**Minutes**

**Chatham Board of Selectmen**

**May 7, 2020 6:00 PM**

**Remote Participation ONLY**

For an audio/video recording of this meeting visit <http://www.chatham-ma.gov/channel-18>

Remotely Participatingfor the Board of Selectmen: Shareen Davis, Chairman; Peter Cocolis, Vice Chairman; Dean Nicastro, Clerk; Cory Metters; Jeffrey Dykens. Also participating remotely: Jill Goldsmith, Town Manager; Dr. Robert Duncanson, Director of Natural Resources; Alix Heilala, Finance Director; Mandi Speakman, Director of the Council on Aging; Terry Whalen, Principal Projects and Operations Administrator; Katie Donovan, Director of Community Development; Richard Scali, Town of Barnstable. Public Participants: Ray Braz, William Litchfield, Barbara Segall, Mary Cavanaugh.

[**https://teams.microsoft.com/l/meetup-join/19%3ameeting\_NDIxM2MzN2YtNDFkNC00MjUzLWIxOWMtMDIzZWFlMGI3OWUw%40thread.v2/0?context=%7b%22Tid%22%3a%224f417a68-a412-4139-a47c-97515be2b99f%22%2c%22Oid%22%3a%2255d15d79-2d80-4356-b726-89be5f7bf91b%22%7d**](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDIxM2MzN2YtNDFkNC00MjUzLWIxOWMtMDIzZWFlMGI3OWUw%40thread.v2/0?context=%7b%22Tid%22%3a%224f417a68-a412-4139-a47c-97515be2b99f%22%2c%22Oid%22%3a%2255d15d79-2d80-4356-b726-89be5f7bf91b%22%7d)

**CALL IN NUMBER: 1-508-945-4410**

**CONFERENCE ID: 428 494 984#**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Chatham **Board of Selectmen** is being conducted via remote participation. Every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by calling the phone number 1 (508) 945-4410, Conference ID: 428 494 984# or join the meeting online via Microsoft Teams through the link in the posted agenda.

Despite our best efforts, we may not able to provide for real-time access, and we will post a record of this meeting on the Town’s website as soon as possible.

Chairman Davis said the protocol for participation during the meeting would be 1) presentation of materials or reports, 2) comments or questions for the Board, 3) request for members of the public who wish to comment or ask a question to identify themselves, 4) Chairman will call on those who have identified themselves in order.

Chairman Davis conducted a roll call of the Selectmen to achieve a quorum and open the Board of Selectmen’s meeting.

**Roll Call of Board of Selectmen:**

**Jeffrey Dykens: Present**

**Cory Metters: Present**

**Dean Nicastro: Present**

**Peter Cocolis: Present**

**Shareen Davis: Present**

**I. Public Announcements and Agenda Item Requests**

Chairman Davis said the Board would host a Community Forum on Monday, May 11, 2020 to hear feedback from the community on how to re-open Town, and to hold, cancel, or postpone summer events. She said the public can join the meeting online or via telephone, can watch it on Channel 18 or YouTube or can email comments to [communityforum@chatham-ma.gov](mailto:communityforum@chatham-ma.gov).

Chairman Davis said she had accepted an appointment to serve on the Re-Open Cape Cod Safely Regional Taskforce. She said the Taskforce’s goal is to have consistent measures in place from town to town. Public comments may be submitted to the Taskforce online:

<https://docs.google.com/forms/d/e/1FAIpQLScs3foAUS2jmJ4LPi9vF1yj2whHOm07NAswuo6t4KD0dpEFCA/viewform>

Chairman Davis said the Chatham Coronavirus Impact Fund is available to anyone in need who has been negatively impacted by the pandemic. She directed the public to contact Monomoy Community Services to apply for assistance.

Clerk Nicastro encouraged everyone to contact the Town Clerk’s office to request a mail-in ballot for the Town Election on June 25, 2020.

Clerk Nicastro requested the Board add to an upcoming agenda a discussion on the procedure to defer items from the Annual Town Meeting to a Special Town Meeting in the fall. He said he would be interested in offering a motion to defer the petitioned articles and the Board’s article for a Council on Aging facility at 1610 Main Street to a Special Town Meeting on a date certain and suggested the Board consider calling a Special Town Meeting in late September.

**II.         New Business**

1. Consider Revised IMA for Sealer of Weights and Measures with Town of Barnstable –*FY2021 Budget Item*

*Selectmen Metters recused himself from this agenda item.*

Community Development Director Katie Donovan said the Town has entered into an Intermunicipal Agreement (IMA) with the Town of Barnstable for Sealer of Weights and Measures services. She said thus far Barnstable collects the fees from the businesses, but those fees do not cover the cost of the program. She said Barnstable is now asking the towns for which the services are provided to contribute financially. She said the cost to each participating town is determined by the number of devices inspected annually.

Richard Scali, Licensing Department Director for the Town of Barnstable, said towns under 5,000 residents are able to contract with the State for this service and noted that some Outer Cape towns take advantage of that. He said the maximum term under the IMA is 25 years, but it does not need to be that long. He noted that the IMA’s terms include a three-year review and a 90-day cancellation clause. He said in developing the fee per town, Barnstable looked at the cost of the program including personnel, benefits, and equipment including vehicles. He said the fees collected from the businesses covered the operating costs but not retirement benefits and equipment replacements. He said the fee to the towns is based on the number and types of devices that are inspected. He said 8 of the 10 town have re-signed to the new IMA, all for 25-year term.

Motion: by Dean Nicastro to enter into an Intermunicipal Agreement with the Town of Barnstable for participation in their Weights and Measures program.

Second: by Jeffrey Dykens.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

1. COVID-19 Financial Planning – Town Manager’s Proposed FY2021 Operating and Capital Budgets Review; Transmittal to the Finance Committee

Finance Director Alix Heilala said additional savings for the FY2021 budgets have been identified and gave a presentation on the adjustments made to the budgets (*attached to these minutes)*.

Director Heilala said additional reductions were identified in the Operating Budget and the Monomoy Regional School District Committee has reduced the District’s budgets which has reduced the Town’s assessment. She said she also has raised the amount of estimated local receipts up to 57% of the prior year’s actuals.

Director Heilala said the Town is planning for a 6- to 18-month recession due to the pandemic. She reviewed the Town’s expenditures in response to COVID-19 to date and said this figure ($584,410) includes regular staff time. She said the Town is tracking expenses as it will be eligible for 75% reimbursements of eligible costs.

Director Heilala said all budgets were reviewed for reductions to provide relief to the taxpayers. She said the Operating Budget had been reduced by $726,118 since approved by the Board on February 24, 2020. She said local estimated receipts are now estimated at 57% of the prior year’s actuals which represents a decline of $2,235,000 since the February 24, 2020 presentation to the Board. She said with the additional budget reductions and higher estimated local receipts, the Town will have excess levy capacity.

Director Heilala said the budget reductions are from within the Operating Budget and do not represent any shifts of expenses to the Capital Budget or to additional separate articles. She said as local receipts are received there may be the opportunity to adjust estimates before the tax rate is set. She said the tax rate is generally set in August with the first quarter receipts received in September. She said the Town is forecasting conservatively and if stronger than expected revenues are seen over the summer an adjustment could be made before setting the tax rate. She said her peers are all estimating declines in hotel/motel and meals taxes and recreational receipts. She said the current projection is for $1.5 million in excess levy capacity.

Director Heilala said the Monomoy District School Committee voted a greater use of their Excess and Deficiency fund to reduce the assessments to Chatham and Harwich and reported Chatham’s assessment decreased by 1.31% since originally presented.

Director Heilala said by deferring additional items from the Capital Budget it has been reduced to 6.7% of the Operating Budget and reviewed a list of the reductions, noting an increase to Town facility management line item for COVID-19 related protections. She noted a reduced use of Free Cash as a funding mechanism.

Director Heilala said a reduction in the Cemetery line item was not related to routine maintenance. She said the repairs to the Fish Pier Packing House roof were needed and may be pursued at a Special Town Meeting in the fall. She said using Free Cash to fund the separate dredging article ($500,000 in addition to annual maintenance dredging line item of $150,000) will result in a savings of $0.07 to the tax rate. She reviewed the use Free Cash and said the Town would have a balance of $2,144,324 moving into FY2021.

Director Heilala said the Childcare Voucher program is funded at $75,000, an increase of $25,000 over the current fiscal year and this will add $0.01 to the tax rate.

Director Heilala reviewed the reduced scope of repairs proposed for the Eldredge Public Library. She said the total cost has been reduced to $701,800 with $206,200 being sought from Community Preservation Funds and $52,000 raised from the tax levy (less than $0.01 on the tax rate). She said the remaining $443,600 would come from a re-allocation of funds previously approved from the Library landscaping project. She said this decision prioritizes protection of the building. She said the landscaping project could be re-funded at a future Town Meeting. It was noted that the Library Director and the Library Trustees understand the fiscal pressures and agree with the re-allocation of funds provided that the landscape project is re-funded as soon as possible.

Director Heilala noted a reduction in funding for the Other Post-Employment Benefits Trust Fund.

1. 2020 Annual Town Meeting Warrant – June 22, 2020 (Finance Director Heilala):
   1. Review FY2021 Financial Articles including Capital Projects, Regional Schools Budgets

Director Heilala asked the Board to re-vote their recommendations to Annual Town Meeting on the revised articles.

Motion: by Dean Nicastro to recommend the Operating Budget as proposed to 2020 Annual Town Meeting.

Second: by Peter Cocolis.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Motion: by Jeffrey Dykens to recommend the Monomoy Regional School District budget in the amount of $9,019,089 to 2020 Annual Town Meeting.

Second: by Dean Nicastro.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Motion: by Peter Cocolis to recommend the Capital Budget in the amount of $2,324,145 to 2020 Annual Town Meeting.

Second: by Dean Nicastro.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Motion: by Dean Nicastro to transmit the budgets to the Finance Committee.

Second: by Jeffrey Dykens.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Motion: by Jeffrey Dykens to recommend to dredging article with funding from Free Cash.

Second: by Dean Nicastro.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Motion: by Dean Nicastro to recommend the Eldredge Public Library roof project article with revised funding sources to 2020 Annual Town Meeting.

Second: by Peter Cocolis.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

* 1. Review Citizen Petition Articles
  2. Vote Recommendations on Articles

Attorney William Litchfield, representing Ray and Judy Braz, owners of the Old Harbor Inn, said the Inn is a non-conforming use under current zoning and as such the Inn cannot be expanded. He said the petitioned article asks voters to extend the GB1 zone to include the Inn property. He said if the Inn is included in the GB1 Zone the owners could apply to the Zoning Board of Appeals to increase the size of the Inn. He said the neighborhood supports the petition. He said passage of the article would only allow the Zoning Board of Appeals to hear the request and if approved impose appropriate conditions. He said the petitioners understand that action on the article may be delayed until Special Town meeting in the fall.

There was general agreement that the article was reasonable and would not constitute spot zoning because properties other than the Inn would be included in the expanded GB1 zone.

Motion: by Dean Nicastro to recommend the approval of the Expanded GB1 Zoning petitioned article to 2020 Annual Town Meeting.

Second: by Peter Cocolis.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

Town Manager Goldsmith said the petitioner of the article seeking to amend the Protective (Zoning) Bylaw on Sheds was not making a presentation and had indicated he would not likely offer a motion on the article at the Annual Town Meeting. It was noted that this was the second opportunity the petitioner had to present the article to the Board.

The motion below was offered.

There was general agreement that this article should have come from the Planning Board and not through petition.

Motion: by Dean Nicastro to recommend the approval of the petitioned article to amend the Zoning Bylaws regarding sheds to 2020 Annual Town Meeting.

Second: by Peter Cocolis.

**Roll Call Vote:**

**Jeffrey Dykens: No**

**Cory Metters: No**

**Dean Nicastro: No**

**Peter Cocolis: No**

**Shareen Davis: No**

Town Manager Goldsmith said the final petitioned article asks the Town to adopt section of MA General Laws which would allow the Town to adopt a residential tax exemption. It was noted that there was no clear understanding of how a residential tax emption would affect the property owners, particularly if it would actually help those that need the help. It was noted that the Board had discussed this issue previously and that it is a divisive topic. The lack of data from the towns that had implemented a residential tax exemption was noted.

The motion below was offered.

The article language was characterized as highly directive to the Board with very specific terms. Some interest was expressed in reviewing the issue again, but general opposition was expressed for this specific petitioned article.

Motion: by Dean Nicastro to recommend the approval of the petitioned article regarding adopting MGL sections allowing residential exemptions to 2020 Annual Town Meeting.

Second: by Cory Metters.

**Roll Call Vote:**

**Jeffrey Dykens: No**

**Cory Metters: No**

**Dean Nicastro: No**

**Peter Cocolis: No**

**Shareen Davis: No**

* 1. Order Warrant and Designate BOS to Offer Motions

Town Manager Goldsmith asked the Board to order the articles on the Annual Town Meeting warrant and decide who would offer the motions on the articles. She noted that there is no requirement for the petitioned articles to come at the end of the warrant. The Board discussed the need to keep the budgetary articles at the top and the desire to move the petition articles up in the order. It was suggested that the petitioned articles be placed after the first eight administrative articles and that the article seeking funding for a COA at 1610 Main Street be placed after the petitioned articles. It was suggested that a motion to defer all petition articles to a date certain Special Town Meeting in the fall could be made. It was suggested that the Community Preservation articles follow the 1610 Main Street article and also be deferred en masse to a fall Special Town Meeting as well. It was suggested that the first 15 articles are critical administrative and financial ones that should be dealt with first, then the petitioned articles, then the article on 1610 Main Street. There was general agreement that the articles on dredging, childcare voucher program, and Eldredge Public Library roof repairs are also critical business of the Town and should be ordered before the petitioned articles. It was agreed that the OPEB Trust contribution and the Transfer Station project be moved up to follow the Library roof repair article. There was general agreement for this ordering.

It was suggested that the Board alternate articles in order of Chairman, Vice Chairman, Clerk, Selectman Metters and Selectman Dykens, with the Chairman offering the motion on the Operating Budget. There was general agreement to this suggestion.

**The Board agreed by consensus on the ordering of the articles and assignment of motions as described above.**

* 1. Close Warrant

Motion: by Jeffrey Dykens to close the 2020 Annual Town Meeting warrant.

Second: by Dean Nicastro.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

1. Consider Regional Guidance to Cape & Islands Seasonal Residents and Visitors

It was noted that the Regional Guidance was developed by the legislative delegation and the Town of Bourne had already signed on to it. Some concern was expressed that the guidance could be more stringent. There was general agreement that the Guidance could be updated as needed and it was an initial step towards cohesive messaging for the region.

Motion: by Peter Cocolis that the Board endorse the regional guidance to Cape & Islands Seasonal Residents and Visitors and join as signatories.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

The Board authorized the use of signature stamps on the document.

1. Consider Regional Community Development Block Grant - Truro

Chairman Davis said the Community Development Partnership is working with other towns and the State to secure grant funding to provide small business and rental assistance relief. Town Manager Goldsmith said the Town is not eligible for Community Development Block Grants on its own but would be eligible through this joint effort lead by Truro. It was noted that Community Development Partnership is the third-party which would be administering the program.

Motion: by Dean Nicastro for the Town to participate in the FY19 CDBG-CV grant for Small Business and Microenterprise Loans along with Rental and Mortgage Subsidies programs and sign two copies of the “Joint Authorization Form” as provided.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

**III. Executive Session MGL Ch.30A, §21 #6**

To consider the purchase, exchange, lease or value of real property (Potential Affordable Housing Property) and the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, with no return to Open Session.

Motion: by Dean Nicastro to enter Executive Session under MGL Ch. 30A, §21 #6 to consider the purchase, exchange, lease or value of real property (Potential Affordable Housing Property) and the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, with no return to Open Session.

Second: by Jeffrey Dykens.

**Roll Call Vote:**

**Jeffrey Dykens: Yes**

**Cory Metters: Yes**

**Dean Nicastro: Yes**

**Peter Cocolis: Yes**

**Shareen Davis: Yes**

The Board entered Executive Session with no return to Open Session at 8:03 p.m.

Executive Session adjourned at 8:30 p.m. with no return to Open Session.

Respectfully submitted by Shanna Nealy.