

## **Minutes for the Annual Town Meeting held May 2, 2011**

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Auditorium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:20 p.m. with a quorum of 207 voters present. The Clerk read the call of Town Meeting.

Article 1. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$1,200 for the Greenhead Fly Control as authorized by G.L. C. 252 Section 24 and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Passed – Declared unanimous vote by Moderator

Article 2. A motion was made and seconded by the Board of Selectmen to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts.

Passed – Declared unanimous vote by Moderator

Article 3. A motion was made and seconded by the Board of Selectmen to reauthorize the Council On Aging/Adult Day Center Revolving Account, in accordance with Massachusetts General Laws, Chapter 44, Section 53 E ½ and to establish the limit on expenditures from said account for Fiscal Year 2012 at \$7,000 to be expended under the direction of the Council On Aging Director in order to place anticipated revenues collected from program income which shall be used to further the operation of programs under the Council On Aging.

Passed – Declared majority vote by Moderator

Article 4. A motion was made and seconded by the Board of Selectmen to reauthorize the Recreation Bottles and Cans Revolving Account, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ and to establish the limit of expenditures from said account for Fiscal Year 2012 at \$10,000 to be expended under the direction of the Recreation Director in order to place anticipated revenues from the collection of bottles and cans, which shall be used to further the operation of programs under the Beach and Recreation department.

Passed – Declared unanimous vote by Moderator

Article 5. A motion was made and seconded by the Board of Selectmen to reauthorize the Home Composting/Bin Recycling Revolving Account, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ and to establish the limit on expenditures from said account for FY2012 at \$5,000 and to be expended under the direction of the Board of Selectmen or their designee, in order to place anticipated revenues collected from the sale of compost bins which shall be used to purchase additional compost bins, advertise the availability of such bins, or undertake recycling related activities.

Passed – Declared unanimous vote by Moderator

Article 6. A motion was made and seconded by the Board of Selectmen to authorize the Vehicular Fuel Sales Revolving Account, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ and to establish the limit on expenditures from said account for FY2012 at \$30,000 and to be expended under the direction of the Board of Selectmen or their designee, in order to place anticipated revenues collected from the sale of fuel to other municipal entities which shall be used to purchase additional fuel as necessary.

Passed – Declared unanimous vote by Moderator

Article 7. A motion was made and seconded by the Board of Selectmen to accept the provisions of G. L. Chapter 71, Section 16B, which would reallocate the sum of members towns' funding obligation for the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for fiscal year 2013.

Passed – Declared unanimous vote by Moderator

Article 8. A motion was made and seconded by the Board of Selectmen that the unexpended sum of \$97,294 voted from Article 7 May 4, 2009, Eastham's share of the capital improvements and equipment replacement expenses for the Nauset Regional School District, originally slated to be used for boiler replacement at the Nauset Regional High School to be used for other capital improvement projects which include technology at Middle and High Schools, replacement of windows, purchase of musical instruments, driveway paving, emergency PA system, Central office repairs, and boiler controls at the Nauset High School.

Passed – Declared majority vote by Moderator

Article 9. A motion was made and seconded by the Board of Selectmen to raise and appropriate the sum of \$90,161 to pay the Town of Eastham's share of capital expenses for the Nauset Regional School District for improvements and equipment including but not limited to, technology upgrades at the middle and high school, roof replacements and repairs, flooring replacements, door and window repairs and upgrades, interior and exterior painting, and as shown on the multi-year capital improvement plan for the Nauset District.

Passed – Declared majority vote by Moderator

Article 10. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$10,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth.

Passed – Declared unanimous vote by Moderator

Article 11. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$10,000 to be given to the Visitors Services Board for the following purposes: Map at the Info Booth, \$1,000, Christmas Lights/banners \$1,000, Flower Island support \$500, Summer concerts, \$5,500, and Brick work on Green \$2,000.

Passed – Declared unanimous vote by Moderator

Article 12. A motion was made and seconded by the Board of Selectmen to set the operating budget at \$19,874, 952 as printed in the warrant, and to meet this appropriation, the town vote to

Raise and appropriate and use estimated receipts totaling \$19,107.633.

Appropriate and transfer from the ambulance receipts reserved account \$162,500 to Line 32 Fire Salaries and \$131,830 to Line 34 Fire Capital

Appropriate and transfer from the Septic Loan Betterment Account \$20,401 to Line 79

Appropriate and transfer from the Windmill receipts reserved account \$1,000 to Line 72

Appropriate and transfer from Free Cash \$114,061 to Line 52 and \$15,707 to Line 58

Appropriate and transfer from Line 46 (Elementary School Operations) \$74,000 to Elementary School Cafeteria Revolving Fund

To appropriate and transfer from Free Cash (dog receipts) an additional \$2,500 to Line 70, Library Expense

And further, to raise and appropriate, contingent on a 2 ½ override, the sum of \$321,820

Passed – Declared majority vote by Moderator

Article 13. A motion was made and seconded by the Board of Selectmen that the Town

Raise and appropriate \$65,000

Appropriate and transfer from Free Cash \$479,500

Appropriate and transfer from the Ambulance Receipts Reserved Account \$28,000

Appropriate and transfer from the Waterways Improvement Account \$5,000

Appropriate and transfer from the Land Acquisition Account \$15,000 for a total of \$592,500 for the purposes of acquiring the items and undertaking the improvements as printed in the warrant.

Passed – Declared unanimous vote by Moderator

Article 14. A motion was made and seconded by the Board of Selectmen that in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the Capital Improvement Plan for FY2013-FY2017 as printed in the warrant.

Passed – Declared majority vote by Moderator

Article 15. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash \$18,519 to cover additional expenses incurred for FY2011 for Snow and Ice expense Article 12, Line 53.

Passed – Declared unanimous vote by Moderator

Article 16. A motion was made and seconded by the Board of Selectmen to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41 of the General Laws as amended, and further to raise and appropriate \$148,405 from available funds the following sums of money for salaries:

Moderator	\$150.00
Town Clerk	\$64,075.00
Treasurer/Tax Collector	\$76,680.00
Selectmen (5) \$1,500 each	<u>\$7,500.00</u>
Total	\$148,405.00

Passed – Declared majority vote by Moderator

Article 17. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$32,000 to fund and implement the cost items of a collective bargaining agreement between the Town and the Massachusetts Coalition of Police, for patrol and superior officers in the police department, covering the period of July 1, 2011 through June 30, 2014, contingent upon the passage of a proposition 2 ½ referendum question.

Passed – Declared majority vote by Moderator

Article 18. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$90,000 to fund and implement the cost items of a collective bargaining agreement between the Town and the Eastham Employees Association and non-union employees in similar job classifications covering the period of July 1, 2011 through June 30, 2014, contingent upon the passage of a proposition 2 ½ referendum question.

Passed – Declared majority vote by Moderator

Article 19. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$27,000 to fund and implement the cost items of a collective bargaining agreement between the Town and the International Association of Fire Fighters for employees in the Fire Department covering the period of July 1, 2011 through June 30, 2014, contingent upon the passage of a proposition 2 ½ referendum question.

Passed – Declared majority vote by Moderator

Article 20. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$12,000 to fund and implement the cost items of a collective bargaining agreement between the Town and the Massachusetts Coalition of Police, for employees in the Communications (Dispatch) department, covering the period of July 1, 2011 through June 30, 2014, contingent upon the passage of a proposition 2 ½ referendum question.

Passed – Declared majority vote by Moderator

Article 21. A motion was made and seconded by the Board of Selectmen to raise and appropriate \$17,180 to fund and implement the cost items of a collective bargaining agreement between the Town and the International Steelworkers Union, representing employees in the Natural Resources and Public Works Departments covering the period of July 1, 2011 through June 30, 2014, contingent upon the passage of a proposition 2 ½ referendum question.

Passed – Declared majority vote by Moderator

Article 22. A motion was made and seconded by the Board of Selectmen to approve the renovation and expansion of the Eastham Library as printed in the warrant.

Passed – Declared majority vote by Moderator

Article 23. A motion was made and seconded by the Board of Selectmen to authorize the Library Trustees and the Board of Selectmen to apply for any state funds which may be available to defray all or a part of the cost of the design, construction and equipping of the library and to authorize the Board of Selectmen in consultation with the Library Trustees to accept and expend any such funds when received without further appropriation.

Passed – Declared majority vote by Moderator

Article 24. A motion was made and seconded by the Board of Selectmen that \$4.5 million is appropriated, for preparing plans, bidding documents, constructing originally equipping and furnishing additions and remodeling, reconstructing and making extraordinary repairs at the Eastham Public Library; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$4.5 million under G.L. 44 Section 7(3A), or any other authority; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c59, Section 21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

Passed by necessary 2/3 vote as declared by Moderator  
Count: 468 Yes 79 No

Article 25. A motion was made and seconded by the Board of Selectmen to appropriate from the FY2012 estimated Community Preservation revenues as follows

Open Space Reserve	\$62,562
Historical Reserve	\$62,562
Affordable Housing	\$62,562
Budgeted Reserve for Appropriation	\$437,935

Passed – Declared majority vote by Moderator

Article 26. A motion was made and seconded by the Board of Selectmen to appropriate from the Community Preservation Fund Balance \$20,000 to the Community Preservation Administrative Expense Account as allowed by law for the purpose of administrative expenses.

Passed – Declared majority vote by Moderator

Article 27. A motion was made and seconded by the Board of Selectmen to appropriate from the Community Preservation Housing Reserve \$60,000 and \$285,000 from the Community Preservation Fund Balance to the Eastham Affordable Housing Trust for a total of \$345,000 to acquire property for affordable housing purposes subject to the terms and conditions as follows: Said funds to be released upon: 1.The signing of a negotiated Purchase and Sale Agreement for the purchase of 3150 Herring Brook Road and contingent upon all funding for the purchase including CPA funds, bank financing, Barnstable Home Consortium, state/county affordable housing trust funds, or other available resources; and 2. Proposed for execution an Affordable Housing Deed Restriction in the form approved by the Department of Housing and Community Development to run in perpetuity, and 3. Enter into a grant agreement with the Town of Eastham: and 4. Agree to return all unexpended funds to the Community Preservation Fund if the anticipated sale is not consummated within two years. The \$345,000 shall not be released until the Community Preservation Committee and the Board of Selectmen approve such expenditure.

Passed – Declared majority vote by Moderator

Article 28. A motion was made and seconded by the Board of Selectmen to appropriate from the Community Preservation Historic Reserve Fund Balance to the Eastham Historic Commission, \$40,000, for conducting a survey of historic buildings and structures to identify and describe significant historic buildings, structures, archaeological sites and landscapes within the Town of Eastham.

Passed – Declared majority vote by Moderator

Article 29. A motion was made and seconded by the Board of Selectmen to appropriate from the Community Preservation Open Space Reserve Fund Balance to the Eastham Open Space Committee, \$5,000, for an analysis of parcels held for conservation purposes and/or under the custody of the Town of Eastham Conservation Commission, and all other protected open space in Eastham (not including land owned by the federal government within the Cape Cod National Seashore).

Passed – Declared unanimous vote by Moderator

Article 30. A motion was made and seconded by the Board of Selectmen to appropriate from the Community Preservation Reserve Fund to the Town of Eastham Board of Selectmen, the sum of \$560,000 for the purchase of the purchase a parcel of land located at 590 Steele Road more fully described in a deed recorded at the Barnstable county Registry of Deeds in Book 11418 Page 56, and shown in Plan book 203 Page 11, as lots 4, 5, and C, and further shown on Assessors Map 4 Parcel 108 and containing 15,340 square feet for recreational use in connection with the use of Cook’s Brook Beach.

Passed – Declared majority vote by Moderator

Article 31. A motion was made and seconded by the Board of Selectmen that Hay Road be defined from Governor Prence Road to Bridge Road as printed in the warrant.

Failed to pass necessary 2/3 vote as declared by Moderator  
Count: 151 Yes 266 No

Article 32. A motion was made and seconded by the Board of Selectmen that the Board of Selectmen be authorized to petition the General Court to amend the Eastham Home Rule Charter relative to appointed committee term limitations by authorizing an appointing authority to appoint to Town committees persons who have served for three consecutive terms without a one-year waiting period if there is no other person available to serve or if the position requires, by statute, certain minimum qualifications, training or skills, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

#### An Act Further Amending the Charter of the Town of Eastham

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the charter of the town of Eastham, as most recently amended by the Acts of 2011, “An Act Amending the Charter of the Town of Eastham”, is hereby further amended by inserting at the conclusion of section 5-2(D) the following: Notwithstanding any other provision of this section, however, the appointing authority may reappoint an individual for more than three consecutive terms when no other individual is available **or** when membership on an appointed committee, board or commission requires, by statute, special training, certification, or technical skills.

Section 2. This act shall take effect upon passage.

A motion to amend Article 32 by changing the word “or” to “and”  
Passed – declared majority vote by Moderator

A second motion to amend Article 32 failed to gain majority vote as declared by Moderator

Original motion as amended  
Passed – declared majority vote by Moderator

A motion was made and seconded to indefinitely postpone Article 33.

Passed – Declared unanimous vote by Moderator

Article 34. A motion was made by Registered voter David Clark to limit the use of the remaining portions of the town owned land known as the Roach Property for open space and passive recreation.

Passed necessary 2/3rds vote as declared by Moderator  
Count: 268 Yes 110 No

A motion was made and seconded to indefinitely postpone Article 35.

Passed – Declared unanimous vote by Moderator

Article 36. A motion was made and seconded by the Board of Selectmen to accept all the published reports and to adjourn this Town Meeting.

Passed – Declared majority vote by Moderator

There were 607 voters present at the close of Town Meeting out of a possible 4,137.

There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 10:45 p.m. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:

Lillian Lamperti

