

**TOWN OF EASTHAM
SPECIAL TOWN MEETING WARRANT
&
FINANCE COMMITTEE RECOMMENDATIONS**

7:00 P.M.

SEPTEMBER 20, 2011

NAUSET REGIONAL HIGH SCHOOL AUDITORIUM

SPECIAL TOWN ELECTION

SEPTEMBER 21, 2011

POLLS OPEN 7:00 A.M. - 8:00 P.M.

**EASTHAM TOWN HALL
2500 STATE HIGHWAY
EASTHAM, MA**

**FOR COPIES OF THIS WARRANT IN LARGER PRINT
OR ON TAPE, PLEASE CALL 508 240-5900.**

**Also available on the town website
www.eastham-ma.gov**

Please bring this warrant to Town Meeting

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**TOWN OF EASTHAM
SPECIAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts
Barnstable, ss. ~

To: Either of the Constables of the Town of Eastham
in the County of Barnstable

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Nauset Regional High School Auditorium, Tuesday, the 20th day of September, Two Thousand and Eleven, at Seven o'clock in the evening, then and there to act on the following articles in this Warrant and to meet in the Eastham Town Hall at 7:00 a.m. Wednesday, September 21, 2011, then and there to act on the following question:

QUESTION 1

Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Eastham's allocable share of the bond issued by the Nauset Regional School District for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, Eastham MA, including the payment of all costs incidental or related thereto?

POLLS OPEN 7:00 A.M. AND CLOSE AT 8:00 P.M.

ARTICLE 1

To see if the Town will vote to appropriate and transfer from available funds, the sum of **\$20,000**, to Article 13, May 2011 Annual Town Meeting Data Processing Line #2 , to purchase a specialized program to streamline certain permitting and licensing activities in various departments; or take any action relative thereto

By Board of Selectmen

Summary:

Several departments would benefit from the purchase of this special software. This software, recently reviewed by several department managers, is expected to streamline data access for the public and licensing activity in many departments. The software will benefit the license permitting activity in the building, health, and administration departments, as well as providing some support to the assessing and treasurer's online data access programs. This will make public access to these records easier.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 8-0

(Majority vote required)

ARTICLE 2

To see if the Town will vote to appropriate and transfer **\$60,000** from available funds to Article 12, May 2011 Annual Town Meeting Line 1, Selectmen/Administration Salary, for the purpose of hiring an Assistant Town Administrator; or take any action relative thereto.

By Board of Selectmen

Summary:

This article will fund the position of Assistant Town Administrator for the remainder of the fiscal year. The annual impact of this hire would be approximately \$75,000 in wages. This position would be incorporated into the FY13 budget. We expect to make some staffing adjustments in other areas of the organization, reorganize duties to make more efficient use of staff, use operating surplus' that result due to retirements and resignations which occur as a normal matter throughout the year, in order to permanently fund this position.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-1

(Majority vote required)

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 27, Annual Town Meeting May 2011, transferring a total of \$345,000 to the Eastham Affordable Housing Trust for the purchase of 3150 Herring Brook Road, to permit said funds to be used to purchase any other structure(s) or land, for use as affordable housing as defined by the Commonwealth and consistent with the purposes as detailed in the Trust documents filed at the Barnstable County Registry of Deeds, and further that such purchase shall only proceed with the concurrence of the Board of Selectmen and the Community Preservation Committee; or take any action relative thereto.

By Board of Selectmen

Summary:

This article will redirect the funds granted at the annual town meeting for a specific property, and allow them to be used for any property that will be used for affordable housing purposes.

COMMUNITY PRESERVATION COMMITTEE: At Town Meeting

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 8-0

(Majority vote required)

ARTICLE 4

To see if the Town will vote to appropriate the funds that have reverted to the Housing Reserve Fund pursuant to the vote taken under Article 28, Annual Town Meeting May 2008, to the Eastham Housing Authority to permit the Housing Authority to purchase any affordable housing unit(s) on the condition that any purchase of real property, shall only proceed with the concurrence of the Board of Selectmen and the Community Preservation Committee, and under the following conditions:

- 1) 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
- 2) enter into a grant agreement with the Town through the Community Preservation Committee; and
- 3) agree to return all unexpended funds to the Community Preservation Fund if an anticipated sale is not completed within three (3) years of this vote, in which case such uncommitted funds shall revert to the Community Preservation Housing Reserve Fund; or take any action relative thereto.

By Board of Selectmen

Summary:

The housing authority has been working with the Affordable Housing Trust to combine resources, and thereby increase their impact. Both agencies pursued a purchase that failed to close and would like to have the money available to continue the goal of providing units for their clients.

COMMUNITY PRESERVATION COMMITTEE: At Town Meeting

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

(Majority vote required)

ARTICLE 5

To see if the Town will approve the **\$6,529,186** borrowing authorized by the Nauset Regional School District, for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, North Eastham MA 02651 including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of thirty-seven point thirty-two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto.

By Nauset Regional School Committee

Summary:

This article will pay for Eastham’s share of the costs to replace the windows, some exterior doors, and the roofs at Nauset Regional High School. The windows and many exterior doors are original from 1971 – 40 years old. They are poorly insulated, glazing and weather stripping has deteriorated beyond repair, hardware is inoperable on many units, and most windows are very large and in many cases dangerous based on potential severe weather conditions that could occur. The roofs have reached the end of their useful life. There are many leaks and patches on the roofs. New roofs will protect the school from further water damage. The project is designed to meet all of the latest “green” energy codes and should save the school 10%-15% on its energy costs in future years. Nauset High has received a grant of \$2.4 million from the State which will subsidize 37.32% of the costs.

BOARD OF SELECTMEN RECOMMENDATION: 3-2

FINANCE COMMITTEE RECOMMENDATION: 2-6 (not recommended)

Finance Committee Majority Opinion:

The Finance Committee voted 6-2 against Article 5, under which the Nauset Regional District would be authorized to borrow \$6,529,186 and to assess Eastham \$806,441 for its share. This may force the reconsideration of other important capital projects. Moreover, historically there has been no capital plan that provides an evaluation of each building’s major plumbing, electrical, and structural systems. Such a plan should be professionally prepared before investing taxpayers’ dollars in these facilities.

This article was presented on an emergency basis in order to take advantage of a State grant. Our research shows that state funds for school improvements are available on an annual basis with approximately the same reimbursement rate.

The majority of the Finance Committee will be happy to consider a new proposal, submitted in a timely manner, including an adequate capital plan for all district facilities and funded in a way that is fair to all the towns.

Finance Committee Members:

Judy Cannon
Nan Balmer
John Knox

Fred Guidi
Brian Eastman
Sue Beyle

Finance Committee Minority Opinion:

We voted in favor of the debt exclusion and the opportunity to make needed replacements for the roof and windows of our more than 40 year-old regional high school, with 37.32% of the \$6,529,186 cost to the four towns to be reimbursed by the State. We believe substantial deference is owed to the district superintendent and to his assessment that, for safety and maintenance reasons, replacements are needed now, or at least in the very near future. This assessment was backed by State personnel who inspected the building to

determine eligibility for the sizable State grant. The request leverages newly available State grant funds for “Green” projects, funds which we can’t be sure will be available or awarded to the school at some future time of our choice, and at as good a reimbursement rate (37.32%), if we decide to delay the work. Costs undoubtedly will rise over time and proceeding with the project now makes the most economic sense for the four towns.

We fully appreciate, and we share the concerns of other members of the Finance Committee, about the absence of a long-range capital plan for the high school or an engineering study outlining the condition of the school plant. Those voting to recommend against this project understandably wish we were provided with more information against which to evaluate the need for this project and other capital improvements that might be needed in the near term. But, businesses and governments must often make judgments based on the facts available, and must decide whether the risks of delay or rejection are outweighed by the benefits of proceeding. We think this is such a case, especially where the welfare of the children of the participating towns is concerned.

Finance Committee Members: Russ French, Chair Steve Cole, Member
(2/3rds Majority vote required)

ARTICLE 6

To see if the Town will vote to authorize and direct the Board of Selectmen to grant an easement appurtenant to and for the benefit of land now owned by Gary Wolf and Colleen Wolf, known as 500R Ocean View Drive and shown on Assessors Map 24 as Parcel 7, for the purposes of the use of that portion of an existing driveway located upon land of the Town known as Assessors Map 24, Parcel 031C, and for the construction, maintenance and use of a driveway within a portion of Cross Street, so-called, for access to and egress from the Wolf property to Ocean View Drive for house movement equipment and for all purposes for which driveways are used in the Town of Eastham, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith. Or to do or take any other action regarding the same.

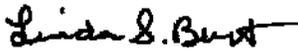
By Petition

BOARD OF SELECTMEN RECOMMENDATION: 4-1
FINANCE COMMITTEE RECOMMENDATION: 5-0-1
(2/3rds Majority vote required)

You are directed to serve this Warrant by posting attested copies thereof at the Post Office in Eastham and North Eastham fourteen days at least before the date of holding said meeting.

Hereof, fail not and make due return of this Warrant and your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands and seals this 30th day of August in the year of our Lord, Two Thousand and Eleven.



Linda S. Burt

Chair



Aimee Eckman

Vice Chair



Martin McDonald
Clerk



John Knight



Wallace Adams

BOARD OF SELECTMEN

Greetings:

In a pursuance of the conditions of the foregoing warrant, I have posted attested copies, one each at the Post Office in Eastham and North Eastham fourteen days before time of said meeting.



Constable

A True Copy Attest:



Lillian Lamperti, Town Clerk

**Appendix 1
Nauset Regional School Project Debt Schedule**

DEBT SCHEDULE EASTHAM SHARE OF NAUSET REGIONAL SCHOOL ROOF AND WINDOW REPLACEMENT							
FISCAL						TAX	COST
YEAR	YEAR	PRINCIPAL		INTEREST	GROSS	IMPACT PER * \$1,000	\$455,140 HOUSE
13	1			\$0.00	\$16,128.82	\$0.0059	\$2.71
14	2	\$46,441.00		\$0.00	\$31,328.82	\$0.0284	\$12.93
15	3	\$40,000.00	\$46,441.00	\$29,600.00	\$69,600.00	\$0.0252	\$11.45
16	4	\$40,000.00	\$86,441.00	\$28,000.00	\$68,000.00	\$0.0243	\$11.08
17	5	\$40,000.00	\$126,441.00	\$26,400.00	\$66,400.00	\$0.0235	\$10.71
18	6	\$40,000.00	\$166,441.00	\$24,800.00	\$64,800.00	\$0.0227	\$10.35
19	7	\$40,000.00	\$206,441.00	\$23,200.00	\$63,200.00	\$0.0220	\$10.00
20	8	\$40,000.00	\$246,441.00	\$21,600.00	\$61,600.00	\$0.0212	\$9.65
21	9	\$40,000.00	\$286,441.00	\$20,000.00	\$60,000.00	\$0.0204	\$9.30
22	10	\$40,000.00	\$326,441.00	\$18,400.00	\$58,400.00	\$0.0197	\$8.96
23	11	\$40,000.00	\$366,441.00	\$16,800.00	\$56,800.00	\$0.0190	\$8.63
24	12	\$40,000.00	\$406,441.00	\$15,200.00	\$55,200.00	\$0.0183	\$8.31
25	13	\$40,000.00	\$446,441.00	\$13,600.00	\$53,600.00	\$0.0175	\$7.99
26	14	\$40,000.00	\$486,441.00	\$12,000.00	\$52,000.00	\$0.0169	\$7.67
27	15	\$40,000.00	\$526,441.00	\$10,400.00	\$50,400.00	\$0.0162	\$7.36
28	16	\$40,000.00	\$566,441.00	\$8,800.00	\$48,800.00	\$0.0155	\$7.06
29	17	\$40,000.00	\$606,441.00	\$7,200.00	\$47,200.00	\$0.0148	\$6.76
30	18	\$40,000.00	\$646,441.00	\$5,600.00	\$45,600.00	\$0.0142	\$6.46
31	19	\$40,000.00	\$686,441.00	\$4,000.00	\$44,000.00	\$0.0136	\$6.18
32	20	\$40,000.00	\$726,441.00	\$2,400.00	\$42,400.00	\$0.0129	\$5.89
33	21	\$40,000.00	\$766,441.00	\$800.00	\$40,800.00	\$0.0123	\$5.61
		\$806,441.00		\$336,257.64	\$1,142,698.64		\$175.06
		EASTHAM SHARE			\$806,441.00	inc cost of bond issue	
		INTEREST RATE			4.00%		
		2011 VALUATION			\$2,710,948,360.00		
		TOTAL LOAN AMOUNT			\$4,106,116.00		
NOTES: * VALUES ARE INCREASED 1% PER YEAR AFTER 2012,							

PROCEDURES FOR TOWN MEETING

In accordance with Section 2-8-2 of the Eastham Town Charter, the following procedures will be followed:

1. The Open Town Meeting shall be the Legislative branch of the municipal government of the Town of Eastham, as set forth in the Charter, Section 1-6.
2. Every registered voter wishing to speak at Town Meeting shall proceed to one of the available microphones. Once recognized the voter shall give his or her name and address, speak to the question for not more than three minutes, and shall not speak again until all those wishing to speak thereon have done so. See Section 2-8-3 of the Charter for exceptions-persons making the motion and persons required to attend under Section 2-8-1.
3. Eastham taxpayers who are not registered voters may only speak at Town Meeting if permitted by majority consent of voters. Consent will be requested when any non-resident has identified himself/herself in advance to the Moderator.
4. Registered voters will be seated first. Special seating may be available for non-registered parties; however, that seating will be made available only after the Town Clerk has determined that there are an adequate number of seats for all registered voters in attendance. Voters who sit in the Non-Voter Section will not have their votes counted.
5. Discussion on each article in the Town Warrant shall terminate when there is no one wishing to speak on said article or the discussion becomes redundant in the opinion of the Moderator, or someone is recognized and moves the question, or a motion to limit or extend debate has been approved by a 2/3 vote of Town Meeting.
6. Votes may be taken by voice (Majority to be determined by the Moderator) or by a show of hands. Articles or motions requiring a 2/3 vote will be by hand count unless unanimous. It takes seven Town Meeting members to question the results of a voice vote. If seven so question the results of a voice vote, we will move to an immediate hand count.
7. Only persons who have voted on the prevailing side may move to reconsider an article. Reconsideration of an article may occur only on the same night during which the article was considered.
8. TOWN MEETING TIME, A Handbook of Parliamentary Law, Third Edition, 2001, published by and for the Massachusetts Moderators Association, is the parliamentary handbook that will be used to guide Eastham Town Meetings.
9. The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters. Persons with handouts of any nature must be outside the building or in a designated area.
10. These provisions address issues that commonly arise at Town Meeting, but do not purport to address all issues that may arise.

PLEASE BE COURTEOUS BY ALLOWING EACH SPEAKER TO PRESENT THEIR IDEAS WITHOUT INTERRUPTION