

Eastham Public Library Board of Trustees  
Saturday, May 6, 2017 @ 9 AM  
Eastham Public Library, 190 Samoset Rd, Greg Turner Meeting Room B

#### Agenda

1. Listen RF demonstration
2. Minutes April 8, 2017
3. Financial Report
4. Directors Report (Will be in writing but this is my list in case there is something you would like me to address)

- Staff meetings, Volunteer breakfast, new staff
- Programming: Jazz series, Summer Reading, Genealogy series
- Landscaping (see attached spreadsheet; follow up on heather garden by Chapel, relocate small corner garden by reading garden, plant ground cover around generator, fence around generator, tree removal, parking haring for no parking signs, landscaping quotes)
- Punch list (plant replacement, mechanical rood odor, meeting room divider, circulation desk top, Pella doors, soap dispensers in rest rooms)
- LEED scorecard (application has been submitted)
- Security system
- Children's Room (bulletin boards)
- Staff Room (Staff wish list)

#### 5. Old business

- Mass. Memories Road Show
- Final MBLC payment received
- Eastham Room Policy, Procedures based on assessment/recommendations from NEDCC grants
- Piano policy
- MBLC Trustees orientation
- Volunteer breakfast

#### 6. New Business

- Housekeeping transfer for circulation desks from Winifred Franklin and Gift Funds
- Library card non-resident fees (add exemption for au pairs & immediate family members of property owners)
- Meeting Room Procedures (do's & don't's)

#### 7. Staff & Volunteers

#### 8. ELBFI

- Building Project DVDs

#### 9. Friends

- Mass. Memories Road Show
- Annual Meeting
- Budget

#### 10. Other Business

11. Next Meetings: Trustees-Saturday June **3rd @ 9 AM** (to be confirmed); CPC--to be determined

EASTHAM PUBLIC LIBRARY TRUSTEES MEETING MINUTES APRIL 8, 2017

CALL TO ORDER: The meeting was called to order at 9:05 a.m.

PRESENT: Norma Marcellino, David Payor, Mary Shaw, Sharon Krause,  
Debra DeJonker-Berry

GUESTS: Debbie Abbott, Mimi Ace, Russ Moehlich, Aimee Eckman, Al Alfano, Elizabeth Gawron

Norma thanked Al for stepping up to run for the Trustee post and to Mary for her efforts in getting signatures on Al's Trustees candidacy petition, in his absence. She also left the agenda for a bit to discuss the neighbor, Mrs. Gatlin's visit. Ponderosa has given an estimate for six Arborvitae trees at \$1775 including preparation work, planting, etc. Another estimate from T.J.'s was totaled at \$3,000. The trustees decided to go with the Ponderosa quote. After approval from the town, Mrs. Gatlin will need to supply a signed, dated contract and a check will be issued to Ponderosa upon completion of the work.

MINUTES: The minutes of the March 11, 2017 meeting were approved as written.

FINANCIAL REPORT: Deb will ask Town Hall to transfer monies, \$5,000 from the salaries line into the expenses line, to be able to use the temp as needed. A work session will be held in the near future for the trustees to understand the entire financial report, i.e. funds, gift funds, memorial funds, etc. and to help with the budget. Also Deb would like to draw up a spreadsheet detailing the cost of running the building and how much more coverage is needed to close the gap from the former building.

DIRECTOR'S REPORT: The new library assistant will start on April 20<sup>th</sup>. Volunteer training will take place on April 25<sup>th</sup>. Eastham Room Policy draft is in the works and needs to be completed by the onset of summer. Sharon will get together with Deb to work on this policy. More art needs to come back from the Historical Society. The Art Committee has lined up wonderful shows for the next several months, including John Tunney, "Portraits of Outdoor Showers", Paula Aschettino, Helen Addison with a show entitled "After Hopper", etc. We have a people counter at around 300 people daily. New signs have been installed by Signorama for baby changing stations, attic access. Mass Memories Roadshow is happening on May 6<sup>th</sup>. Bike racks are being placed with the advice of Neil Andres.

OLD BUSINESS: Amy has been working on the outside bollard lights to mitigate the output, disturbing the neighbors. Griffith Electric has worked on much of the inside lighting. Nothing can be done about the other outside lights as they are controlled by sensors. Other punch list jobs are being done on Monday. Mimi and Sharon will work on a piano policy. We are getting tree removal quotes from Bartlett's, Ponderosa and A to Z Landscaping. Several glitches with use of the meeting room will be addressed, i.e. use of the mic, leaving several front seats omitted for wheelchair use, proper placement of the piano, etc. The fifth grade books, \$4 per book, "Rump", will be going to the graduates of the elementary school. New patron letters have gone out.

NEW BUSINESS: Handicapped parking spots are cumbersome and would be better placed where carpool spots are located. The Police Chief will be consulted. In terms of LEED, the spaces can be moved back and increase "handicapped". 16:10



**Director's Report**  
**May 6, 2017**

Another month of wildly successful adult programming... the Greg Turner room overflows with jazz aficionados on Thursday nights. One Book/One Town presentations have taught us how to declutter ("the Big Dig") and what we need to know about medications. Kitty Hendricks-Miller introduced us to Wampanoag spring customs. Donna Zucker taught a small but very appreciative audience how to begin a unique and personal memoir or family history. But perhaps the high point of our April line-up was the Volunteer Breakfast, which combined delicious fruit and pastries (sponsored by the Friends) with the chance to listen and learn about each other. The staff demonstrated their growing knowledge of our building with guided tours of the various sections. We hope to organize volunteer get-togethers every few months.

In the Lower Level, we continue to be busy with patrons, programs – and tours! Not a day goes by that someone isn't visiting for the first time - it's very obvious by the look of wonder and delight on their faces. Mornings are very busy with families attending Toddler Time, preschool story time, Move & Groove and STEAM Station Saturdays. We welcome students in the Recreation Department Walk & Read program on Thursday afternoons, and middle school boys on Tuesdays for their Yugi-o Card Club. Marianne is busily getting the MOBY backpacks together, and Fran is working on programming and collection development in preparation for the summer months. We are looking forward to utilizing our soon-to-be-hung bulletin boards, and we continue to think of ways to refine and improve our already wonderful space (like more soft seating! A toy workbench! A mobile display unit!). We have ordered 30 copies of the book "Rump" (which is on the summer reading list for Nauset Regional Middle School) as a graduation gift for Eastham's 5<sup>th</sup> graders, and they have already been inscribed and wrapped by Mary Shaw. It has been great fun to show off our new space and use it with our patrons!

Library Assistant Matt Sumner has started and is learning the ins and outs of our library as well as all the technology components. His first project: a weekly technology series on our many apps! Welcome Matt! The Staff are regularly meeting on Friday mornings, and one of the things we are working on is WOMM (Word of Mouth Marketing). Our proposal for the WOMM project is "To ensure that the Eastham Public Library offers programs that meet the needs and interests of all age groups in our community." Patron surveys on programming will be the means for the staff to develop programming for the public. The Staff is registered for the Massachusetts Library Association Conference in Hyannis later this month, the programs are very varied ranging from technology to storytelling to security. The staff are working on selecting the finishing touches for the staff room, and the pad for the circulation desk floor has arrived.

On our policy list (and in your packet: proposed piano policy and Eastham Room Collection policy). The procedures for the Eastham Room Collection may be revised once we complete the two preservation assessment/training grants we are working on (scheduled for June and October). Still to come: internet policy and meeting room procedures. I would like to recommend that we revise the library card policy for out of state patrons to include au pairs and immediate family of property owners (children and grandchildren). The existing policy is:

Library cards are available without charge to all Massachusetts residents. An annual non-refundable donation of \$5 is required of out-of-state residents who do not own property in Eastham. The \$5 fee is

waived for Out of State/Country Seasonal Eastham student workers and those families with children enrolled in the Eastham/Nauset Schools

The updated (and final) LEED scorecard is in your packet. Matt Oudens will return with a photographer on May 16<sup>th</sup> to take the official photographs of the library for submission to various journals and web-sites. (The parking hearing is scheduled for May 15<sup>th</sup>. Attached is the updated Landscaping/Building spreadsheet which has been a huge help in steering through all that needs to be done. We will be receiving quotes for spring cleanup/mulch, mid-summer weeding and fall cleanup. Also attached is the invoice for the tree removal (\$3,500 A-Z Treez) and a proposal for repair and additional fence sections from Premier Fence (\$3,029.20). The DPW did a fabulous job with our first lawn mowing. Thank you! Under discussion: removal of small garden in reading garden to make it easier for the town mowers to reach, removing the grass by the Chapel fence (planting ground cover) and planting ground cover by the generator. The punch list has whittled down though we are still addressing the smell in the mechanical room and the partition wall in the meeting room. Soap dispensers have been added in the rest rooms, and Pella has returned to work on the doors.

To make sure the Trustees' intent to use Winifred Franklin funds for the Children's Circulation Desk and Gift monies for the circulation desk counter top, the Town Accountant has requested that the Trustees provide the following vote:

-\$17,847 from the Library Gift Fund  
-\$22,261 from the Winifred Franklin Fund

are to be transferred to the Library Construction Project Account (#3012 589014) to be used towards Nauset Change Order #56 which covers the construction and installation of the two circulation desks.

**Don't forget the Mass. Memories Road Show tomorrow from 10 AM to 3 PM.  
Coming in June "Celebrating Edward Hopper on Cape Cod" – Plein Air and opening June 17th**

Respectfully Submitted,  
Debra DeJonker-Berry

Door Count	5770
Adult Programming/Attendance	54 programs / 711 People
Children's Programming/Attendance	333 Programs / 21 People
New Titles	42
Withdrawn Items	133
New Patrons/Library Card Registrations	78 CLAMS / 7 Overdrive
Web-site Hits	3201 Sessions ; 5690 pageviews
Gale Databases	2 Sessions ; 2 searches;
ZINIO	3 new borrower/ 58 checkouts



**EASTHAM PUBLIC LIBRARY CIRCULATION STATISTICS (CLAMS) 1992 -**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
January	6770	6379	5699	5660	5380	2885	2728	5,317			
February	6182	5976	6068	5539	5127	3205	2662	4912			
March	6604	6898	6142	5556	5105	3496	3110	5507			
April	6884	6471	5115	5412	5377	3131	3188	5675			
May	6717	6213	6367	6344	6193	3350	2965				
June	10015	9178	9444	8505	6608	4652	4536				
July	15418	13028	12624	12480	11519	7129	5779				
August	13873	12287	12577	11953	7257	5868	5580				
September	8247	7591	6841	6071	3120	4133	3502				
October	7414	6663	6372	6188	2568	3358	3004				
November	6468	6214	6051	5737	2639	2626	5564				
December	5917	5848	5097	4854	3135	3133	5339				
<b>TOTAL</b>	100509	92746	88397	84299	64028	46966	47957	21411	0	0	0

**EASTHAM PUBLIC LIBRARY CIRCULATION STATISTICS (OVERDRIVE & AXIS 360) 1992 -**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
January	143	278	458	574	521	706	786	973			
February	137	238	477	465	476	659	735	868			
March	138	233	512	615	568	715	830	1000			
April	135	263	377	625	603	674	716	897			
May	143	273	475	500	554	707	770				
June	155	302	477	493	541	764	779				
July	135	293	533	535	753	906	853				
August	166	380	563	537	810	824	883				
September	148	332	523	415	681	846	775				
October	190	394	513	554	546	731	793				
November	188	324	493	471	593	635	802				
December	237	502	435	469	656	672	803				
<b>TOTAL</b>	1915	3812	5836	6253	7302	8839	9525	3738	0	0	0



# Celebrating Edward Hopper on Cape Cod

*The Addison Art Gallery in Orleans has partnered with multiple organizations this summer for "After Hopper" events and exhibitions of work created by contemporary artists inspired by Edward Hopper and Cape Cod. Here's a roundup of events and exhibits on the Lower Cape:*

## AFTER HOPPER IN EASTHAM

### *Eastham Public Library*

190 Samoset Road, Eastham

The "After Hopper" exhibit will be on display in this magnificent new library building during the month of June.

### **June 17, 9 a.m.-noon**

**Plein Air Painting in Eastham:** Watch artists create paintings on the library grounds and other Eastham sites, and come see the finished paintings at the afternoon reception from 3:30-5 p.m.

### **June 17, 5 p.m.**

#### *Chapel in the Pines*

**Edward Hopper in Eastham:** Bob Seay, newsman for WGBH radio, will present a talk and slideshow on Hopper's Eastham paintings, including the one he did of the chapel. This is a Chapel in the Pines event. For more information, call 508-451-5204.

## AFTER HOPPER IN TRURO

### *Highland House Museum*

6 Highland Light Road, North Truro

In Edward Hopper's town exhibition: Artists and collectors flock to Cape Cod from all across the globe, just to see the sites that Edward Hopper painted. Half a century after his death, new generations continue to be inspired by his work and the area that this great American painter chose as his home.

### **Aug. 7, 3 p.m.**

**Susan Overstreet painting demonstration:** Influenced by the Impressionists, starting with blocks of color, Overstreet will demonstrate her unique orchestration of brushwork.

### **Aug. 8, 8 a.m.**

**Catherine Skowron painting demonstration:** Skowron will demonstrate landscape painting using light and shadow to create dramatic interest.

### **Aug. 8, 3 p.m.**

**Marc Kundmann encaustic demonstration:** Kundmann will demonstrate the possibilities of plein air encaustic painting.

### **Aug. 9, 8 a.m.-noon**

**Plein air painting:** Plein air painters will be painting the shores, town and historic sites of Truro, the town that Edward Hopper chose to live and to paint for decades. Artists will deliver the wet paintings to the Highland House Museum to be added to the "After Hopper" exhibition.

### **Aug. 9, 6:30 p.m.**

**Meet the artists:** Wine and nibbles, meet and greet, tour the museum, including the newly created Hopper Room.

### **Aug. 9, 7 p.m.**

**"After Hopper" panel and Q&A:** Join highly respected artists Robert Abele, Steve Kennedy, Marc Kundmann, Susan Overstreet and Paul Schulenburg for a lively discussion. Audience participation encouraged.

### **Aug. 10, 8 a.m.**

**Steve Kennedy painting demonstration:** Kennedy will talk about the influence of Edward Hopper on Outer Cape artists and demonstrate plein air principles of design, color and paint application.

## AFTER HOPPER IN ORLEANS

### *Addison Art Gallery*

43 South Orleans Road, Orleans

### **Aug. 12, Reception, 5-7 p.m.**

**Celebrating Edward Hopper's Legacy on Cape Cod:** "After Hopper" honors his legacy by celebrating contemporary artists inspired by his work and the places he painted, with an emphasis on Cape Cod. Hopper is considered America's greatest realist painter. He inspires us to delve beyond the mere visual enabling each viewer to respond with his or her own stories and feelings—the walk in a wind-swept dune, the family home on the bay, the gas station owner once again filling a tank.

*For more information, please call the Addison Art Gallery at 508-255-6200 or email [helen@addisonart.com](mailto:helen@addisonart.com).*

*"Provincetown Street," oil on canvas, by Robert Abele*



# PROPOSAL

## MOBY (My Own BackYard) Backpacks

The Youth Services staff is researching an outdoor science program for students grade 3–8 modeled after a program developed by three Southeastern Mass libraries. Fran and Marianne we inspired by examples of MOBY backpacks demonstrated at the 2016 MLA Conference in Hyannis.

### Proposed:

20 themed backpacks to encourage exploration of our natural surroundings, each containing thematic books, activity sheets, equipment and more. Factors to be considered in selection of materials: age appropriateness, cost of materials, weight of items.

Approximate cost per pack \$100

Twenty themes are being considered. Completion of the project would be in 2 phases.

### Phase 1:

Animal Tracks  
Bird Watching  
Camping  
Insect Explorer  
Organic Gardening  
Pond Life  
Renewable Energy  
Seashore Explorer  
Stargazing  
Sticks & Stones  
A Walk in the Woods  
Weather

### Phase 2:

Bat Boxing  
Composting  
Invasive Species  
Nature Journaling  
Nature Photography  
Rockhounding  
Snow Day  
Wild Plants



Each pack would be labelled with a bagtag identifying the theme and listing the pack contents.

Each pack would contain:

Books:

4 or 5 thematic books and/or field guides, soft cover when possible for cost/weight considerations

Laminated sheets:

Leave No Trace  
Poison Ivy  
Information Sheets  
Activity sheets

Equipment:

Nature journal  
Colored pencils/sharpener/case  
Tick kit  
First aid kit  
Thematic items (examples listed below):  
Magnifying glass  
Binoculars  
Magnifying bug viewing jar  
Plankton collection net/bottle  
Compass  
Catch and release aquarium

## Eastham Room Collection Policy and Procedures Draft May 4, 2017

### Policy:

The Eastham Room is open to the public for meetings. The collection is available by appointment or during posted hours.

As much of the collection as possible is duplicated in our circulating Cape Cod Collection, digital collection and through genealogical databases, to which the library subscribes.

### Collection Use Procedures:

1. Patrons must sign in **and** out in the room's registration book.
2. Patrons may use computers, notepads, digital cameras (without flash), loose-leaf paper and pencils only. No more than 3 books may be taken from the cabinets at one time.
3. Materials must remain in the archival room. Materials must be used on the table with nothing else placed on them, i.e. writing materials, books, elbows, etc.
4. A patron may request copies at \$.25 per copy when permitted by copyright law. Staff and volunteers will make the copies.
5. Food and drink are not permitted in the Eastham Room.
6. Scanners are not allowed in the Eastham Room.
7. Patrons are asked to leave the materials they have used on the table in the archival room.
8. Staff members will re-shelve them in their proper place. Staff/volunteers are available to assist patrons with their questions, as they will be in the room while material is being used.
9. Letters and mail inquiries on genealogy and local history will be answered when staff time permits or directed to the Eastham Historical Society Archives when appropriate. Because historical research is detailed and can be complicated, in-person research is often more appropriate. Staff may therefore request that a patron come in person to conduct their research.

We will probably use the online request system...

Piano Use Application Form: (Draft)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Requested Date/Time: \_\_\_\_\_

Program/Music: \_\_\_\_\_

Purpose: \_\_\_\_\_

Lbby??? Meeting Room???



## Piano Use Policy draft

**Our donors** have given a Steinway 'O' Grand piano, circa 1906 to the Eastham Public Library. It will provide unique opportunities for performances, master classes and many other kinds of musical presentations. The piano will remain in the Gregory S. Turner Meeting Room and be kept locked when not in use. If a patron wishes to have the piano tuned prior to their use, beyond its normal tuning schedule, the library will employ its regular tuner and the requestor will compensate the library in advance for the tuning. The piano is not available for lessons or practice. ~~student recitals.~~ Patrons will be considerate of other library users, being aware that it should provide pleasant, background music for library patrons. Routine maintenance shall be borne by the Trustees or Friends of the Eastham Library.

### **Guidelines for use of the piano:**

1. We welcome qualified members of the community who would like the opportunity to play during designated library hours. Patrons who wish to play the piano should have the proper credentials and will have completed the application form. It may be reserved in advance, through the meeting room booking system or through the Library Administration or as determined by the Library Director.
2. Patrons under the age of 18 are required to have signed permission from a parent/guardian. All approved patrons must check in at the main circulation desk before access is given.
3. The piano may only be moved by library personnel and must remain next to the exit door and not less than three feet from that door. ~~a 3 foot minimum from the exit door.~~
4. Patrons will treat the piano with care, as they are liable for any damage.
6. All food, drink, flowers or floral arrangements with water are prohibited on the piano. Nothing heavy should be placed on the piano.
7. Professionals musicians **who are scheduled to perform at the library** may reserve the piano/meeting room to practice before their performance.

**\*\*Donations for the maintenance and care of the piano are welcome. Checks may be made out to the Friends of the Eastham Library or to the Eastham Public Library.**

## **Click To Agreement—Draft August 2016**

The Eastham Public Library does not monitor Internet use, has no control over the information accessed over the Internet and cannot be held responsible for its content.

By clicking the button below, I indicate that I have read, understand and agree to the established Eastham Public Library Internet Policy and Guidelines for Use. (link to the following):

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### **Eastham Public Library Internet Access and Safety Policy Draft June 2016**

In response to advances in technology and changing needs of the community, the Eastham Public Library endeavors to develop collections, resources and services that meet the informational, educational, cultural and recreational needs of its patrons.

The Internet is a global electronic network that enables the library to provide information to patrons beyond the library's collection and walls. As such, the Internet can be a continuous learning experience. The paths to information are numerous and ever changing, as new sites are added daily, and others disappear and/or are moved. The type of information available through the Internet is wide-ranging.

In fulfilling its mission to provide up-to-date and accurate information, the Eastham Public Library seeks to provide equal access to information for persons of all ages. With regard to the Internet, the library does not selectively choose which electronic resources to make available. The Eastham Public Library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content.

Use of the library's computers in a way that violates local, state or federal law or activities that interfere with or disrupt the network, users, services or equipment are prohibited. Use of the Internet in violation of Massachusetts General Law 272, Section 28, the Harmful to Minors Statute is prohibited. Disclosing, using or disseminating personal identity information about minors is prohibited. The Library reserves the right to ask users to refrain from displaying computer images which are inappropriate for public viewing.

The library does not routinely monitor public computers, but reserves the right to do so when a violation of this policy or illegal activity is suspected. Staff is authorized to take immediate action to protect the security of computers and the network.

Library patrons are responsible for complying with copyright law, licensing agreements and the policies of individual websites.

The library cannot guarantee that the library's wifi and computer connections are secure. Entering personal information such as social security and credit card data, should be done with caution.



Programs downloaded and files saved are automatically deleted upon rebooting. Patrons are encouraged to save their work on a thumb drive in the event of a power failure and to reboot a computer when finished to wipe the hard drive of browsing history and saved or downloaded files.

The library's public computers are available for 30 minute time slots when others are waiting. Wi Fi is available continually. Printing is 10 cents per page for black and white; 25 cents per page for color.

*Adopted by the Eastham Public Library Board of Trustees on \_\_\_\_\_*

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## **Children's Room Internet Access and Safety Policy**

### **Draft June 2016**

The Youth Services Department provides access to youth through age 17. An age-appropriate home-page is presented on all digital devices the library offers.

The Internet is an ever-changing source of information and not all sites are accurate or current. Many sites are inappropriate for children and therefore parents and caregivers are encouraged to come to the library and use the Internet with their children. As with other library materials, restriction of a child's access to the Internet is the responsibility of the parent or legal guardian. Ultimate responsibility for how children use the Internet is a matter for parents and their children to decide. Just as parents are encouraged to discuss appropriate use of other library materials, the library encourages parents to discuss with their children the appropriate use of electronic resources available through the Internet, including the use of social media and other forms of direct electronic communications.

In fulfilling its mission to provide up-to-date and accurate information, the Eastham Public Library seeks to provide equal access to information for persons of all ages. With regard to the Internet, the library does not selectively choose which electronic resources to make available. The Eastham Public Library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content.

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The library has policies in place to help children and parents use the library in a safe way. The library does not allow adults to use the Youth Services computers unless they are with their child. The library requires that all children under the age of 10 be accompanied by an adult while in the library. In addition, library staff pay close attention to activity in the building, and intervene, when necessary, to maintain a safe environment.





1010 Turnpike St.  
Canton, MA 02021  
Phone: 781.821.5900  
Fax: 781.562.1645  
[www.premier-fence.com](http://www.premier-fence.com)

# Proposal

MA05042017-1

To:  Eastham Public Library 190 Samoset Road Eastham, MA	Phone:	Date:
	Job Name / Location: 508-240-5950 05-04-2017	
	New Fence and Fence Repair	
	Job No:	Job Phone:

We hereby submit specifications and estimates for:

24 LF - New 6'H Cedar Board Fence to Match Existing = \$1,902.95

1 LS - Removal and Repairs to Existing 4'H Cedar Board Fence = \$1,126.25

*\*Exclusions: permits, ledge excavation, railroad insurance, winter conditions, clearing & grubbing, flaggers, night lighting, damage to utilities not identified by Dig Safe, contractor, owner or owner's representative.*

*\*Price is subject to change prior to award due to the volatility in the steel market. Customer is responsible for carrying provision for steel escalation.*

We propose hereby to furnish material and/or labor - complete in accordance with the above specifications for the sum of:

Payment to be made as follows:

**\$3,029.20**

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

**Acceptance of Proposal:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

Authorized

Signature: Eric McGrath

Digitally signed by Eric McGrath  
DN: cn=Eric McGrath, o=Premier Fence, LLC,  
ou=Project Manager, email=ericm@premier-  
fence.com, c=US  
Date: 2017.05.04 09:33:43 -04'00'

Note: This proposal may be withdrawn by us if  
not accepted within \_\_\_\_\_ days.

Signature: \_\_\_\_\_  
Date

Signature: \_\_\_\_\_  
Date





Date: April 14, 2017

TOTALS		
Yes	M+	M-
68	2	0
		40

Blue Phase highlights indicates Deferred Credit to Construction

Certified: 40-49 points Silver: 50-59 points Gold: 60-79 points Platinum: 80+ points

## GENERAL PROJECT DOCUMENTATION

	Pl form 1	Minimum Program Requirements	Required
	Pl form 2	Project Summary Details	Required
	Pl form 3	Occupant Usage Data	Required
	Pl form 4	Schedule and Overview Documents	Required
Yes	M+	M-	No
14	0	0	12
Y			
		Preq# 1	Construction Activity Pollution Prevention
		Credit 1	Site Selection
		Credit 2	Development Density and Community Connectivity
		Credit 3	Brownfield Redevelopment
		Credit 4.1	Alternative Transportation - Public Transportation Access
		Credit 4.2	Alternative Transportation - Bicycle Storage and Changing Rooms
		Credit 4.3	Alternative Transportation - Low-Emitting and Fuel-Efficient Vehicles
		Credit 4.4	Alternative Transportation - Parking Capacity
		Credit 5.1	Site Development - Protect or Restore Habitat
		Credit 5.2	Site Development - Maximize Open Space
		Credit 6.1	Stormwater Design - Quantity Control
		Credit 6.2	Stormwater Design - Quality Control
		Credit 7.1	Heat Island Effect - Nonroof
		Credit 7.2	Heat Island Effect - Roof
		Credit 8	Light Pollution Reduction

WATER EFFICIENCY	0	0	4
6			

Prereq	Y	4	2	4	Required
Water Use Reduction - 20% minimum					
Credit 1 Water Efficient Landscaping - Reduce by 50%, No Irrigation	4				4
Credit 2 Innovative Wastewater Technologies	2				2
Credit 3 Water Use Reduction - 30% (2), 35% (3), 40% (4)	2		2		4

29	2	0	4
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ENERGY & ATMOSPHERE

	Y	Y	Y	Preq 1	Fundamental Commissioning of Building Energy Systems	Required
	19			Preq 2	Minimum Energy Performance	Required
	7			Preq 3	Fundamental Refrigerant Management	Required
				Credit 1	Optimize Energy Performance	19
				Credit 2	On-Site Renewable Energy	7
	2			Credit 3	Enhanced Commissioning	2
				Credit 4	Enhanced Refrigerant Management	2
	1			Credit 5	Measurement and Verification	3
				Credit 6	Green Power, 35% for 2 years	2

4	0	0	10
---	---	---	----

## MATERIALS & RESOURCES

Y	Prireq 1	Storage and Collection of Recyclables	Required
		<b>3</b> Credit 1.1 Building Reuse - Maintain Existing Walls, Floors & Roof	3
		<b>1</b> Credit 1.2 Building Reuse - Maintain Interior Non-Structural Elements	1

LEED Goal:	Gold
Bldg area:	19,947sf
Parking:	51 spaces
Site Area:	82,000sf - LEED boundary will include entire parcel.
FTE:	9 total (5 staff & 4 Volunteers/day) based on 7 staff & 57 volunteer total
Visitors:	35,340 annual users - TCE assumes 100/day average

## Color Legend

APPROVED/AWARDED Design Phase Items (51 points awarded)	4.12.17 - Notes & Status
OUTSTANDING Construction Phase Documentation	
Construction Phase Items requiring additional confirmation on compliance	
Credits not attempted by project	
APPROVED: 2,18,14 Eastham committed to share energy & water use data w/ USGBC for the first 5 years. TGE distributed IPR package.	
APPROVED: 19,947sf total; 3365sf existing; 60,965sf site; 51 parking spaces; budget; hardscape area	
APPROVED: 9 FTE; 100 avg visitors, 80 peak; Space usage table completed per EAp2/Eqp1	
APPROVED: Paved; Inletx renderings; Elevations & Sections; HVAC plans & Schedules; Site plan; etc.	

4.12.17 - Notes & Status

**QC COMPLETE - Ready for submission;** ESC plan shown on C1.1 within Bld set (6.16.14), current spec includes 312500 Sedimentation and Erosion Control requirements. CM must implement and provide photo documentation indicating compliance.

AWARDED: Documented "Flex" line of the Cape Cod RTA ([www.capecodtra.org](http://www.capecodtra.org)) & P&B bus (4x daily) stops 1265' from building entrance.

AWARDED 3 preferred LEFF parking spaces provided in L1.0 for 5.6%, 2.18.14: Library Cmte approved providing preferred parking spaces.

AWARDED 3 carpool parking spaces provided in L1.0 with signage detail.

3.29.17 - Moved to 'No' - must meet 35,121.76 sf to comply, not achievable.

AWARDED The project has provided 26,342.83 sf of vegetated open space, 43% of site. This is enough for EP: Owner signature provided in Credit Form.

AWARDED Nilsch confirmed that runoff quantity will be reduced by 100%. Back up provided.

AWARDED Documented 93% TSS removal

Moved to "No" per discussions in August.

4.12.17 - Notes & Status

APPROVED: Final water use reduction = 41.15%. Fixtures include: WC: 1.28 gpf; U: 0.125 gpf; Lav: 0.07gpc; kitchen: 0.5 gpm

QC COMPLETE - Ready for submission: 8.29.16 - TGE completed documentation withing LEED Online; 8.15.16 - OEA confirmed no current plans to irrigate site. Will comply with Option 2

AWARDED: Team confirmed the flow rates for lav faucets are at ~1.06gpm (metered at 0.17 gpc); Updated calculations indicate 33.67%.

4.12.17 - Notes & Status

**QC COMPLETE - Ready for submission;** REQUIRED: COMPLETE - Ready for QC; Frank Baldino @ Strategic Building Solutions is CxA. Scope includes both fundamental & enhanced Cx services. SBS to follow up with team with OPR sample language per 9.30 meeting.

**APPROVED:** Project will demonstrate compliance using an energy model computer simulation. Baseline is ASHRAE 90.1 + 2007

**APPROVED:** Compliant refrigerants have been specified

**AWARDED:** Model shows 49% energy use & cost savings with inclusion of PV offset. EUJ = 22

**AWARDED:** PPA Agreement sample language posted to LEED Online. 10.28.15 - Town has signed PPA for RECs for min. of 10 yrs; Owner Commitment letter has been signed. Town has provided PPA contract language to TGE Team could assign already installed PV on school. DPW & landfill to library project.

**QC COMPLETE - Ready for submission;** COMPLETE - Ready for QC; 8.17.16 - CxA timeline has been established; Colliers to complete documentation once all required items are completed.

**QOC COMPLETE - Ready for submission;** Carrying 1 point as 'Yes' for ENERGYSTAR Portfolio Manager sharing to satisfy MPR. No current interest in full M&V plan.

**4.12.17 - Notes & Status**  
**APPROVED:** TGE documented recycling collection bins distributed throughout project space. All recyclables are collected daily and picked up by town. Town has a recycling program.



5	2					Credit 2	Construction Waste Management - Divert 50% (1), 75% (2)	2	Nauset	QC COMPLETE - Ready for submission; COMPLETE - Ready for QC; 3.10.15: Moved second point to 'Yes'; Compliant CWM plan is in place;
6	2					Credit 3	Materials Reuse	2	--	
7	1					Credit 4	Recycled Content - 10%, 20%	1-2	Nauset	QC COMPLETE - Ready for submission; 3.24.17 - COMPLETE - Ready for QC; 8.1.16 - TGE will review Nauset's final documentation once completed
8	1					Credit 5	Regional Materials - 10%, 20%	1-2	Nauset	QC COMPLETE - Ready for submission; 3.24.17 - COMPLETE - Ready for QC; 8.1.16 - TGE will review Nauset's final documentation once completed
9	1					Credit 6	Rapidly Renewable Materials	1	--	
10	1					Credit 7	Certified Wood	1	--	
Yes M+ M- No										
8	0	0	7	INDOOR ENVIRONMENTAL QUALITY				15	Responsible	4.12.17 - Notes & Status
9	Y					Prereq 1	Minimum Indoor Air Quality Performance	Required	TMP	APPROVED: TMP confirmed ASHRAE 62.1-2007 criteria are satisfied.
10	C					Prereq 2	Environmental Tobacco Smoke (ETS) Control	Required	Eastham/OEA	QC COMPLETE - Ready for submission; 8.29.16 - OEA provided final signage plans. Eastham must decide if ext smoking will be banned on site or just 25' from building. Need signage to match approach. Building is non-smoking.
11	C					Credit 1	Outdoor Air Delivery Monitoring	1	TMP	QC COMPLETE - Ready for submission; 3.10.15 - TGE has reviewed IAQM plan; Will need to ensure photo documentation is done during construction.
12						Credit 2	Increased Ventilation	1	--	
13	1					Credit 3.1	Construction Indoor Air Quality Management Plan - During Const.	1	Nauset	
14	1					Credit 3.2	Construction Indoor Air Quality Management Plan - Before Occupancy	1	Nauset	
15	1					Credit 4.1	Low-Emitting Materials - Adhesives & Sealants	1	Nauset	QC COMPLETE - Ready for submission; 3.24.17 - COMPLETE - Ready for QC; 8.1.16 - TGE will review Nauset's final documentation once completed
16	1					Credit 4.2	Low-Emitting Materials - Paints & Coatings	1	Nauset	QC COMPLETE - Ready for submission; 3.24.17 - COMPLETE - Ready for QC; 8.1.16 - TGE will review Nauset's final documentation once completed
17	1					Credit 4.3	Low-Emitting Materials - Floor Systems	1	Nauset	3.29.17 - Credit has been moved to 'No' per coordination and discussion with Nauset - Allstate Flooring doesn't comply with credit requirements. 3.24.17 - Nauset to complete documentation by 3.29.17 per discussion; 8.1.16 - TGE will review Nauset's final documentation once completed within LEED Online.
18	1					Credit 4.4	Low-Emitting Materials - Composite Wood	1	Nauset	QC COMPLETE - Ready for submission; 3.24.17 - COMPLETE - Ready for QC; 8.1.16 - TGE will review Nauset's final documentation once completed
19	1					Credit 5	Indoor Chemical and Pollutant Source Control	1	--	
20	1					Credit 6.1	Controllability of Systems - Lighting	1	--	
21	1					Credit 6.2	Controllability of Systems - Thermal Comfort	1	TMP	AWARDED: TGE documented compliance through a combination of Islets and operable windows
22	1					Credit 7.1	Thermal Comfort - Design	1	TMP	AWARDED: complies with ASHRAE 55 requirements.WO.1 lists temp & humidity design conditions.
23	1					Credit 7.2	Thermal Comfort - Verification	1	Eastham	QC COMPLETE - Ready for submission; 12.16.15 - need to confirm survey with Eastham; Need to confirm active monitoring for IEQc7.1 criteria (LEED-NC add'l req) 3.9.15: Moved to 'Yes'; Library agreed to conduct thermal comfort survey. TGE to complete documentation within LEED Online.
24	1					Credit 8.1	Daylight and Views - Daylight - 75%	1	--	
25	1					Credit 8.2	Daylight and Views - Views 90%	1	OEA	AWARDED: TGE documented views for 95% of regularly occupied spaces.
Yes M+ M- No										
5	0	0	1	INNOVATION IN DESIGN				6	Responsible	4.12.17 - Notes & Status
6	1					Credit 1.1	Innovation in Design: EP for SSc5.2	1	Team	AWARDED: Base credit has been documented.
7	1					Credit 1.2	Innovation in Design: Green Cleaning Policy	1	Team	
8	1					Credit 1.3	Innovation in Design: Building as an Educational Tool	1	Team	COMPLETE - Ready for submission; 3.29.17 - TGE to document within LEED Online. 3.24.17 - Video upload pending - The Library Director is currently working on a slideshow powerpoint as well as tour script.
9	1					Credit 1.4	Innovation in Design: EP for EAc2	1	Team	AWARDED: Moved to 'Yes'; Project showing 29% Renewable Energy in EAc2
10	1					Credit 1.5	Innovation in Design: EP for SSc6.1	1	Team	AWARDED: Moved to 'Yes'; Project showing substantial increase in management in SSc6.1
11	1					Credit 2	LEED® Accredited Professional	1	Team	QC COMPLETE - Ready for submission; Various team members are LEED AP - project will comply
Yes M+ M- No										
2	0	0	2	REGIONAL PRIORITY - 02642				4	Responsible	4.12.17 - Notes & Status
3						Credit 1.1	RP for 02642: SSc1, SSc2, SSc5.1, SSc6.2, WEC3 (40%), EAc2	1	-	Tracking SSc5.1 as 'No'
4	1					Credit 1.2	RP for 02642: SSc1, SSc2, SSc5.1, SSc6.2, WEC3 (40%), EAc2	1	-	AWARDED: Tracking SSc6.2 as 'Yes'
5						Credit 1.3	RP for 02642: SSc1, SSc2, SSc5.1, SSc6.2, WEC3 (40%), EAc2	1	-	
6	1					Credit 1.4	RP for 02642: SSc1, SSc2, SSc5.1, SSc6.2, WEC3 (40%), EAc2	1	-	AWARDED: Tracking EAc2 as 'Yes'
Yes M+ M- No										
68	2	0	40	PROJECT TOTALS (Certification Estimates)				110		

Certified: 40-49 points Silver: 50-59 points Gold: 60-79 points Platinum: 80+ points



Landscaping	Frequency	Done by?
Mowing	Same as Town Hall	DPW
Meadowgrass mowed	Determined by Order of Conditions	Natural Resources/DPW
Mulch, pea stone, "plastic" put down	Spring	Landscapers
Snow Removal	As needed	DPW
Clearing exists & pathways (snow)	As needed	Buildings Dept.
Fall clean-up (leaves)	On request	Landscapers
Building supplies delivered (TP, paper towels, tissues...)	On request	Building Dept.
Trash walk through	Regularly	All of us
Weeding	Regularly	Landscapers
<del>Outdoor trash barrels picked up</del>	<del>Do not use them</del>	<del>DPW</del>
<del>Cigarettes containers cleaned</del>	<del>Do not use them</del>	<del>DPW</del>
Watering	Weekly	Landscaper-ask for advice
Sand removal off parking lot	As needed	DPW
Sand/leaf removal off front porch	Weekly (safety/slippery)	Buildings Dept.
Replace dead shrubbery	Spring	Nauset landscapers (3 mos after CO, Chase)
Irrigation		Landscapers (ask for advice)
Planters	Wait	
Tree removal/Plantings	Phases (ConCom) – Phase 1 (trees close to building)	Probably A-Z Tree
Remove small garden in corner in reading garden-too difficult to get mower in	Put concrete pad down for bike rack	Landscapers, DPW
Garden next to Chapel by historic fence	Too difficult to mow – use heath & heather	Landscapers
Generator grass	Remove grass, plant groundcover that doesn't need mowing	Landscapers
Railings by outdoor steps	Rusting	Nauset
Front lawn	Drop between lawn fire lane	Nauset

Landscapers: Source of Funds-Year 1 Trustees Interest, Year 2 Town Maintained

Three quotes: Chase, Ponderosa, Miranda (does Chapel)

<b>Building</b>	<b>Frequency</b>	<b>Done by?</b>
Cleaning	After library closes	SJ Services
Maintenance /repair: (routine wear & tear)		Buildings Dept.
Sweeping under exit door	Weekly	SJ Services (Deb will ask)
Drains//snow removal	Annual inspection by drone. Fall removal of leaves in roof drains (ladder & walking on rubber roof)	Police do not have drone. Call Cazult to do the work
Snow removal around HVAC system	Make sure after every storm/leaves are not piled around. Even 1/8' snow on top of the fans will disable system. Need air flow	All of us (monitoring) DPW & Buildings Dept to remove
Trash pickup inside	Evenings	Buildings Dept
Pest removal	Integrated pest management, particular concern because of meadow grass right up against building	Need Contract – check with Bob Varley
Filters (HVAC) changes	Quarterly	Private Co. Koanalski (town contract)
Window washing	2X/yr: after pollen (2 <sup>nd</sup> wk Je & Nov)	SJ Services
Window—Bird proofing		
Wheelchair	Gift (D Abbott)	
Art	Small works from EHS	
Shelving Installation	Mech Rm, Staff Rm? Jan. Closet, Mech Rm Hall	PenPals

Window cleaning: Source of Funds - Year 1 Trustees Interest, Year 2 Town Maintained

Window bird proofing – Source of Funds Trustees Interest

Drains-Year 1 Trustees interest??, Year 2 town maintained

Pest Management-Year 1 Trustees interest, year 2 town maintained



<b>Contracts</b>	<b>Frequency</b>	<b>Done by?</b>
Sprinkler Maintenance	By contract	Encore
Elevator maintenance	By contract	Associated Elevator
Alarm monitoring (security, fire)	By contract	RB Allen
Security Equipment	By Contract	Galaxy?
<b>Parking/site issues</b>		
Paint arrows on driveway surface	Spring	DPW & Police? Neil will call Markings Inc.
Paint parking arrows @ enter and exit	On Driveway surface-Use one way	DPW & Police? Neil will call Markings Inc.
Fence maintenance (damaged)*, Reduce height of last section	Graduate section to lower it by half	DPW or Cedarworks
Visibility Problem: Parking signs on street (no parking), left of exit	Between library exit & Mr. Daughtery's driveway	DPW & Police? Added to Public Hearing. Contact Mr. Daughtery
Parking signs on street (do not block fire access-between chapel and library)	Between library and chapel: "Fire Lane?"	DPW & Police & Fire agree. Added to public hearing
Cobble Pavers 10 ft in on top of fire access	Between library & chapel	Nauset will replace black plastic rings, re-seed. Trustees interest if decide to use pavers
Overflow parking, management of	Consider shuttle/cab, plan where we park	All of us
Parking lot	Reconfigure turns?	DPW, Fire, Police
Remove tree by entrance	Snow damage (car hit it)	DPW
Additional handicapped parking spaces	We cannot easily add (grade issues) but we can move the low emissions next to commuter spaces and explain commuter spaced	DPW
<b>Other</b>		
Ugly Generator	Add groundcover, possible 4 ft galvanized chain link black fence with privacy feature	DPW? Check with FAST system for access
Beach access	Selectmen's policy, status letter to BOS	BOS
Meadowgrass sign	Outdoors, explaining	Neil, Deb, Green Engineer

Source of Fund: Contracts – Town Budget

Source of Funds: Parking Signs (Painting-DPW budget); New Signs (dependent on which, DPW & Trustees Interest)

\*Fence Maintenance: Repair (sand?)/Replace damaged fence section & post; adapt last section so it is graduated to half height at street



## **TOWN OF EASTHAM NOTICE OF PUBLIC HEARING**

A Public Hearing will be held on Monday, May 15, 2017 at 5:30PM, in the Earle Mountain Room at Eastham Town Hall, 2500 State Highway, Eastham, MA 02642 on proposed amendments to the Town of Eastham Traffic Regulations.

### **Parking regulations**

1. Western Avenue – That portion extending 150 feet east from Shurtleff Road. No parking on either side of the road.
2. Samoset Road – That portion extending 50 feet east from the Eastham Public Library Exit Driveway. No parking on the north side of the road.
3. Samoset Road – No parking in the 20 foot wide fire lane on the west side of the Eastham Public Library parcel.
4. Brownell Road – That portion extending approximately 300 feet east from Nauset Light Beach Road Rear to the Atlantic Ocean. No parking either side of the road.

### **Stop Sign Regulation**

1. The erection and maintenance of an official  Stop@ sign is authorized so as to face Southbound drivers on Hay Road at Governor Prence Road

**Proposed Amendments to Eastham Traffic Regulations**  
**May 15, 2017**

The Board of Selectmen of the Town of Eastham, acting by virtue of the power given to it by Section 22 of Chapter 40 of the General Laws of Mass. and by virtue of any other power it hereto enabling, hereby adopts and makes the following rules and orders for the regulation of traffic upon the streets and highways of said town.

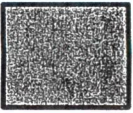
**Parking regulations**

1. Western Avenue – That portion extending 150 feet west from Shurtleff Road. No parking on either side of the road. *Vehicles parked on Western Avenue to access a neighborhood pedestrian way to water block sight distance and limit the passage of emergency vehicles.*
2. Samoset Road – That portion extending 50 feet east from the Eastham Public Library Exit Driveway. No parking on the north side of the road. *Parking at this location restricts sight distance for vehicles exiting the library.*
3. Samoset Road – No parking in the 20 foot wide fire lane on the west side of the Eastham Public Library parcel. *Parking at this location restricts emergency fire access to the library.*
4. Brownell Road – That portion extending approximately 300 feet east from Nauset Light Beach Road Rear to the Atlantic Ocean. No parking either side of the road. *Currently, Brownell Road is blocked from a 60 foot tall cliff by two jersey barriers. Motorists will park there to enjoy the view. There is no turn around so vehicles must back up and typically turn around in neighbor's driveways. If more than two cars parks there, neighbor's driveways are blocked. Given the spectacular views and seclusion, it can be a popular gathering spot but it can be dangerous as there is a steep cliff and no lighting.*

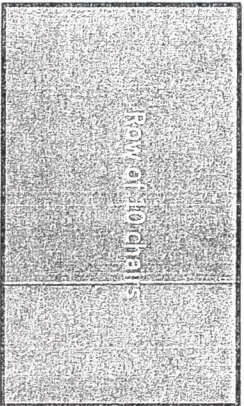
**Stop Sign Regulation**

1. The erection and maintenance of an official **A**Stop@ sign is authorized so as to face southbound drivers on Hay Road at Governor Prence Road. *This intersection operates under the normal rules of the road for a minor road ending at a main road. However, it has been observed that due to grades and sight distance obstructions motorists sometimes do not see Governor Prence Road until they are in the intersection.*

Eastham Mass. Memories Road Show  
Eastham Public Library  
Sunday, May 7, 2017  
FLOOR PLAN

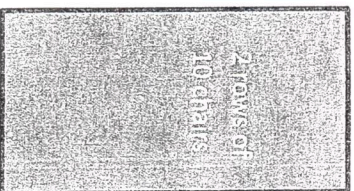
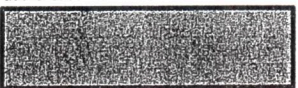


**Video Station—1**  
small table, 1 armchair & 1 regular chair; could use a backdrop or just

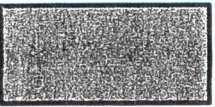


**Scanning stations—4 8' tables** (against outlets) with 4 chairs at each one (2 on each side); photos/plaques removed from the wall if you have them. If not, the wall will suffice.

**Local History & Genealogy** 1 large table, 2 chairs



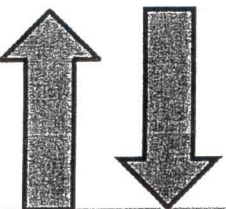
**Keepsake station—1 small table & 2 chairs;** needs a backdrop



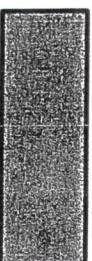
**Preservation Station --1 large table, 2 chairs**



**Information Stations—6** narrow (3' wide) rectangular 6' or 8' tables with 4 or 6 chairs each



**Welcome Table** in lobby facing front door—1 8' table with 8 chairs



25K  
4-5-5





## TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

To: Board & Committee Chairs  
From: Jacqui Beebe  
RE: Remote Participation in Meetings & Legal Services  
Date: 4-21-17

Hello All,

I wanted to update you on a new policy that the Board of Selectmen adopted in April. The Board has adopted a policy to allow remote participation at board and committee meetings. I am sending it out to you as the Chair of the committee because, under this policy, you have the responsibility to monitor and decide who will/will not be able to participate. The current policy is to allow one member at a time, and to make the request ahead of time to the Chair. We are recommending that this is done via email or in writing and be first come first served. This way if two members want to participate remotely, the Chair can easily tell who requested first. The Board discussed allowing more, but want to start with one and see how this goes. It will be very helpful to get your feedback as to how it is/is not working for your committee, so the Board can revise the policy if needed. I have attached the policy and the underlying law for your review. Do not hesitate to call if you have questions or concerns.

Secondly, I would like to extend to you the option of obtaining advice from our counsel KP Law. If the committee would like a consultation, or would like guidance on a specific issue, you can go about this in one of three ways. If you have a staff liaison assigned to your committee just let them know and they can set it up. If you do not, you can call or email me with some basic information and I will arrange the meeting/call. We will also be setting up regular monthly face time with primary Town Counsel John Giorgio here at Town Hall and Laurie Gillespie-Lee in my office can book an appointment for you or the committee. I am committed to try and get reasonable access, especially to the regulatory boards, to Town Counsel yet still be able to control the expense.

Please call or email with any questions

([Jbeebe@eastham-ma.gov](mailto:Jbeebe@eastham-ma.gov)) or 508-240-5900 x 3211



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

### Board of Selectmen Policy **Remote Participation for Board and Committee Members**

The Board of Selectmen, as the Chief Executive Officers of the Town as defined in MGL c.4, § 7, met on April 3, 2017, and authorized by a vote of 4 – 0 to allow remote participation at meetings in accordance with the following regulations.

#### Minimum Requirements:

1. A quorum of the public body must be physically present at the meeting location, including the Chairman or someone designated as the Chairman, as required by MGL c 30A, s 20(d);
2. No more than one member of the public body may participate remotely at any given meeting;
3. The Chairman of the body, or the person acting as Chairman, must determine that one or more of the following factors makes physical attendance unreasonably difficult: personal illness, personal disability, emergency, military service, or geographic distance;
4. Members of the public body who participate remotely may vote and shall not be deemed absent for the purposes of the meeting;
5. All members of a public body who participate locally and remotely must be able to hear each other at all times via any technology available;
6. In the event that communication is interrupted with the remote participant, the Chair, or person Chairing the meeting, must suspend discussion while reasonable efforts are made to correct any problem that prevents either the physically present members or the remote participant from hearing and participating in the discussion. If communication can't be reestablished after a reasonable period of time, the fact that the remote participant is disconnected and the time will be noted in the minutes of the meeting.

#### Procedure for Remote Participation:

1. The member of the public body wishing to participate remotely, shall as soon as possible, notify the Chair, or the person Chairing the meeting, of his or her desire to participate remotely and give the reason.
2. At the start of the meeting, the Chair shall announce the name of any member participating remotely and the reason. The information shall be recorded in the minutes.
3. All votes taken at any meeting where there is remote participation shall be by roll call vote.
4. When feasible, the Chair or person Chairing the meeting will send any documents or exhibits that will be used at the meeting electronically to the remote participant.



## 29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.



(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.



# OML FAQ: Remote Participation

## Remote Participation

**If the practice of remote participation has been authorized in a municipality, may an individual public body adopt a policy prohibiting or further restricting its use?**

No. Only the adopting authority specified in 940 CMR 29.10(2) may establish restrictions on the use of remote participation. The adopting authority can authorize the practice for all public bodies within its jurisdiction but give all public bodies the opportunity to opt out of the practice, however.

**What types of restrictions may an adopting authority place on remote participation?**

An adopting authority, such as the Board of Selectmen in a town, may decide to adopt the practice of remote participation, but place restrictions on its use. Just as the adoption of remote participation must apply to all public bodies within the adopting authority's jurisdiction, however, any restriction on remote participation, other than on the amount or source of payment for any costs associated with the practice, must apply uniformly to all public bodies within the adopting authority's jurisdiction. **Note:** A local commission on disability that has separately adopted remote participation may set restrictions on use by its members.

For instance, a Board of Selectmen may choose to adopt a policy saying that no member of any public body in the town may participate remotely in more than three meetings each year. Or the Board may adopt a policy stating that a last minute lack of childcare shall be considered a personal emergency justifying remote participation under 940 CMR 29.10 (5)(c). However, the Board may not authorize the practice but say that only the Board of Selectmen can utilize it. The Board can say that funds for the purchase of necessary equipment will only be allocated for the Board's use, though.

An adopting authority also may not adopt a policy that violates state or federal law. Thus, it is not permissible for an adopting authority to say that no member may participate remotely due to personal disability or geographic distance, since these are allowable reasons for remote participation under the Attorney General's regulations. But the adopting authority can adopt a policy saying that any member wishing to participate remotely due to geographic distance must be a certain distance from the meeting location for his or her physical attendance to be considered unreasonably difficult.

**If remote participation has been adopted, must a quorum of a public body be physically present at the meeting location?**

Yes. A quorum of a public body, including the person chairing the meeting, must be physically present at the meeting location. The only exception to this general rule is for local commissions on disability (see below).

**May a local commission on disability use remote participation even if the practice has not been adopted by its municipal adopting authority?**

Yes. Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Adoption by the municipal adopting authority (i.e. Board of Selectmen or Mayor) is not required.

**Must a quorum of a local commission on disability always be physically present at the meeting location?**

No. Effective July 1, 2015, if a local commission on disability has adopted remote participation, a quorum of the commission does not need to be present at the meeting location. However, a local commission on

disability must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission's chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location. This means that if the chair wishes to participate remotely, he or she may do so, but may not then chair the meeting. Finally, note that while the law requires that only one member of a local commission on disability (the chair) be physically present at the meeting location, a quorum of the commission must still participate, remotely or in person, for a "meeting" to occur.



# AG Coakley Announces New Open Meeting Law Regulations

## Regulations Authorize Remote Participation in Meetings under Certain Circumstances

**BOSTON** – Today, Attorney General Martha Coakley's Office announced new regulations under the Open Meeting Law that authorize remote participation in meetings by members of public bodies under certain circumstances.

"The purpose of these new regulations is to promote greater participation in government, while upholding the main purpose of the Open Meeting Law – transparency," said AG Coakley. "While in certain extenuating circumstances members of public bodies are permitted to participate remotely, we encourage physical attendance when at all possible."

The final regulations, published in the Massachusetts Register on November 11, 2011, authorize remote participation in public meetings, but only for several specific reasons. The AG's Office first announced proposed regulations governing remote participation in June 2011. Following a two-month public comment period, during which the AG's Division of Open Government received useful feedback on the proposed regulations from public body members and members of the public, the office held a public hearing in September 2011. A copy of the final regulations can be found on the Attorney General's Website.

The practice of remote participation must be adopted by the chief executive officer of the municipality for local public bodies, or by a majority vote of the public body for state, county and regional public bodies, before public bodies can use it. If remote participation is adopted, under the new regulations, members of public bodies may use audio or video conferencing to participate in meetings when physical attendance is unreasonably difficult due to personal illness, personal disability, emergency, military service, or geographic distance. Other requirements of the law stipulate that members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other and that when remote participation is used during a meeting, all votes must be taken by roll call.

The AG continues to believe that members of public bodies should participate in meetings through physical attendance whenever possible. Although remote participation is now permitted, the Open Meeting Law still requires that a quorum of the public body be physically present at the meeting location.

On July 1, 2010, the AG's Office assumed responsibility for interpretation and enforcement of the Open Meeting Law from the state's District Attorneys following the passage of the Ethics Reform Act of 2009. Since July 1, 2010, the AG's Division of Open Government has responded to thousands of inquiries about the law's requirements, conducted or participated in nearly 50 trainings across the state, and issued dozens of determinations. In October 2011, in an effort to provide greater transparency and access to the office's decisions, all of the Attorney General's Open Meeting Law determinations became available online through an interactive database, the Open Meeting Law Determination Lookup.

For more information, please visit the Open Meeting Law section of the Attorney General's website.

# AG Coakley Announces Finalization of New Open Meeting Law Regulations

## One Regulation Clarifies Rules about Restrictions on Remote Participation, Other Regulation Amends the Definition of "Intentional Violation"

**BOSTON** – Today, Attorney General Martha Coakley's Office announced the finalization of two new regulations under the Open Meeting Law. One clarifies the regulation that allows adopting authorities to set consistent restrictions, reflecting their unique priorities and concerns, on the use of remote participation by members of public bodies. The other regulation provides additional guidance on the types of conduct that may be considered evidence of an intentional violation of the Open Meeting Law.

### REMOTE PARTICIPATION

In May, AG Coakley's Office issued an emergency regulation clarifying the section of the Opening Meeting Law regulations that explains how adopting authorities can restrict the use of remote participation by members of public bodies. For example, the new regulation would permit a town Board of Selectmen to set consistent restrictions for the use of remote participation for all town boards and commissions that reflect local priorities and concerns. The AG's Office held a two-month public comment period, followed by a public hearing in July, in order to receive feedback and input on the proposed regulation from public body members and members of the public. The final regulation was published in the Massachusetts Register on August 3, 2012.

This new regulation replaces 940 CMR 29.10(8), and reads as follows:

Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

The regulation previously read:

Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

The AG's Office promulgated regulations governing remote participation in November 2011. A copy of the final regulations can be found on the Attorney General's Website, as can Frequently Asked Questions on the topic.

### INTENTIONAL VIOLATION

In May, AG Coakley's Office proposed a regulation to amend the definition of "Intentional Violation" in the Open Meeting Law regulations, 940 CMR 29.02. Following a two-month public comment period, during which the AG's Division of Open Government received useful feedback on the proposed regulation from public body members and members of the public, the office held a public hearing in July. The amendment provides additional guidance on the types of conduct that may be considered evidence of an intentional



violation of the Open Meeting Law. The final regulation was filed on August 21 and will be published in the State Register on September 14.

The final regulation amends the definition in 940 CMR 29.02 to read:

Intentional Violation means an act or omission by a public body or a member thereof, in knowing violation of M.G.L. c. 30A, sec. 18-25. Evidence of an intentional violation of M.G.L. c. 30A, sec. 18-25 shall include, but not be limited to, that the public body or public body member (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08, that the conduct violates M.G.L. c. 30A, sec. 18-25. Where a public body or public body member has made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel, such conduct will not be considered an intentional violation of M.G.L. c. 30A, sec. 18-25.

The regulation previously read:

Intentional Violation means an act or omission by a public body, or a member of a public body, that knowingly violates M.G.L. c. 30A, sec. 18-25. Conduct in violation of M.G.L. c. 30A, sec. 18-25, shall be considered evidence of an intentional violation where the body or member has previously been informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08 that the conduct violates M.G.L. c. 30A, sec. 18-25.

In December 2011, the AG issued a proposed regulation that would have defined the term "Knowing or Knowingly" with respect to the Open Meeting Law. Following the public comment period and a hearing on that regulation, the Attorney General proposed, in the alternative, amending the current definition of "Intentional Violation."

The Attorney General also provided an accompanying set of Frequently Asked Questions on the topic:

#### **FAQS ON INTENTIONAL VIOLATION REGULATION**

**Q:** Must a public body or public body member intend to violate the Open Meeting Law in order for the Attorney General to find a violation?

**A:** No. A public body or public member can be found to have violated the Open Meeting Law even if there was no intent to do so. However, the Attorney General may only seek the imposition of a monetary penalty if the violation was intentional.

**Q:** Does the new definition of "Intentional Violation" in the Attorney General's regulations broaden or restrict in any way the Attorney General's ability to impose penalties for knowing violations of the Open Meeting Law?

**A:** No. The Attorney General may seek to impose a monetary penalty for any intentional violation of the Open Meeting Law. The regulation defines "Intentional Violation" in the same way as the Open Meeting Law statute passed by the Legislature, however the revised definition provides additional examples of types of conduct that will be considered *evidence of* an intentional violation. The Attorney General is not required to find an intentional violation in any of these circumstances and, as before, may find a violation to be intentional even if it does not fall within one of the examples.

**Q:** Does the new definition of “Intentional Violation” in the Attorney General’s regulations create a new defense for public bodies or public members that act on advice of counsel?

**A:** No. The Open Meeting Law statute passed by the Legislature in 2009 states that “[i]t shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body’s legal counsel.” G.L. c. 30A, § 23(g). The revised definition of “Intentional Violation” in the Attorney General’s regulations simply restates a defense that already existed in the Open Meeting Law. Legal advice must be given in good faith, prior to the alleged violation, for it to form the basis of a defense to a finding of intentional violation.

**Q:** Did the Attorney General previously only find violations to be intentional if a public body had been ordered by a court or advised by the Attorney General that the conduct was not permitted?

**A:** No. While the old definition of “Intentional Violation” in the Attorney General’s regulations noted that this type of conduct would be considered evidence of an intentional violation, the Attorney General was never constrained to find intentional violations only under such circumstances. Indeed, the Attorney General has found that violations were intentional in three instances where there was no such prior warning. See OML 2011-43; OML 2011-27; OML 2011-26.

#### **BACKGROUND ON THE OPEN MEETING LAW**

On July 1, 2010, the Attorney General’s Office assumed responsibility for enforcement of the Open Meeting Law with respect to local, regional, district, county and state public bodies. Prior to that date, the state’s District Attorneys enforced the law as it pertains to local, regional, district and county public bodies. Since July 1, 2010, AG Coakley’s Division of Open Government has responded to thousands of inquiries about the law’s requirements, conducted or participated in 65 trainings across the state, and issued more than 140 determinations. In October 2011, in an effort to provide greater transparency and access to the office’s decisions, all of the Attorney General’s Open Meeting Law determinations became available online through an interactive database, the Open Meeting Law Determination Lookup.

For more information, please visit the Open Meeting Law section of the Attorney General’s website.