

TOWN OF EASTHAM NOTICE OF PUBLIC HEARINGS

Public Hearings will be held by the Eastham Board of Selectmen on Monday March 3, 2014 beginning at 5:10 PM in the Earle Mountain Room, Eastham Town Hall, 2500 State Highway, Eastham, MA on the following matters:

- 1) At 5:10 pm - Open Space and Recreation Plan
 - 2) At 5:20pm - Adoption of User Fees for FY 15
 - 3) At 5:30 pm -Town Meeting Warrant Article to Adopt FEMA Flood Zone Maps
 - 4) At 5:40 pm - Town Meeting Warrant Article on Rock Harbor Dredging and Improvement Project
 - 5) At 6:00 pm - Town Meeting Warrant Articles to Adopt Massachusetts General Law Chapter 40, Sections 6C and 6D regarding Private Road Maintenance, and to Adopt Massachusetts General Law Chapter 40, Section 6N regarding Plowing of Private Roads, and consideration of laying out Hoffman Lane and Hay Road (from Governor Prence to Deacon Paine Roads) as Public Roads.
- Public Documents regarding these matters are available to the public at Town Hall and on the website at www.eastham-ma.gov

II

5:10

Open Space Plan

DATE: Monday March 3, 2014
TO: Board of Selectmen
FROM: Dick Hilmer, Eastham Natural Resource Officer
RE: Review of the 2014 Open Space and Recreation Plan

The Town of Eastham's 2014 Open Space and Recreation Plan (OSRP) is intended to help meet the needs of current and future residents by positioning Eastham to build on the community's unique open space and recreation assets and identify new opportunities. The OSRP establishes a clear direction to guide town staff, advisory committees, and elected officials in their efforts to enhance the community's open space and recreation programs, services and facilities.

This 2014 OSRP is an up-to-date plan containing all the components of an Open Space and Recreation Plan which is required by the Commonwealth in order to be eligible for state grants. The difference between an update and the town's previous 2009 OSRP is that an update builds on the previous plan by revising those sections that no longer accurately reflect the character, needs, and goals of the community. This process generally occurs in five year cycles.

The foundation for the updated 2014 OSRP is based on the current 2012 Eastham Local Comprehensive Plan, as well as collective information from the Cape Cod Regional Policy Plan, Eastham BioMap2, the recent recommendations in the Eastham Conservation Land Inventory and Analysis, and input from the Eastham Recreation Commission.

The 2014 OSRP has been posted online on the town website as a link on the Open Space Committee web page since February 4, 2014 for public review and comment.

http://www.eastham-ma.gov/Public_Documents/EasthamMA_WebDocs/OpenSpacePlan2014.pdf

Five-Year Action Plan

In addition, within the 2014 Open Space and Recreation Plan, the Open Space Committee, with input from town departments and the public, compiled a Five-Year Action Plan that establishes measurable objectives with defined timelines and assigns staff members to be accountable for completing each goal and objective.

II 5:20 User Fees

TO: Board of Selectmen

FROM: Nan Balmer, Assistant Town Administrator *Nan*

DATE: March 3, 2014

RE: **PUBLIC HEARING – TOWN USER FEES**

On February 19, 2014, the Board considered recommendations from Department Heads on changes to existing user fees and agreed to the following fees subject to an advertised Public Hearing on Monday March 3rd.

1. Beach and Recreation
NO CHANGE
2. Board of Selectmen – Windmill Green
NO CHANGE
3. Building Department

- **The Board agreed to a new fee schedule, attached. The Building Inspector requests the schedule be adopted immediately to improve customer service.**

Building Department fees would change in the following ways: 1) Clarity and inclusiveness to attempt to cover all building activities requiring a permit, and, 2) Institutes an expedited permit application for activities of a minor nature that require a building permit. Because the intent of the Building Inspector's recommended changes are to make building permit fees more user friendly and there are minimal increases in fees, he asks the new schedule be made effective immediately.

4. Conservation
NO CHANGE
5. Council on Aging

- **The Board agreed to the COA Director's request to confirm the following existing fees for medical transportation and the adult day center:**

1. Medical Appointment Roundtrip Transportation from Eastham

DESTINATION	ROUND TRIP FEE
Eastham/Brewster Line/Orleans/Wellfleet	\$5.00
Brewster / Chatham / Harwich	\$8.00
Dennis/Hyannis/Provincetown/Truro/Yarmouth	\$10.00
Centerville / Mashpee	\$15.00
Bourne / Sandwich	\$25.00
Falmouth / Plymouth/Wareham	\$35.00

2. Adult Day Center (Breakfast, Lunch, Program)

Fee based on % of Federal Poverty Level – Tuition Assistance Available from Elder Services

Income – 1 Person	Income – 2 Person	Daily Fee
\$11,490 - \$15,282	\$15,510 - \$20,628	\$35.00
\$15,283 - \$17,235	\$20,629 - \$23,625	\$39.00
\$22,981 or higher	\$31,021 or higher	\$45.00

6. Fire Department
NO CHANGE

7. Health Department
NO CHANGE

8. IT Department
NO CHANGE

9. Natural Resources

- **Shellfish:** The Board agreed to establish an official waiting list for applicants for Aquaculture Licenses / Grants and to charge a one-time fee of \$25 to be on the waiting list.
- **Rock Harbor:** The Board agreed to reduce the Transient Dock Fee at Rock Harbor to \$25 a day in peak season (Memorial Day to Labor Day) and to establish a \$50 per week fee for off-season. Fee reduction is recommended to increase use and total net revenue.

10. Police Department
NO CHANGE

11. Planning and Zoning
NO CHANGE

12. Town Clerk
NO CHANGE

13. DPW – Transfer Station

- The Board agreed the following changes to Transfer Station fees were the best way to help pay for increased Transfer Station costs, which would otherwise be funded through the tax rate.
- The Board should determine the effective date for this change, given current fiscal pressures. It has been the tradition of the town to adopt fee changes in the spring for the following January 1st to give the public time to understand and prepare for the increase.

TRANSFER STATION – PROPOSED FEE CHANGES					
FEE	FY 13 FEE REVENUE	NUMBER SOLD / NUMBER TONS	CURRENT PRICE	PROPOSED NEW FEE	INCREASE / DECREASE IN REVENUE*
Residential Sticker	343,710	3618	95	120	\$90,450
2 nd Sticker	35,280	1176	30	NO CHANGE	
3 rd Sticker	2660	28	95	120	\$700
Landfill Entry	31,760	3176	10 – 4 BAGS	10-REDUCE BAGS TO 3	
Landfill Gate Fee	92,609		various		
Commercial Tip Fee	31,021	365 Tons	85 per Ton	95 per ton	\$3650
Hauler's License	800	8		NO CHANGE	-
Replacement Sticker	1090	218	5	NO CHANGE	
Recycling Program	48,406	NA		NA	
Commercial Comingled		NEW		\$40 / ton	Will be charged when program is launched
TOTAL REVENUE	<u>\$587,366</u>				<u>\$94,800</u>
REVENUE AFTER INCREASE					<u>\$682,166</u>

*Assumes no change in number of stickers / tons– Price increase may cause decrease in sales.

Increased tipping fees to dispose of municipal waste and the new costs to test private wells for pollutants assumed to be emanating from the landfill increased the Transfer Station budget over 2 years by 23%, from \$632,875 in FY 13 to \$780,597 in FY 15. The budget includes direct costs of operation plus employee benefits, fuel, utilities, overhead and a portion of the growing costs for environmental testing. In determining appropriate new Transfer Station fees, the Board considered both increased costs of Transfer Station operation and the Transfer Station fees that will be charged by other towns, all of which are facing the same steep increase in tipping fees. The Board also considered managing the increased costs through adoption of a “Pay as You Throw” program, but decided that it is in the best interest of the public to re-consider PAYT at a later time.

TOWN OF EASTHAM

PROPOSED

BUILDING DEPARTMENT FEE SCHEDULE

(Approved _____ 2014 effective _____ 2014)

Failure to obtain a permit prior to construction will double the permit fee.

RESIDENTIAL

\$25.00 Building Permit Application Review Fee

\$50.00 Minimum Building Permit fee, except where stated.

\$150.00 Minimum permit fee for additions

\$.65 per square foot per floor for New Construction (includes foundation)

\$.55 per square foot per floor for Existing Structure Alteration

\$50.00 per item on Express Permit (i.e. Demolition, Wood Stove, Replace Windows, Re-side, Re-roof, etc).

\$25.00 Trench Permit

1% of Construction Cost for Solar Panel Installation, Mechanical Permits and Sheet Metal Permits

Miscellaneous: 1% of Construction Cost for any work not covered by above fee schedule

Sign Permits: \$ 50.00 Permanent Sign - Residential
\$100.00 Permanent Sign - Commercial

*Replacement Building Permit Sign Off Card is \$25.00
Re-inspection and Extra Inspection Fee - All Departments is \$60.00*

COMMERCIAL

(Permits are issued on a per unit basis)

\$.75 per square foot of floor area for Building Permit

(This fee will include all structures not falling within the one and two family use category and their accompanying non-commercial structures).

PLUMBING AND GAS

Residential 1 & 2 Family on a per Unit basis.

Plumbing Fee per New Dwelling Unit or Alterations: \$80.00 permit plus \$10.00 per fixture

Replacement of Single Fixture/Appliance/Gas Tank: \$60.00

Commercial on a per Unit basis - \$120.00 permit plus \$15.00 per fixture

ELECTRIC

\$180.00 for New Dwellings

\$100.00 for Solar System/Generators/Alarm Systems

\$60.00 for Temporary Service/Service/Underground/Rough Wiring/Final Wiring

\$70.00 per inspection for Commercial Projects

Saturday, Sunday, Holiday, Fire Emergency, Etc. - \$100.00 per Inspection in ALL DEPARTMENTS

Building Permit Renewal Policy is to allow the extension of a Building Permit for a fee equal to 10% of the total original fee. Only one (1) six (6) month extension will be permitted.

II

5:30

DATE: Monday March 3, 2014
TO: Board of Selectmen
FROM: Nan Balmer, Assistant Town Administrator *Nan*
RE: Public Hearing: FEMA Flood Maps and By-Law Changes

In order for property owners in Eastham to be eligible for flood insurance through the National Flood Insurance Program (NFIP), the Town is required, prior to July 16, 2014, to adopt flood plain regulations and new flood maps issued by FEMA that meet the standards of the NFIP. The new maps increase the number of properties included in the flood zone. The draft maps show 1177 parcels in the flood zone, including 346 structures, some of which may be sheds, barns, etc. The maps do not allow a determination of how many new parcels and structures are now in the flood zone.

Because flood maps / regulations are included as a section of the Town Zoning By-law, Town Meeting adoption of a warrant article incorporating the new maps and including minor by-law changes recommended by the DCR Flood Map Coordinator is required. As you know, FEMA issued the new draft flood maps to the Town last spring which were the subject of several community meetings. There has been much controversy about the scientific basis that created the new maps. There were no appeals to the draft maps in Eastham and FEMA will re-issue Eastham's draft maps as final maps within a few weeks.

Paralleling the mandate that municipalities adopt the new maps, is the federal mandate (Biggert Waters Act) to increase National Flood Insurance premiums in order to reduce federal subsidies to flood insurance rates. This will cause some homeowners to experience extreme and unaffordable premium increases, making it difficult to obtain mortgages and sell properties. Currently Elizabeth Warren is seeking passage of the Homeowners Flood Insurance Affordability Act to delay action on premium increases and require a flood insurance affordability study.

Although Congressional efforts will continue to delay or reduce the premium hikes, the federal government takes the position that it will suspend both the renewal of existing, and the issuance of new flood insurance policies in municipalities that do not act to adopt the updated maps by July 16th. Adoption of the maps by the Town will not trigger increased premiums but will bring additional properties into the flood zone, which may require flood insurance as conditions of mortgages.

The new flood maps are available on the town's website, in the Building Department and through the Cape Cod Commission. Assistance to residents is available through the DCR Map Coordinator, Colleen Bailey, MA DCR Flood Hazard Management Program, (617) 626-1446 A.Colleen.Bailey@state.ma.us



Notice of FEMA Mandate
Federal Emergency Management Agency

Washington, D.C. 20472

ADMINISTRATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

JAN 21 2013

RECEIVED

January 16, 2014

John F. Knight
Chairperson, Board of Selectmen
Town of Eastham
Town Hall
2500 State Highway
Eastham, Massachusetts 02642

Community: Town of Eastham,
Barnstable County, Massachusetts
Community No.: 250006
Map Panels Affected: See FIRM Index

Dear Mr. Knight:

This is to formally notify you of the final flood hazard determination for the Town of Eastham, Barnstable County, Massachusetts (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On July 2, 1992, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On May 3, 2013, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed flood hazard determinations (FHDs) for your community were published in the *Cape Cod Times* and *Cape Codder* on July 12, 2013, and July 19, 2013, and in the *Federal Register*, at Part 67, Volume 78, Page 36223, on June 17, 2013.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed FHDs during that time. Accordingly, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on July 16, 2014. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the FHDs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to July 16, 2014, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(e) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(e);
2. Adopting all the standards of Paragraph 60.3(e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories:

(1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA, Region I, in Boston, Massachusetts, at (617) 956-7506 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Sheila Vanderhoef, Town Administrator, Town of Eastham
Tom Wingard, Inspector of Buildings, Town of Eastham
Neil Andres, Superintendent, Public Works, Town of Eastham
Mike O'Connor, Natural Resource Officer, Town of Eastham
Jeff Thibodeau, Town Planner, Town of Eastham
Stephen Smith, Chairperson, Conservation Commission, Town of Eastham
Daniel Coppelman, Chairperson, Planning Board, Town of Eastham
Robert Sheldon, Chairperson, Zoning Board of Appeals, Town of Eastham

BOS reluctant to support flood map article

By Doreen Leggett
dleggett@wickedlocal.com

CHATHAM. — Even though states didn't agree with the law, they all instituted a 50 mile an hour speed limit for cars during the gas crisis of the early 1970s. If they didn't they would have lost federal highway funding.

Selectman Chairman Tim Roper compared approval of the new flood maps to that governmental edict 40 years ago.

"It is a coercive vote," said Roper. "In this case we have no choice."

Chatham selectmen, as well as officials in towns across the Commonwealth and beyond, have serious concerns with the new flood maps from the Federal Emergency Management Agency. They worry that since the maps put more people in the flood zone projected insurance hikes could be crippling for individuals and the financial health of the town as a whole. Selectmen, and others, also are not confident the maps are based on reliable science.

"This whole thing could wreak havoc with our real estate industry," said Selectman Len Sussman.

The ramifications of the

new maps also trouble the finance committee, particularly since some reports say premiums could increase by 10 or 20 times for homeowners with mortgages.

All of those apprehensions didn't prevent the board from supporting a warrant article that would incorporate the new maps into the town's bylaws.

Selectman Jeffrey Dykens, reading from a staff memo, explained why. If the town didn't accept the new maps: "No new flood insurance policies will be available to property owners in Chatham (and) existing flood insurance policies will be ineligible for renewal," he said.

But in the month before the planning board's March 11 public hearing on the bylaw amendment, staff will try and get firmer numbers on possible increases and will also check to see how the maps change

other regulations in town.

"And we have had no information ... how exactly rates would be affected. I think the public needs to know what the impact is going to be," said Sussman.

The conservation commission's jurisdiction extends 100 feet beyond the lines in the maps, which means that Chatham Orpheum Theater and St. Christopher's Church would now trigger review under the wetlands bylaw, a change that Selectman Sean Summers found inane, but one that could be changed by voters.

The board has also supported efforts by the Congressional delegation's efforts to delay the flood insurance hikes until FEMA did an affordability study. One group of neighbors, on Old Harbor Road, did successfully appeal the new FEMA maps.

Chatham selectmen, as well as officials in towns across the Commonwealth and beyond, have serious concerns with the new flood maps from the Federal Emergency Management Agency. They worry that since the maps put more people in the flood zone projected insurance hikes could be crippling for individuals and the financial health of the town as a whole. Selectmen, and others, also are not confident the maps are based on reliable science.

Public Hrg
5⁴⁰
p.m
Rock Harbor ✓

March 3, 3014

To: Board of Selectmen

RE: Agenda Item – Public Hearing Rock Harbor Dredge

This project will be advertised in the Central Register on March 11. We hope to have bids by April 2, so that we can include the dollar amount in the Town Meeting Warrant.

There are still decisions to be made concerning:

- The manner of sharing of costs;
- The disposal methods and location;
(use on beaches in Eastham, or off shore disposal for all dredged material)
- Dredging method, hydraulic or mechanical

The staff is preparing to meet in with Orleans later in the week to try to iron out these and other issues before the dredge is bid. We suggest that the meeting have one BOS, Town Administrator, Harbormaster, DPW Superintendents and maybe the consultant again. We should all review the specifications before they are complete. This is a joint project and I want to ensure that Orleans ideas and issues are considered as part of the decision-making on this expensive matter.

Attachments: 12.16.2013 Engineers cost estimates Draft
Engineers Construction Cost Estimate Town Shares
Engineers Construction Cost Estimate Trucking Costs
Cape cod Bay Disposal Site drawing
Rock Harbor Creek Maintenance Dredge Sampling Plan

**ROCK HARBOR DREDGING PROJECT
DRAFT
ENGINEER'S CONSTRUCTION COST ESTIMATE**

Mechanical Dredging with Offshore Disposal at Cape Cod Bay Disposal Site (SILT) and Hydraulic Dredging (Sand) with trucking for Beach Nourishment					
Item No.	Quantity		Item Description	Unit Price	Total
1	65	EA	Timber Pile Removal/Reinstallation	\$ 1,350.00	\$ 87,750.00
2	1	LS	Dredge Mob/DeMob	\$ 180,000.00	\$ 180,000.00
3	25,387	CY	Mechanical Dredging/Offshore Disposal CCBDS (SILT)	\$ 40.00	\$ 1,015,480.00
TOTAL ESTIMATED COST (MECHANICAL DREDGE)					\$ 1,283,230.00

NOTE: Dredge volumes include 1' overdredge

Cost per CY
\$50.547

Hydraulic Dredging, Dewatering And Trucking To Beach Nourishment Sites (SAND)					
Item No.	Quantity		Item Description	Unit Price	Total
4	13,221	CY	Barnstable County Hydraulic Dredge, pump to parking lot	\$ 7.00	\$ 92,547.00
5	13,221	CY	Create Dewatering Area on parking lot	\$ 8.50	\$ 112,378.50
6	13,221	CY	Excavator to load trucks at dewatering site for transport to beach	\$ 6.50	\$ 85,936.50
7	3,305	CY	Trucking to Thumpertown Beach	\$ 6.00	\$ 19,830.00
8	3,305	CY	Trucking to Campground Beach	\$ 6.00	\$ 19,830.00
9	3,305	CY	Trucking to Cooks Brook Beach	\$ 6.00	\$ 19,830.00
10	3,306	CY	Trucking to South Sunken Meadow Beach	\$ 6.00	\$ 19,836.00
11	13,221		Spreading sand on Beaches	\$ 5.00	\$ 66,105.00
TOTAL ESTIMATED COST-HYDRAULIC DREDGE AND BEACH NOURISHMENT					\$ 436,293.00

Cost per CY
\$33.000

BID SUMMARY TABULATION	
MECHANICAL DREDGEING AND PILE REMOVAL	\$ 1,283,230.00
HYDRAULIC DREDGING AND BEACH NOURISHMENT	\$ 436,293.00
TOTAL	\$ 1,719,523.00

ASSUMPTIONS:

- Item 1 Slighter higher cost than was awarded for the Barnstable Inner Harbor dredge project 2012
- Item 2 Estimate based on Barnstable Inner Harbor dredge project 2012
- Item 3 Equals price awarded for Barnstable Inner Harbor dredge project 2012
- Item 4 To be confirmed by Barnstable County Dredge, is consistent with Barnstable Inner Harbor dredge 2012
- Item 5,6 Estimate based on Barnstable Inner Harbor dredge project 2012
- Item 7-10 See "Trucking Costs" spreadsheet
- Item 11 To be determined, can Eastham do the work?
The dewatering area is assumed to be a excavated pit with berms in the area of the Eastham boat ramp parking lot.
It will require reconstruction of the parking lot to occur after the dredging in the fall of 2014.
I assumed a contractor will do the construction of the dewatering area, loading the trucks, transportation to the 4 beaches and spreading the sand. If the Town could do it there would be significant savings.

ROCK HARBOR DREDGING PROJECT
DRAFT
ENGINEER'S CONSTRUCTION COST ESTIMATE
TOWN SHARES

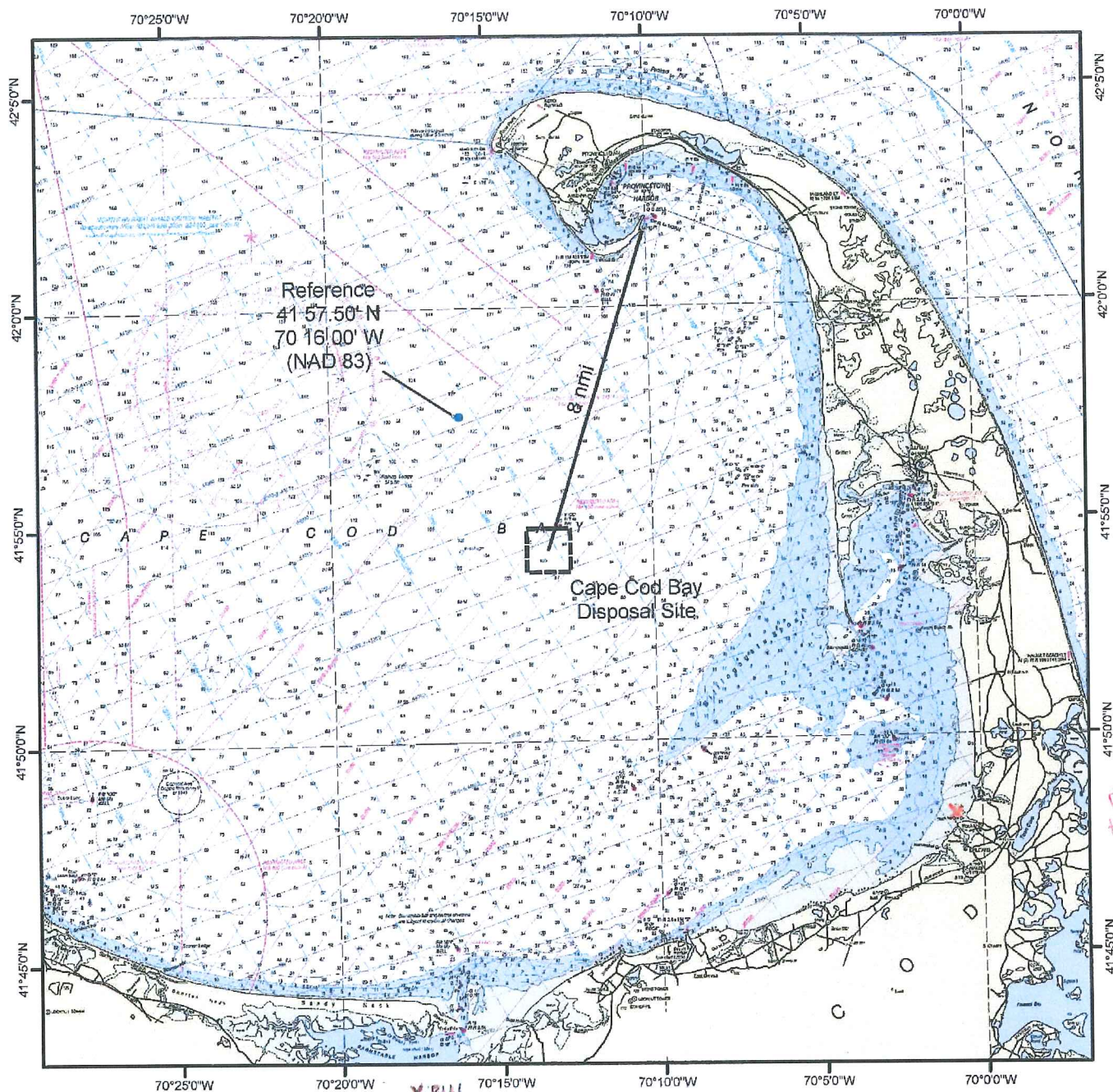
	EASTHAM		ORLEANS	
ITEM				
1. PILES REMOVE AND REPLACE	# piles		# piles	
Number of Piles	22		43	
Cost		\$29,700		\$58,050
2. MOB DEMOB SPLIT EVENLY		\$90,000		\$90,000
MECHANICAL DREDGE (SILT) W/OUT PILE REMOVE AND REPLACE				
	volume (CY)	Cost (\$40/CY)	volume (CY)	Cost (\$40/CY)
Design Depth -3 MLW (minimum volume)	8288	\$331,520	9077	\$363,080
1' Overdepth	3362	\$134,480	4640	\$185,600
3. Total (Maximum volume)	11650	\$466,000	13717	\$548,680
HYDRAULIC DREDGE (SAND)				
	volume (CY)	Cost (\$7/CY)	volume (CY)	Cost (\$7/CY)
Design Depth -3 MLW (minimum volume)	4689	\$32,823	6214	\$43,498
1' Overdepth	1034	\$7,238	1284	\$8,988
4. Total (Maximum volume) Dredged and pumped	5723	\$40,061	7498	\$52,486
5. CREATE DEWATERING AREA SPLIT		\$56,189		\$56,189
6. EXCAVATOR TO LOAD TRUCKS FOR TRANSPORT		\$42,968		\$42,968
7-10. TRUCKING COST SPLIT EVENLY		\$39,663		\$39,663
11. SPREADING SAND ON BEACHES SPLIT EVENLY		\$33,052		\$33,052
TOWN SHARES		\$797,633		\$921,088
TOTAL			\$1,718,721	

Orleans share: 53.59%
Eastham share: 46.41%

ROCK HARBOR DREDGING PROJECT
DRAFT
ENGINEER'S CONSTRUCTION COST ESTIMATE
TRUCKING COSTS

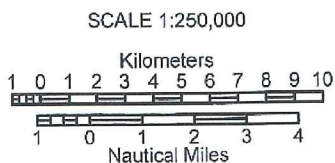
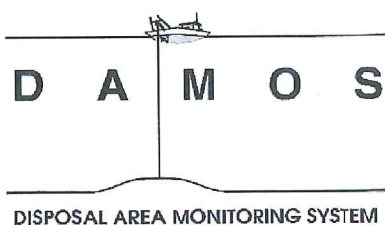
Assume Sand Volume Split Evenly Among all Beaches

	Vol CY	CY/truck	miles/RT	avg speed	# RT	hrs/RT including loading and offloading	\$/hr	Total cost	Cost/CY
Trucking to Thumpertown Beach	3305	25	13.0	30	132.2	1.5	100	\$ 19,830.00	\$ 6.00
Trucking to Campground Beach	3305	25	14.0	30	132.2	1.5	100	\$ 19,830.00	\$ 6.00
Trucking to Cooks Brook Beach	3305	25	14.5	30	132.2	1.5	100	\$ 19,830.00	\$ 6.00
Trucking to South Sunken Meadow Beach	3306	25	15.0	30	132.24	1.5	100	\$ 19,836.00	\$ 6.00
	13221							\$ 79,326.00	

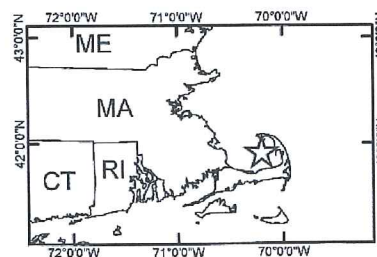


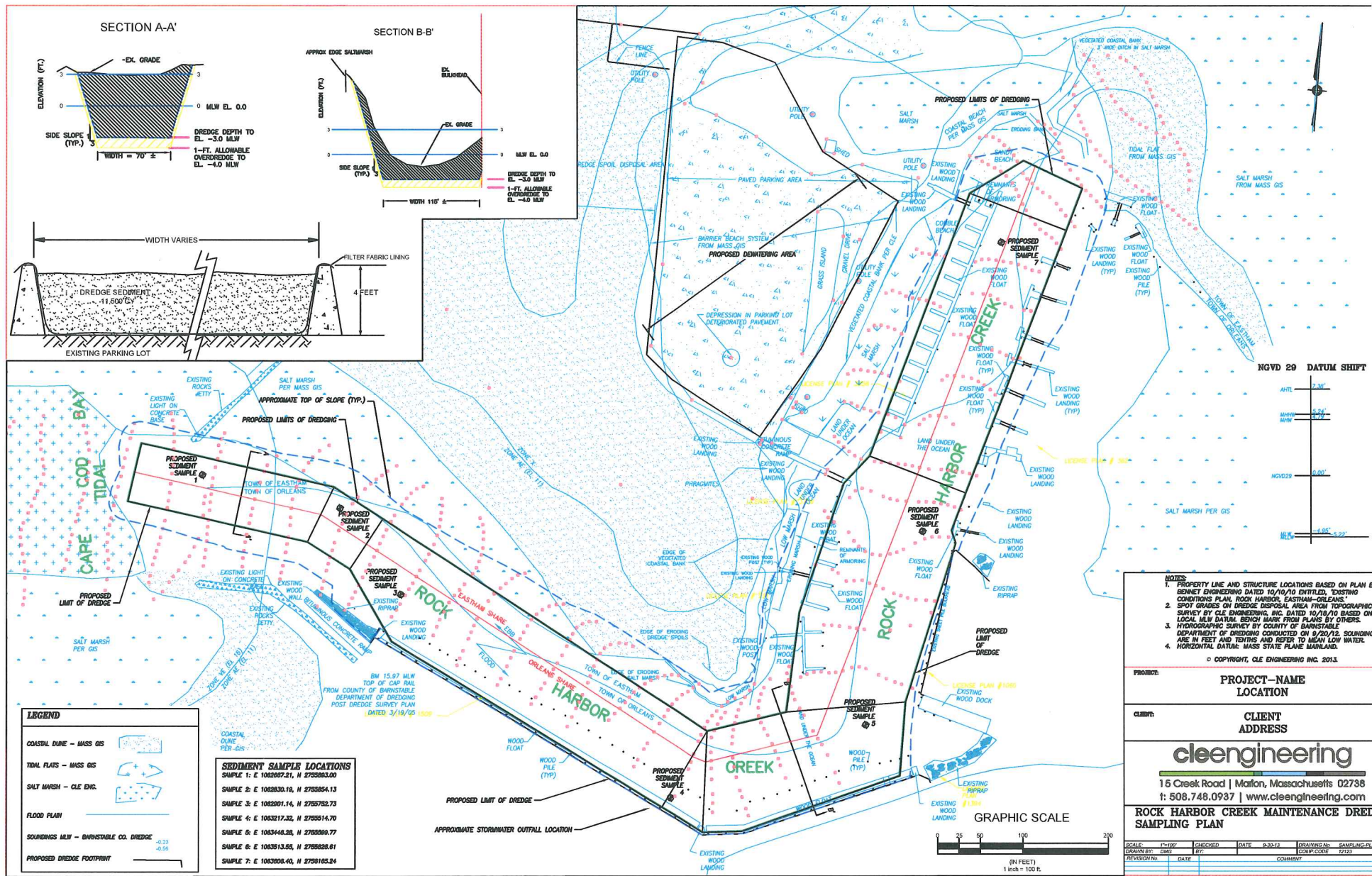
CAPE COD BAY DISPOSAL SITE

Description: The Cape Cod Bay Disposal Site (CCBDS) is centered at coordinates 41° 54.406' N, 70° 13.268' W (NAD 83) and is located 8.0 nmi (14.9 km) southwest of Long Point, Provincetown, Massachusetts. The site has a relatively flat, featureless seafloor with an average water depth of 102 ft (31 m). The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents



NOTE: This chart is not intended for use in navigation.





II Public Hearing
6:00

March 3, 2014

To: Board of Selectmen

RE: Agenda Item – Public Hearing Hoffman/Hay Road Warrant Articles and Ballot

See the attached memo to Town Counsel. I have included the emails and regular mail comments for persons in the area. We sent certified mail to all residents in the area shown on the map. Also attached is the notice sent by the post office last July to residents in the area. I believe that they have continued to deliver the mail.

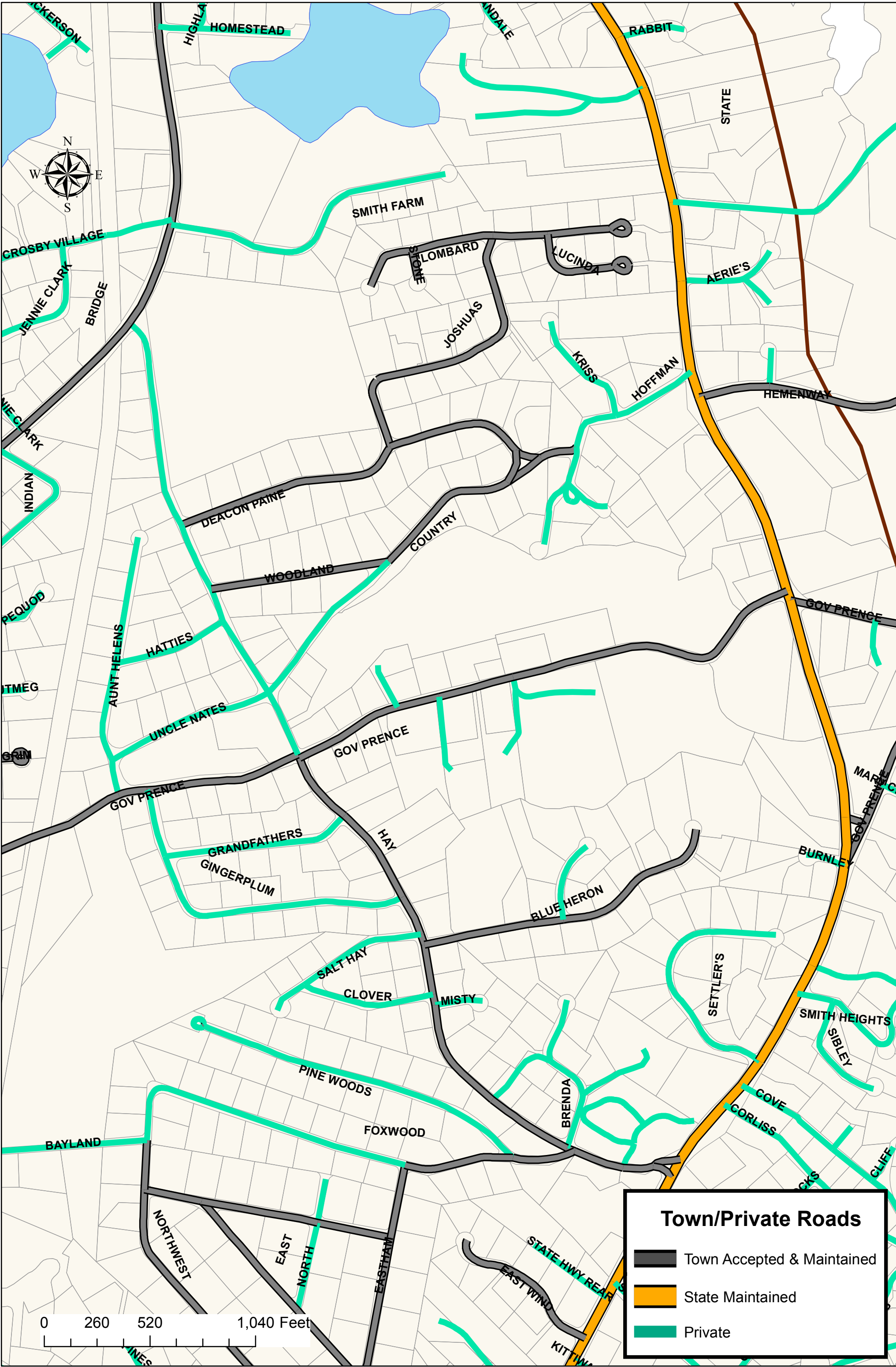
This maintenance and plowing of roads as we discussed, is a three-step process of petition, ballot and town meeting vote. As you can see from the map, access into and out of the subdivision can only be achieved by crossing onto private roads.

There is no state mandate which requires the town, over objections of the private property owners to maintain and plow roads. The acceptance statutes permit such action if the community desires to do so.

The town can vote to take, by eminent domain private property for public good. Further by laying out and accepting a road you would use your eminent domain powers unless the abutters were willing sellers. One aspect of this concept is that the town has a standard for roads, that they have a certain width or grade. Hoffman, if improved could not meet those minimum standards. You are all familiar with the issues here.

I

Town of Eastham Public & Private Roads



II
69.m

February 28, 2014

To: Betsy Lane Town Counsel
From: Sheila Vanderhoef, Town Administrator

RE: Town Meeting Private Road Repair and Plowing Articles

Please review the language below. The statute requires a petition of 200 voters, is that always necessary. This is the Hoffman Lane/Hay Road issue we started last year. We have a public hearing scheduled on the warrant article on Monday night at 6.

ARTICLE 32

To see if the Town will vote to accept M.L. c.40, Section 6C, in the manner provided for in section 6D, to allow the town to remove snow and ice from such private ways within its limits and open to public use, and further provided that for the purposes of Section 25, of chapter eighty four, the removal of snow and ice from such a way shall not constitute a repair of a way; or take any action relative thereto.

By Petition

Summary:

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(majority vote required)

ARTICLE 32

To see if the Town will vote to accept Chapter 40, section 6N and by bylaw, provide for the making of temporary repairs on private ways, with said bylaw determining the type and extent of repairs, if drainage is included, if the repairs are required by public necessity, the number and percentage of abutters who must petition for such repairs, if betterment will be charged for such repairs, the liability limits of the town on account of damages caused by such repairs, if the way shall have been opened to the public use for a term of years, and if a cash deposit shall be required for said repairs; or take any action relative thereto.

By Board of Selectmen

Summary:

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(majority vote required)

QUESTION 2 – Shall the town vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways, therein open to public use?



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 6D Removal of ice and snow from private ways; submission to electorate; ballot

Section 6D. Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty per cent of the total number of registered voters, substantially in the form of the following question, which shall be placed on the official ballot used for the election of officers at such city or town election:

Shall the city (or town) vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?



If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 6C Removal of ice and snow from private ways; conditions

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

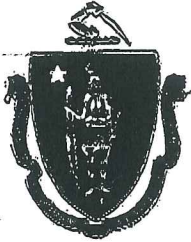
PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 6N Private ways; temporary repairs, ordinances or by-laws

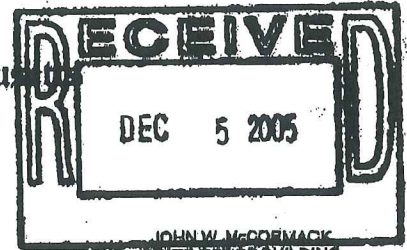
Section 6N. Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.



GREGORY W. SULLIVAN
INSPECTOR GENERAL

The Commonwealth of Massachusetts

Office of the Inspector General



JOHN W. MCCORMACK
STATE OFFICE BUILDING
ONE ASHBURTON PLACE
ROOM 1911
BOSTON, MA 02108
TEL: (617) 727-9140
FAX: (617) 723-2334

December 2, 2005

Timothy C. Smith
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

Mr. Smith:

It has been brought to the attention of the Office of the Inspector General that the Wellfleet Board of Selectman has appropriated money for the plowing of private ways in Wellfleet. The appropriation of this money is not by itself adequate to satisfy Massachusetts General Law (M.G.L.), Chapter 40 concerning the use of public funds in this manner.

In order for a municipality to expend funds to plow a private way, the municipality must comply with M.G.L. c. 40, § 6C and 6D.

M.G.L. c.40, § 6C states:

A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

M.G.L. c.40, § 6D states:

Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty percent of the total number of registered voters, substantially in the form of a question, which shall be placed on the official ballot used for the election of officers at such city or town election... If a majority of the votes in answer are in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.

*Public Safety
emergency*

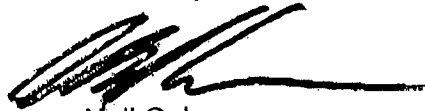
Timothy C. Smith
12/2/2005
Page 2

It appears that Wellfleet has not complied with M.G.L. c. 40. As a result, the plowing of private ways by the town of Wellfleet is a legal violation. For the town to continue to plow private ways it must act to comply with M.G.L. c. 40. According to your assistant town administrator, the town plans to put this issue on the ballot for the town's spring election.

Prior to the spring ballot, you may wish to consult with the towns of Barnstable and Harwich, two towns that allow for the plowing of private ways and have developed guidelines to govern the issue. In any event, the town must comply with the law if it intends to plow private ways in the winter of 2006/07.

If you have any questions or are in need of assistance, please contact me at 617-722-8819.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil Cohen', with a horizontal line extending to the right.

Neil Cohen
Deputy Inspector General
Audit and Oversight Division

Vicky Anderson
Eastham Town Hall
2500 State Highway
Eastham, MA 02642



20 Uncle Nate's Way and 324 Bingham Road
Eastham, MA 02642 Canterbury, CT 06331
February 22, 2014

Re: Public Hearing –March 3, 2014 6:00pm- Hoffmann Lane and Hay Road

Dear Ms. Anderson,

We are unable to attend the public hearing relating to Hay Road. We would however like to express our opposition.

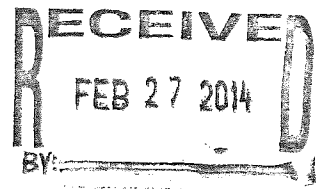
We are concerned that maintaining/ paving the dirt portion of Hay road will make it a well traveled road connecting Route 6 to Bridge Road. Many have bought and built in this area to enjoy the tranquility of the area. Residents can enjoy the beauty that "old Cape Cod" has to offer.

We are not in favor of the warrant article being considered for Hay Road. Maintaining / paving this road will surely make it a major thoroughfare. It will become a "mini" state highway. Property values will be lower and such action will destroy the area's rural beauty.

Sincerely,

Eleanora M. Church
Anne Church Gatti

Eleanora M. Church & Anne Church Gatti



To: Vicky Anderson
From: Wayne Wescott

30 Kris Lane Eastham 508-255-6440

- ① I believe our property is considered part owner of Hoffman Lane
? What is the benefit of owning this Private Road? "Toll Booth" Ha, Ha!
- ② For the past 2 years I have been the one that has put in the time, labor, & money (with some donations from the residents in our community) to try to maintain the road.
- ③ Our community residents/tourist are appreciative of the work that "I" have done to maintain the road I'm sure I / they would rather have the "town of Eastham" maintain this on & off "tourist season"; it would be a positive reflection on the town of Eastham; now there is a negative sense that the "Town Doesn't Care"!
- ④ From my household on 30 Kris Lane feel free to maintain & plow Hoffman Lane.
- ⑤ I know some residents who are private owner's of Hoffman Lane don't want the town to maintain the Rd. "Doesn't the needs of the Many out weight the needs of the few"

⑥ If need be my family is willing to increase our taxes to maintain the "Private / Dirt Rds in Eastham if it makes it easier for our Residents / Tourist in our Community.

Thank You: Wayne Wescott RN, BSN, MHA,
30 Kris Lane Eastham

I will try to attend the meeting,
working night shift at St Luke's Hospital.

February 24, 2014



Ms Vicky Anderson
Eastham Town Hall
2500 State Highway
Eastham, MA 02642

Ms. Anderson

We understand there is a public hearing on March 3rd to discuss the maintenance and plowing of private roads. The home that we own is on a private road – 845 Hay Road, Eastham.

We believe that our tax dollars help to maintain and purchase the equipment that the town uses to maintain all the roads in the town therefore it is our feeling that these private roads should be included in the maintenance and plowing as well. If an emergency vehicle needs access to these roads we feel strongly that the roads should be maintained. The plowing and maintenance allows the homeowners the access to and from their property to maintain to the level that we are certain the town would like to see achieved as well.

Please register our vote to approve maintenance and plowing of private roads.

Thank you.

Sincerely,

Tom Jurkiewicz
Sandy Jurkiewicz

Tom Jurkiewicz

Sandy Jurkiewicz

122 Meadow Rd.

Syracuse, NY 13219

(315)468-3385

Laurence E. Perry

835 Hay Road

Eastham, MA 02642

February 24, 2014



Town of Eastham Board of Selectmen and Town Administrator

2500 State Highway

Eastham, MA 02642

Re: Hoffman Lane and Hay Road

I cannot attend the March 3rd. meeting as I must be out of town for business.

I am writing to plead with the town to take whatever steps are necessary to improve access, twelve months of the year, to the above neighborhood. It is outrageous that the town snow plow would raise the truck plow and drive through ten inches of wet heavy snow on Hoffman Lane, then lower the plow to plow Deacon Paine only to raise the blade when it came to the unpaved section of Hay Road. The year round residents in this neighborhood deserve to have the snow plowed, and it is unacceptable that our tax dollars are paying for the plow truck to drive by with the blade in the air.

Over the past fourteen years I have used my own equipment to grade and fill the holes on the unpaved portion of Hay Road. Despite my efforts with a small garden tractor, the road is usually in deplorable condition. The Post Office even put us on notice earlier this year that they would no longer deliver mail to our rural mail boxes due to the poor road conditions!

The Police and Fire departments do not want to traverse these poor roads unless it is an emergency and in the event that a resident requires winter emergency services, the highway department informed me that they would send in a plow only if the town instructed them to. If it were a true emergency, how long would it take for the town to plow the snow to make way for emergency responders?

Last December a FedEx truck was stuck in a hole in the dirt road for over an hour, blocking the road completely and there was no snow on the ground. It was just stuck in a large hole on the road.

It is time for the town to take whatever steps are necessary to make improvements to allow safe access to this neighborhood. I will support whatever solution the town believes is needed to improve year round access.

Respectfully,

Laurence E. Perry

A handwritten signature in black ink that reads "Laurence E. Perry". The signature is written in a cursive, flowing style.

ADMINISTRATION

FEB 27 2014

RECEIVED

February 26, 2014

Sheila Vanderhoef
Town Administrator

Re: Public Hearing, March 3, 2014

We are sorry we cannot attend this meeting due prior engagement.

We are glad that the Eastham Board of Selectman is finally willing to do something about Hoffman Lane and portions of Hay Road near Governor Prince Road. We have owned our property since 1974 and live on the corner of Country Lane and Hay Road. I want to point out that Country Lane at our location is also a private road but you would never know it as everyone is using it including heavy trucks and at all the meetings it has never been said that it was private, I mention this as it is deteriorating fast.

We are in greatly favor of getting something done on both Hoffman Lane and Hay Road, yet we do not need to make Hay Road a raceway , just remediate all the pot holes to make it passable. We have replaced tie rods on both our vehicles mostly due to the pot holes on these two exit points to town.

Vito & Helga Frazzette
55 Country Lane

508-255-6664

DATE: July 1, 2013
TO: Board of Selectmen
FROM: Nan Balmer, Assistant Town Administrator
RE: **FYI – POST OFFICE NOTICE TO RESIDENTS NEAR HOFFMAN RD.**

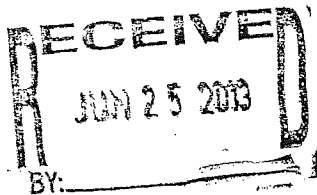
Attached for your information is a copy of a notice sent by the postmaster to households in the neighborhood of Hoffman Road about the possible suspension of residential mail delivery in that area.



Request to Repair Roads

Bos Info

6-24-2013



The United States Postal Service requires that roads traveled by its delivery personnel shall be kept in passable condition for motor vehicles, under ordinary weather conditions. Poorly maintained roads sometimes make it necessary for the Postal Service to rearrange a route's line of travel to avoid hazards. Local authorities and/or residents involved in keeping roads in proper repair, should act promptly so that changes in delivery service do not become necessary.

Office & Route No.: Eastham MA RR 1

Location of Road(s): Hoffman Lane, Eastham, MA 02642

Work Needed: Road needs to be paved or holes and ruts
in the Road need to be graded to an
even grade

The road(s) mentioned above have been reported as being poorly maintained and present a hazard. Please give this matter timely attention and advise me within 30 days when the necessary repairs will be made.

Sincerely,

Patricia A. Dillon
Postmaster
Eastham, MA 02642

508-255-0671

Sheila Vanderhoef

To: james garrison
Subject: RE: Public Hearing March 3, 2014

I will include your written comments in the Board packet for Monday. However, Hoffman is a private road and the as any owner of private property, they have rights which the town cannot easily erase. Establishing Hay Road as a "major thoroughfare" I don't think has been a "desire" of the town. The main focus of the town and hence the Board of Selectmen, in the twenty years I have been here has been and remains, to try through the town meeting process, to respond to citizen concerns about access in the area. Regardless of how this hearing goes, the matter will be decided by town meeting as is required by statute.

From: james garrison [<mailto:garrijim@msn.com>]
Sent: Tuesday, February 25, 2014 10:34 AM
To: Sheila Vanderhoef
Cc: james garrison
Subject: Public Hearing March 3, 2014

Dear Ms. Vanderhoef: It has appeared that the Town of Eastham has desired to make Hay Road a major thoroughfare. We are aware that the unpaved area residents want to have the road remain private. (Although not to be blocked by 12 foot high walls of snow as in the past). On the other hand, Hoffman Lane is a necessity for access to Route 6 (the school bus has used the road constantly as has the Post Office for over 40 years). Hoffman Lane needs to be paved and maintained by the Town for safe access, since the paper road has never been actuated. Thank you for your letter. Please acknowledge receipt of this email. I will not be able to attend the meeting March 3. You are encouraged either to read my email and /or enter it into the public record at the meeting. Sincerely, Carol Steeb 175 Deacon Paine Road, Eastham, Ma 02642. Telephone number 760-345-0417 or 760-218-7744 if any questions.

Sheila Vanderhoef

From: Margaret Colquhoun <maggiec660@gmail.com>
Sent: Thursday, February 20, 2014 5:43 PM
To: Sheila Vanderhoef
Subject: Re: HOFFMAN/HAY ROAD

You and Me TOO!!! Especially since Hay RD. due to GPS which shows a road from Rt6 to Bridge is now a Truck road!!! I see Oil trucks, Bernie and Phils. Shepley kumber and yesterday a tow truck carrying a truck,,,Hello??? And all pass my living room window!!! and this is a nice lane to walk? Please!!! Thanks again, Mzggie

On Thu, Feb 20, 2014 at 3:55 PM, Sheila Vanderhoef <svanderhoef@eastham-ma.gov> wrote:

As you may remember at the last discussion (town meeting), we could not demonstrate, with a copy of a town meeting article and positive vote, that all of Hay Rd. was an "accepted" town way. Hence my reference to a portion being private. I look forward to the meeting and most importantly hope that town meeting will agree to resolve this problem.

From: Margaret Colquhoun [mailto:maggiec660@gmail.com]
Sent: Thursday, February 20, 2014 3:23 PM
To: Sheila Vanderhoef
Subject: Re: HOFFMAN/HAY ROAD

Sheila, I rcvd your invite to the meeting on Mar 3 and will be there, but one reference you made re Hay Rd. being part private?? Never heard that before. Where? Just hope neighborly concern comes first at this meeting and a decision reached to make sure we can safely get to our homes via one road or the other. Thanks for listening Maggie

On Thu, Feb 20, 2014 at 2:14 PM, Sheila Vanderhoef <svanderhoef@eastham-ma.gov> wrote:

Ms. Colquhoun, we have spoken many times about this situation within the Hay Road, Hoffman Lane area. No one among the Board of Selectman, the Fire and Police chiefs, the Supt of Public Works or myself disagrees that the situation is very poor. We are however constrained by law as to what and how we can accomplish the repair and/or plowing of the key access roads in the area. The town meeting has turned down several earlier requests to fix this problem and we are going to try again. All I can request is that you and your neighbors attend Town meeting and vote the three necessary articles to get this done.

From: Margaret Colquhoun [mailto:maggiec660@gmail.com]
Sent: Tuesday, February 18, 2014 6:20 PM
To: Sheila Vanderhoef
Subject:

You have a final item on your agenda re Hay/Hoffman..I feel there must be an illegal stance that the town can have all these town roads here without legal access...Regardless of who didn't file what years ago...Your sand trucks pass my house daily in snow storms and can't drop some enroute for icy roads??Especially after this winter somethings got to be done...Please!!!

--

from

Maggie Colquhoun

660 Hay Rd,

Eastham, MA

maggiec660@gamil.com

--

from

Maggie Colquhoun

660 Hay Rd,

Eastham, MA

maggiec660@gamil.com

--

from

Maggie Colquhoun

660 Hay Rd,

Eastham, MA

maggiec660@gamil.com

Sheila Vanderhoef

From: Charles J. Shaw <ch11@verizon.net>
Sent: Thursday, February 27, 2014 10:46 PM
To: Eastham Townhall
Cc: Sheila Vanderhoef
Subject: Hoffman Lane and Hay Road Public Hearing; 20 Hoffman Court

Dear Ms Vanderhoef and Ms Anderson:

I am replying to your certified letter dated February 18, 2014, received and signed for by me February 25. My Eastham home is off Hoffman Lane. I would like to thank all those involved for scheduling the public hearing and for considering warrant articles. It is extremely important that the town provide a means of plowing and maintaining Hoffman Lane and the unpaved portion of Hay Road. I believe the most important reasons are:

1. I have witnessed near accidents of both cars and bicyclists in steep potholes that are not visible due to the curving nature of Hoffman Lane. At times vehicles also drive blind on the left to avoid potholes and rough areas. The defects in the road could readily cause a blowout or other accident, especially at night or in icy or wet weather. I have seen the jouncing cause cargo and passenger shifting and tumbles inside the vehicle, including families, children and pets. Wear and tear on vehicles is significant. I hope this dangerous situation will not be allowed to continue. Vehicles and bicyclists currently have no practical choice but to continue to use Hoffman Lane in its dangerous state.
2. The roads' chronically horrible condition is very unpleasant for residents and visitors alike and should not exist in a town such as Eastham.
3. I rent out my house during the summer season. My agency and I have both received complaints from my renters, and I don't doubt that other owners are in the same position. In an age of Internet reviews that can't be erased, this is a material economic concern for me and for the town.
4. Hoffman Lane was not undrivable historically. Rather, it was at least decently paved. My late uncle, Michael Perillo, previously owned and resided in my house, as did a cousin. My uncle, an active elderly person, would have had extreme difficulty with the road today for his connection to the outside world. I am sure he would not be the only one.
5. The condition of these roads and lack of town plowing presents an obvious and worrisome problem of timely response for elderly and other persons in case of emergency.
6. Individual concerned residents currently attempt to repair the moonscape that is Hoffman Lane, or fill the jarring potholes and grade Hay Road, going to considerable personal expense to do so. But through no fault of their own, their efforts will never be enough. Last winter town plows even pushed snow onto Hay Road and blocked it from travel.
7. The town has potential exposure for accidents causing personal injuries, despite signs and the road's privately owned status. This is especially so when the town has had notice of a defective and dangerous condition for a long period, yet has not condemned the road or taken any other action. In case of accidents, potential exposure may include increased insurance premiums and/or legal expenses, and time-consuming distraction of the town's employees and representatives, even if liability is not ultimately assessed against the town.
8. The expense to maintain these roads will be minimal (especially in comparison to any legal exposure). The affected stretches are short, but crucial for the residents and visitors who must use them.
9. In my opinion, Hay Road doesn't need to be paved as long as it is properly graded and plowed and maintained periodically so that it is drivable, not unpleasant, and safe.

A workable legal regime to support town maintenance of these necessary roads should be put in place at the earliest time possible. For the above reasons, it is in the public interest to do so. It is unnecessary to resolve such side issues as whether the town can document acquisition of Hay Road before taking definitive action to alleviate the drivability and safety problems plaguing these roads that people have to rely on every day. Intractable complexities serve only to delay.

In sum, besides being dangerous and causing wear and tear on people and vehicles, the condition of these brief but critical stretches of road is highly stressful for everyone in the neighborhood. In addition, it's a definite negative for the summer rental business. Maintenance and plowing should entail little additional expense, and could potentially save public resources by eliminating potential sources of liability for accidents. For all of these reasons, it is in the town's best interest at this time to enact a legal structure that will support maintenance and plowing.

I corresponded last year with Ms Vanderhoef about this matter. I hope to attend next Monday evening's public hearing, March 3, travel and weather permitting, but please register and circulate the above as my comments. I look forward to a prompt and satisfactory resolution of this matter that will work for the inhabitants of the affected area.

Very truly yours,

Charles J. Shaw
12 Interlaken Av
New Rochelle, NY 10801
(914) 413-0066