines necessary to fund utility/site improvements at the former Marconi-RCA property in the vicinity of the two brick residences (589 Old Comers Road and 95 Old Comers Road) to enable the reuse of said residences; or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: Jane Moffett, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$30,000 from the FY2012 Community

Preservation Revenues in order to fund utility/site improvements at the former Marconi-RCA property near the two historic brick residences (589 Old Comers Road and 95 Old Comers Road) in order to provide future reuse of the residential buildings.

Explanation: This request is consistent with the overall plan for the Marconi-RCA site keeping in mind its historic significance while providing reuse of all four buildings. The Hotel and Operations buildings site improvements are nearly finished and approval of this article would complete the site/utility improvements for the entire property. The Title V installation for the residences would allow their re-use consistent with the goals for the property.

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.

Article 17 - Community Preservation Fund Reserve (Open Space)

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: John Kaar, Community Preservation Committee, moved that the Town vote to reserve \$87,500 from FY 2012 Community Preservation Revenues for Open Space.

Explanation: The Community Preservation Act requires 10% of estimated revenues be appropriated or set aside (reserved for later appropriation) for the each of the following three categories: Open Space, Historic Resources, and Community Housing. The \$87,500 is to meet the 10% requirement for Open Space for FY 2012.

Community Preservation Committee Recommendation: Approve 6-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.

Article 18 - Community Preservation Fund Reserve (Historic Resources)

To see if the Town will vote to reserve for

later appropriation a sum of money it determines necessary for historic preservation, or take any other action in relation thereto.

(Community Preservation Committee)

MOTION: John Kaar, Community Preservation Committee, moved that the Town vote to reserve \$35,500 from FY 2012 Community Preservation Revenues for Historic Resources.

Explanation: The Community Preservation Act requires 10% of estimated revenues be appropriated or set aside (reserved for later appropriation) for each of the following three categories: Open Space, Historic Resources, and Community Housing. The \$35,500 is to meet the 10% requirement for Historic Resources for FY 2012.

Community Preservation Committee Recommendation: Approve 6-0-0

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: John Kaar, Community Preservation Committee, moved that the Town vote to appropriate the sum of \$15,000 from FY 2012 Community Preservation Fund Revenues for the purpose of funding administrative costs associated with the Community Preservation Act.

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

Community Preservation Committee Recommendation: Approve 7-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Approve 7-0-0

VOTE: Voice. So voted unanimously.

Article 20 - Zoning: Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Changes

Strikethrough indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section IV., Subsection B. Flood Plain District, Paragraph 3. District Location** as follows:

3. District Location

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Flood Insurance Rate Maps (FIRM) for the Town of Chatham dated June 20, 1998 (or as most recently amended) as Zones A, AE, AH, AO, A1-30, A99, V and V1-30. These maps, as well as the accompanying Town of Chatham Flood Insurance Study are incorporated herein by reference and are on file with the Planning Board, Town Clerk and the Building Inspector: within the Town of Chatham designated as Zone A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Chatham are panel numbers 250010609I, 250010616I, 250010617I, 250010626I, 250010627I, 250010628I, 250010629I, 250010631I, 250010633I, 250010636I, 250010637I, 250010638I, 250010639I, 250010641I, 250010850I, 250010875I dated June 16, 2011 (or as most recently amended). The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011 (or as most recently amended). The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

Also amend, **Section IV., Subsection B. Flood Plain District, Paragraph 4. Development Regulations, sub-paragraph a.** and **sub-paragraph d.** as follows:

4. Development Regulations

a. All *development* in the district including structural and non-structural activities whether permitted by right or by Special Permit must be in compliance with the following:

1. Chapter 131, Section 40 of the Massachusetts General Laws. (See Wetlands Protection, 310 CMR 10.00, Department of Environmental Quality Engineering) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00), Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00) and Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)

2. The State Environmental Code - Title V, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Quality Engineering Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)

3. The Flood-Resistant Construction requirements of the Massachusetts State Building Code. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes")

d. In unnumbered A zones, in the absence of Federal Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data from federal, state or other sources. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Also amend, **Section IV., Subsection A. Conservancy Districts, Paragraph 4. Prohibited Uses, sub-paragraph e.** as follows:

e. No person shall construct any *building* in Zones V and V1-30 VE, as defined on the Barnstable County Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham, dated June 20 16, 1998 2011 (or as most recently amended).

Also amend, **Section IV., Subsection A. Conservancy Districts, Paragraph 5. Location, sub-paragraph a.1.** as follows:

a. The Coastal Conservancy Districts shall consist of all the *submerged lands* along the coast of Town, and areas subject to flooding including:

1. Areas delineated as the 100-year flood plain (Zones A, AO, AH, ~~A1-30~~ AE, A99, V and V1-30 VE on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham dated

June 20 16, 1998 2011 (or as most recently amended).

And amend, **Section II., Definitions, Subsection B.**, as follows:

“**FLOOD HAZARD AREA**” means the land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. It includes those areas shown on the Flood Insurance Rate maps (dated January 1998 June 16, 2011 (or as most recently amended) prepared by the Federal Emergency Management Agency as Zones A, AO, AH, A1-A30 AE, A99, V and V1-V30 VE.

Or take any other action in relation thereto
(Planning Board)

MOTION: No Motion Made Under Article 20.

Explanation: In light of the announcement of the effective date of the new Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Barnstable County by the Federal Emergency Management Agency (FEMA), this Article proposes to change references in the Zoning Bylaw to comport with the recently issued revised FIRM and FIS documents. The proposed changes will not impact the structure of the Zoning Bylaw beyond updating references in the Flood Plain Overlay District, Conservancy District, and Definitions sections. FEMA requires the use of these new maps starting on June 16, 2011. Implementing the proposed changes in this Article will enable the Town to continue its participation in the National Flood Insurance Program (NFIP) which was created in 1968 to help cut the costs to taxpayers of federal disaster relief for flooding. In order for residents of a community to be eligible to receive flood insurance, the community must continue to meet the NFIP’s minimum requirements for floodplain management.

Planning Board Recommendation: Approve 6-0-0

Board of Selectmen Recommendation: Approve 5-0-0

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Article 21 – Zoning: Restricting Building Construction within Buildable Upland

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

Bold Italicized Words are defined in the existing Bylaw

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements**, as follows:

The minimum required area of a *lot*, when used for *building* purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable *lot* in any zoning district shall contain not less than twenty thousand (20,000) square feet of *buildable upland*, as defined in Section II of this Bylaw, excepting that lots created for *building* purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such *buildable upland* or the minimum *lot area* required in that district if less than ten thousand (10,000) square feet. No lot shall be filled to conform with the minimum upland square foot requirement. Structures, exclusive of those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3. Special Permit Uses of this Bylaw, shall be constructed only in the buildable upland area of a lot.

Or take any other action in relation thereto
(Planning Board)

MOTION: Leonard Sussman, Chairman, Board of Selectmen, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant for Article 21.

Explanation: A minimum amount of buildable upland is required on a lot for the construction of a building, but the current zoning bylaw lacks the requirement that the structure be located on the upland portion. The amendment corrects this omission.

Planning Board Recommendation: Approve 4-1-0

Board of Selectmen Recommendation: Approve 4-1-0

Finance Committee Recommendation: Approve 6-0-0

VOTE: Voice. So voted unanimously.

Article 22 – Petition to Amend United States Constitution

To see if the Town will vote to ask the State Legislature to petition the United States Congress to initiate the process of an amendment to the United States Constitution which would allow Congress and the states to ban altogether or impose reasonable limits on the expenditure of money by corporations to influence elections.

Explanation: On January 21, 2010, the United States Supreme Court, by a 5-4 vote,

ruled that the free speech rights of corporations rendered unconstitutional restrictions on the expenditure of money by corporations in an election contest, restrictions which had been part of federal law since 1907.

This decision opened the door to unlimited corporate money in federal, state and local elections, and it is estimated that 15% of the money spent on the elections in 2010 came from corporate sources. Many of the ads were purchased through corporations set up for that purpose, so that voters would not know who was sponsoring the ads. Since the decision was on constitutional grounds, only a constitutional amendment can overturn it.
(by petition)

Petitioner Edmund Robinson moved that the Town will vote to ask the State Legislature to petition the United States Congress to initiate the process of an amendment to the United States Constitution which would allow Congress and the states to ban altogether or impose reasonable limits on the expenditure of money by corporations to influence elections.

Board of Selectmen Recommendation:

Approve 3-2-0

Finance Committee Recommendation:

Disapprove 4-4-0

After successful motion and vote to cut off debate:

VOTE: Voice. In my opinion, the ayes have it, declared the Moderator.

After a request for a hand count:

YES: 175

NO: 78

Article 22 is passed, declared the Moderator.

Article 23 – Stony Hill Road Sidewalk

To see if the town will vote to appropriate a sufficient sum of money to complete the sidewalk along Stony Hill Road from Crowell Road to Route 28, as voted in article 27 of the May 10, 1993 annual town meeting.

Explanation: The sidewalk endorsed by voters in 1993 was completed from Crowell Road to 210 Stony Hill Road (across from the Council on Aging Senior Center), where it abruptly ends, forcing pedestrians onto the busy road. Approval of this article would authorize the highway department to complete the sidewalk the additional distance to Route 28, approximately 290 feet.

(by petition)

MOTION: Petitioner Timothy Wood moved that Article 23 be indefinitely postponed.

VOTE: So voted unanimously.

Article 24 – Amend Zoning Bylaw – Grade Plane Definition

Article 1 – Zoning: Grade Plane Definition

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section II., Definitions, subsection B as follows:

~~48 49.~~ **Grade Plane** means a reference plan representing the average of the ~~finished-existing, undisturbed~~ ground levels adjoining a **building or structure** at all exterior walls ~~prior to construction, grading or filling~~. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by averaging the lowest points of the ~~existing ground level~~ within the area between the **building** and the lot line or, where the lot line is more than twenty (20) feet from the building at a point 20 feet from the **building**.

And amend Appendix II. Schedule of Dimensional Requirements (Table), Maximum Building Height (Column), by adding the following new footnote:

14. The Zoning Board of Appeals is authorized to waive maximum building height by Special Permit in cases where it can be proven that unusual topographic challenges will result in an undesirable architectural design.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

28. Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

50. Grading means any excavation, filling or clearing which alters the existing surface of the land.

53. Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

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

And amend Appendix II. Schedule of Dimensional Requirements, Footnotes, as follows:

The Zoning Board of Appeals is authorized by to waive these requirements by Special Permit where it can be proven that unusual topographical challenges will result in an undesirable architectural design.

Motion: Petitioner John Sweeney moved that Article 24 be referred back to the Planning Board for further consideration, and that the Planning Board be directed to report its findings to the next Town Meeting.

Explanation: The intent is to respond to complaints that the level of some properties has been raised prior to new construction and is inconsistent with the level of neighboring properties. These situations, which may be limited in number, can have a marked, negative impact on that neighborhood's character. Chatham must anticipate that increasing pressures from escalating land values may cause property owners to maximize the structures placed on their property. This trend may accelerate in the future. This revision brings Chatham's measure of building height into conformity with almost all other Cape Cod towns which measure building height, as we propose, from either an existing or natural and undisturbed grade.

(by petition)

Planning Board Recommendation:

Recommendation from Town Meeting Floor

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor

Finance Committee Recommendation: Recommendation from Town Meeting Floor

VOTE: Voice. So voted unanimously.

Article 25 – Amend Zoning Bylaw – Restricting Building Construction Within Buildable Upland

Article 2 – Zoning: Restricting Building Construction Within Buildable Upland

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, 1. Upland Requirements, as follows:

The minimum required area of a **lot**, when used for **building** purposes shall not include land under any water body, below mean high water or within the layout of ways. A buildable **lot** in any zoning district shall contain not less than twenty thousand (20,000) square feet of **buildable upland**, as defined in section II of this Bylaw, excepting that lots created for building purposes prior to May 1, 1984 shall contain not less than ten thousand (10,000) square feet of such **buildable upland** or the minimum **lot area** required in that district if less than ten thousand (10,000) square feet. No lot shall be filled to conform with the minimum upland square foot requirement. Structures, exclusive of those subject to a Special Permit as defined in Section IV. Overlay Districts, Paragraph 3., Special Permit Uses of this Bylaw, shall be constructed only in the buildable upland area of a lot.

MOTION: The Petitioner moved that the Town take no action on Article 25.

Explanation: A minimum amount of buildable upland is required on a lot for the construction of a building, but current law lacks the requirement that the structure must be located on the upland portion. The amendment corrects this omission and provides protections to wetland areas under zoning bylaw that are consistent with Conservation Commission regulations.

(by petition)

Planning Board Recommendation:

Recommendation from Town Meeting Floor

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor

Finance Committee Recommendation: Recommendation from Town Meeting Floor

Article 26 – Amend Zoning Bylaw – Inland Conservancy District Setbacks

Article 3 – Zoning: Inland Conservancy District Setbacks

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; ***bold italicized words*** are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Appendix II. Schedule of Dimensional Requirements (Table), Minimum Building/Structure Setbacks, Conservancy Districts, Inland (Column) as follows:

District Feet

R 60	25	<u>50</u>
R40	25	<u>50</u>
R40A	25	<u>50</u>
R30	25	<u>50</u>
R20	25	<u>50</u>
R20A	25	<u>50</u>
SB	25	<u>50</u>
GB-1	25	<u>50</u>
GB-2	25	<u>50</u>
GB-3	25	<u>50</u>
I	25	<u>50</u>
RC3	50	50
M	N/A	N/A
M/C	N/A	N/A

MOTION: Petitioner Deborah Ecker moved that the Town take no action on Article 26.

Explanation: Current law prohibits a structure from being closer than 50 feet from a coastal shoreline; but it allows structures to be only 25 feet from an inland wetland. The amendment would require set backs from a Coastal Conservancy District and an Inland Conservancy District to be the same 50 feet. The amended setbacks would establish conformity in Chatham’s zoning bylaw with the town’s conservation regulations.

(by petition)

Planning Board Recommendation: Recommendation from Town Meeting Floor

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor

Finance Committee Recommendation: Recommendation from Town Meeting Floor

**Article 27 – Amend Zoning Bylaw – Filling and Removal of Natural Cover
Article 4 – Zoning: Filling and Removal of Natural Cover**

~~Strikethrough~~ indicates language proposed for deletion; Underline indicates language proposed for inclusion; *bold italicized words* are defined in the bylaw.

To see if the Town will vote to amend its Protective (Zoning) Bylaw, Section III. District Regulations, Paragraph D. District Area Regulations, Subparagraph 3. Specific Requirements, a. Minimum Lot Conditions, by inserting a new Subparagraph K. Filling and Removal of Natural Cover.

A special permit is required for the filling and clearing of vegetation including trees of an area of more than ten thousand (10,000) square feet. As a condition for granting a

permit, the Board of Appeals shall require a landscape plan be submitted specifying the extent of the filling and clearing, the restoration envisioned and the length of time until completion. The Board of Appeals shall give consideration to the topography of the site, the extent to which the application conforms with the general character of the surrounding neighborhood and assurance of compliance.

And amend Section II., Definitions, subsection B by adding the new definitions as follows:

Clearing means the removal or causing to be removed, through either direct or indirect actions, trees, shrubs, sand and gravel, vegetation and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks of trees; destroying the structural integrity of vegetation; and/or any filling excavating or grading.

Filling means the act of transporting or placing by any manner or mechanism material to any soil surface or vegetation.

MOTION: Petitioner Deborah Ecker moved that Article 27 be referred to the Planning Board for further consideration, and that the Planning Board be directed to report its findings to the next Town Meeting.

Explanation: There are no limitations about land clearing and filling in the current bylaw. This has resulted in some lots being scraped of all vegetation and in some cases piles of fill being left in an unsightly condition for unlimited periods of time. The amendment would require a special permit if an area of 10,000 square feet is to be cleared and or filled. Requiring a special permit for such activities provides notice to abutters of changes in topography that may impact their properties and neighborhood character.
(by petition)

Planning Board Recommendation: Recommendation from Town Meeting Floor

Board of Selectmen Recommendation: Recommendation from Town Meeting Floor

Finance Committee Recommendation: Recommendation from Town Meeting Floor

VOTE: Voice. So voted unanimously.

MOTION TO ADJOURN: At 8:55 pm, Chairman Leonard Sussman moved that we adjourn.

VOTE: Voice. So voted.

**Respectfully submitted,
Julie S. Smith, MMC/CMMC
Town Clerk**

**Annual Town Election
May 12, 2011**

This Annual Town Election, called by the Board of Selectmen as required by law on a Warrant duly posted by Constable John Proudfoot on April 7, 2011, was held on Thursday, May 12, 2011 at the Chatham Community Center. The polls opened at 7:00 a.m.

Town Clerk Julie Smith, Assistant Town Clerk Paula Tobin and Town of Chatham Computer Specialist James Cuddy examined the ballot boxes, demonstrated the boxes were empty and showed the ballot counters to be registered at zero. The Optical Scan electronic voting systems operated throughout the voting hours without incident.

Warden Carol Barry and election workers Evelyn Ambriscoe, Joan Bagnell, Nancy Geiger, Mary Griffin, Sandra Koski, Mary McDermott, Lillian McNulty, Shanna Nealy, David Porter, Louise Redfield, Jennifer Smith, and Carol Tautkus all contributed to the success of this election.

The polls closed at 8:00 p.m. At the time of this election there were 5,432 registered voters in Chatham. 2,205 ballots were cast (41%).

**Respectfully submitted,
Julie S. Smith, MMC/CMMC
Town Clerk**

**Special Town Meeting
Monday October 24, 2011**

To any of the Constables in 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 24TH day of October at 6:30 o’clock in the evening, then and there to act on any business that may legally come before said meeting.

Moderator William Litchfield opened the meeting at 6:30 p.m. 284 voters were present, far exceeding the quorum of 100.

On behalf of the Town Clerk, the Moderator read the Constables Return of Service: “Barnstable, ss. Pursuant to