

MONDAY

APRIL 7TH

2014

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
MONDAY, APRIL 7, 2014
REGULAR SESSION
5:00PM**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEN INFORMATION

II. APPOINTMENTS

5:00 PM Public Hearing –Aquaculture License Renewal: Adam Carpentieri (Site B11W)
5:15 PM Water – IRAP Report Update – Water Test Results

III. ADMINISTRATIVE MATTERS

A. Action/Discussion

- a. Transfer Station / Swap Shop– Review Proposed Board of Health Regulations – Neil Andres
- b. Vote on Seasonal Compensation Schedule
- c. Approve Seasonal Liquor Licenses
- d. Approve Transient Vendor Licenses
- e. Fuel Assistance Account – Transfer Funds
- f. Committee Appointment – John Mayer, Recreation Commission

IV. TOWN ADMINISTRATOR’S REPORT

(Other than public hearings, all times are approximate and items may be taken out of order.)

Upcoming Meetings

<i>Monday, April 7, 2014</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, April 9, 2014</i>	<i>2:30 p.m.</i>	<i>Work Session</i>
<i>Monday, April 14, 2014</i>	<i>5:00 p.m.</i>	<i>Public Hearing- Budget, Capital Warrant Articles, and Other Articles</i>
<i>Monday, May 5, 2014</i>	<i>7:00 pm.</i>	<i>Annual Town Meeting Nauset Regional High School Gymnasium</i>

The listing of matters includes those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at www.eastham-ma.gov

II 5PM PUBLIC HEARING
- AQUACULTURE LICENSE

**LEGAL NOTICE
TOWN OF EASTHAM
PUBLIC HEARING
AQUACULTURE LEASES**

Pursuant to M.G.L. Ch 130 s 57 and 60, the Eastham Board of Selectmen will hold a public hearing on Monday, April 7, 2014 at 5:00p.m., in the Eastham Town Hall, Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, concerning the following aquaculture licenses:

License Renewal to April 2024

Boat Meadow: Adam Carpentieri 265 Crosby Village Road Eastham, MA 02642 Site B11W 1/2 Acre
Application filed: 2/27/2014

Published in Friday, March 21, 2014 Cape Codder

Posted: Natural Resources Office, Town Hall Lobby, Town Hall outside board

4/7/14

Town of Eastham

Natural Resources Department
555 Old Orchard Road
Eastham, MA. 02642



508 240-5972
FAX 240-6687
natres@eastham-ma.gov

TO: Eastham Board of Selectmen

FROM: Michael J. O'Connor
Senior Natural Resources Officer

RE: **Aquaculture License**

DATE: March 3, 2014

Adam Carpentieri
265 Crosby Village Rd.
Eastham, MA 02642

Site B11W
1/2 Acre Boat Meadow

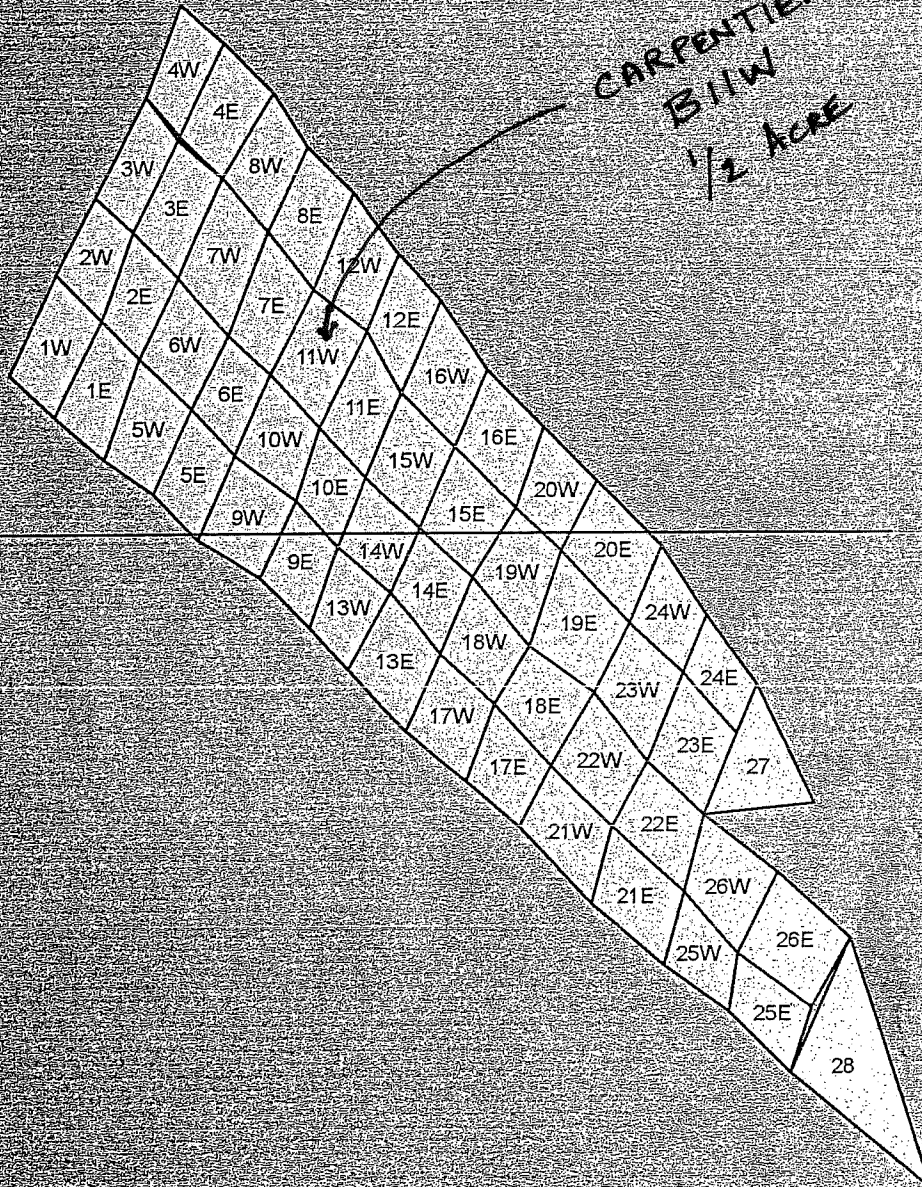
Adam Carpentieri's aquaculture license, site B11 West in the Boat Meadow Aquaculture Development Area, is set to expire the first day of April 2014 and needs to be renewed for a period of ten years. Mr. Carpentieri has been active on the site, holds a commercial shellfish permit and is in compliance with the Town of Eastham Aquaculture Regulations.

Department Recommends

BOAT MEADOW

ADA

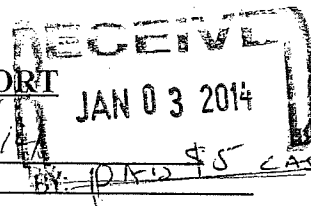
CARPENTIER
B/HW
1/2 ACRE





Town of Eastham

ANNUAL AQUACULTURE LEASEHOLDER REPORT



NAME: Adam Carpentieri DATE: 1/2/14
RESIDENCE ADDRESS: 265 Crosby Village Rd
Eastham, MA 02642
MAIL ADDRESS (if different): 265 Crosby Village Rd
Eastham, MA 02642

PHONE: 774-722-3758 EMAIL ADDRESS: Admbomb@gmail.com

AREA: ☒ Boat Meadow ☐ Nauset Marsh Site #: B11W

EXISTING CONDITIONS

TYPES OF SHELLFISH GROWN: ☐ Quahog ☒ Oyster ☐ Softshell
☐ Mussel ☐ Sea Clam ☐ Other
METHODS USED: ☒ Bag & Rack ☐ Nets ☐ Other (describe)

HATCHERY SEED PURCHASED

TYPE	QUANTITY	VENDOR	SIZE

WAS ANY SHELLFISH MARKETED? NO IF YES, COMPLETE BELOW

TYPE	QUANTITY	UNITS (bushels, pieces)	SIZE (neck, cherry, etc)

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE: LAID SEED IN GROW?
OUT BAGS, TRANSFERRED TO LARGE BAGS, BROUGHT MORE
BAG RACKS NOT, COLLECTED AND TUMBLED OYSTERS

ISSUES

WHAT LOGISTICAL PROBLEMS DID YOU ENCOUNTER? PARKING

WHAT IF ANY GROWING PROBLEMS? (BIOFOULING, PREDATION, GROWTH RATES, ETC)

LOOKING AHEAD

WHAT DO YOU ANTICIPATE DOING WITH THIS SITE NEXT YEAR? PUT HATS OUT COLLECT
SEED? GROW OUT BAGS
WILL YOU BE INCREASING SEED PURCHASES?
TRYING DIFFERENT METHODS? YES CAGES
COLLABORATING WITH NEIGHBORING GROWERS? yes
ANY OTHER THOUGHTS?



Town of Eastham

ANNUAL AQUACULTURE LEASEHOLDER REPORT

NAME: Adam Carpentieri DATE: _____
RESIDENCE ADDRESS: 265 Crosby Village Rd
Eastham, MA 02642
MAIL ADDRESS (if different): 265 Crosby Village Rd
Eastham, MA 02642
PHONE: 774-722-3758 EMAIL ADDRESS: Admbomb@gmail.com
AREA: ☒ Boat Meadow ☐ Nauset Marsh Site #: B11W

PAID
5-
CASH

EXISTING CONDITIONS

TYPES OF SHELLFISH GROWN: ☐ Quahog ☒ Oyster ☐ Softshell
☐ Mussel ☐ Sea Clam ☐ Other
METHODS USED: ☒ Bag & Rack ☐ Nets ☒ Other (describe)

HATCHERY SEED PURCHASED

Chinese Hats

TYPE	QUANTITY	VENDOR	SIZE

WAS ANY SHELLFISH MARKETED? IF YES, COMPLETE BELOW

TYPE	QUANTITY	UNITS (bushels, pieces)	SIZE (neck, cherry, etc)

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE: SET up 5-12 tie Chinese hats
caught 1000/10-20 mil. Seed. Set up grow out Bags/Racks

ISSUES

WHAT LOGISTICAL PROBLEMS DID YOU ENCOUNTER? NONE

WHAT IF ANY GROWING PROBLEMS? (BIOFOULING, PREDATION, GROWTH RATES, ETC) NONE

LOOKING AHEAD

WHAT DO YOU ANTICIPATE DOING WITH THIS SITE NEXT YEAR? To catch and grow
NATIVE OYSTERS
WILL YOU BE INCREASING SEED PURCHASES? NO
TRYING DIFFERENT METHODS? Yes changing the grow out RACKS
COLLABORATING WITH NEIGHBORING GROWERS? Yes
ANY OTHER THOUGHTS? _____

use other side if necessary for additional comment



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov

Commonwealth of Massachusetts

Barnstable, ss.

B-11W

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby *ISSUE A NEW LICENSE* to **Adam Carpentieri** of 265 Crosby Village Road, Eastham, Massachusetts 02642 to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Aquaculture Development Area of BOAT MEADOW in said Town of Eastham, bounded and described as follows:

Site B-11W - Computed to have an area of one half acre.

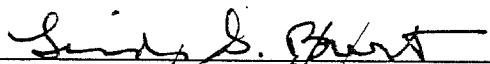
The following procedure is permitted for licensed sites in the Aquaculture Development Area of Boat Meadow:

- Operation of motor vehicles for the purpose of removing and replacing shellfish stock and growout equipment in anticipation of the winter ice events is permitted during the months of December, February and March subject to the following protocol.
- Two vehicles shall convoy together at all times to provide immediate assistance in the event of one becoming disabled. The number of trips shall not be limited.
- The route taken shall be the most direct from the main First Encounter Beach parking lot to the westerly perimeter of the ADA and shall not cross any other aquaculture sites.
- All required equipment specified in the bylaw shall be on each vehicle.
- All travel shall be at the sole risk of the driver / owner of the vehicle. The Town assumes no responsibility for removal, salvage, or pollution as a result of this permit.
- The Natural Resources Department shall be notified 24 hours in advance of the intention to drive on the intertidal flats under this provision.

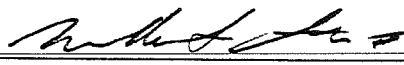
This license is granted under Section 57 of Chapter 130 of the General Laws as amended by Chapter 692 of the Acts of 1986 and the Town of Eastham Shellfish Aquaculture Regulations, and all acts in addition thereto, and amendments thereof, are incorporated herein and made a part hereof.

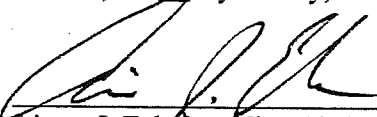
This license shall expire one hour after sunset on the first day of **April, 2014** unless sooner suspended or revoked. This renewal was granted by the Board of Selectmen on February 6, 2012.


WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 2 day of May, Two Thousand Twelve.


Linda S. Burt, Chair


Martin F. McDonald, Clerk


Wallace F. Adams II


Aimee J. Eckman, Vice-Chair


John F. Knight

BOARD OF SELECTMEN



TOWN OF EASTHAM
SHELLFISH AQUACULTURE MANAGEMENT PLAN

FORM -A

NAME: Adam CARPENTIERI DATE: 12-9-2011
RESIDENCE ADDRESS: 265 CROSBY VILLAGE ROAD
EASTHAM MASS. 02642
MAIL ADDRESS: _____
(if different) _____
PHONE: 774-722-3758 EMAIL ADDRESS: ADM.BOMB@GMAIL.CO
AREA: ☒ Boat Meadow ☐ Nauset Marsh ☐ Other SITE # 11W

EXISTING CONDITIONS

TYPES OF SHELLFISH GROWN: ☒ Quahog ☒ Oyster ☐ Softshell
☐ Mussel ☐ Sea Clam ☐ Other

GROWOUT METHODS

(For each type of shellfish raised, place an X on the line describing methods used)

	QUAHOGS	OYSTERS	SOFTSHELL	MUSSELS	SEED	OTHER
BOTTOM BOX	X					
RAFTS						
NET WITH LEAD LINE		X				
LANTERN NET						
OTHER						
NO PROTECTION						
EXPLAIN						

Are you familiar with business management practices and marketing? ☒ Yes ☐ No

If Yes, please explain your experience.

I Managed a Bait & TACKLE SHOP FOR FOUR (4) years
and am currently a Self employed Carpenter

Do you have a business plan for this operation? ☒ Yes ☐ No

Are you planning to use spat collection?

☒ Yes ☐ No

What type?

☐ Loose Cultch

☒ Cultch Bags

Material?

☐ Shell

☐ Cement

☒ Netting

Where will they be located?

The deeper end of the grant or
wherever allowed and available

SEED SOURCE

Do you plan to purchase hatchery seed?

☒ Yes ☐ No

If so, please indicate species and size (Place an X in the appropriate box or boxes)

HATCHERY SEED				
TYPE	QUAHOGS	OYSTERS	SOFTSHELL	OTHER
1 - 3 mm				
3 - 5 mm	X	X		
5 mm or larger				

Do you presently hold a seed permit from the Division of Marine Fisheries?

☐ Yes ☒ No

What quantity do you expect to buy?

SPECIES 1

SPECIES 2

Year 1

12,000

10,000 8,000

Year 2

6,000

4000

HARVEST METHODS

When seed is ready to be thinned or marketed, what methods of harvest do you plan to use?

(Place an X in the appropriate box or boxes)

METHOD						
	QUAHOGS	OYSTERS	SOFTSHELL	MUSSELS	SEA CLAM	OTHER
HAND DIG	X	X				
HYDRAULIC						
SCREEN						

Is there a partnership associated with this project?

☐ Yes ☒ No

Are you familiar with the site and general conditions?

☒ Yes ☐ No

Town of Eastham

Department of Public Works
555 Old Orchard Road
Eastham, MA. 02642



508 240-5973
Fax 508 240-6687

III A. Transfer Station
Swap Shop

To: Sheila Vanderhoef, Town Administrator

From: Neil Andres, Superintendent DPW

Date: April 1, 2014

RE: BOH Transfer Station Regulations

Changes to Eastham Town Code Chapter 308 and 309 are proposed as detailed on the copies of the regulations.

Elimination of Chapter 308 – This chapter is a relic of times when the town operated an active landfill and septic pits. The operation of the Transfer Station is regulated under Chapter 309. Additionally, courts have decided that the flow control provisions on Chapter 308 are not legal

Changes to allow acceptance of Single Stream Recycling material from Licensed haulers which may be generated outside of Eastham – This is required to implement a regional recycling grant

Housekeeping changes to allow the transfer station to accept used motor oil, antifreeze, and propane tanks

Removal of fees from BOH regulations – specifically one-time use fee and number of bags allowed to be set by BOS

For Recycling Committee: Change to prohibit re-sale of swap shop materials.

Chapter 308. REFUSE AND SEPTAGE DISPOSAL

[HISTORY: Adopted by the Board of Health of the Town of Eastham 5-26-2005, effective 7-1-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Transfer Station — See Ch. 309.

~~§ 308-1. Establishment of regulations; when effective.~~

~~Under the provisions of MGL C. 111, § 31, the Eastham Board of Health hereby establishes the following regulations which shall become effective upon publication.~~

~~§ 308-2. Refuse generated in Town.~~

~~All refuse (including, but not limited to garbage, construction debris, metal, tires, waste oil, newspapers and other recyclable materials) generated within the Town of Eastham must be taken to and deposited in the Eastham Landfill Transfer Station; or as otherwise directed and authorized by the Board of Health.~~

~~§ 308-3. Refuse generated outside of Town.~~

~~All refuse (including, but not limited to garbage, construction debris, metal, tires, waste oil, newspapers and other recyclable materials) not generated within the Town of Eastham cannot be taken to and deposited in the Eastham Landfill Transfer Station, except under special permit.~~

Chapter 309. TRANSFER STATION AND RECYCLING

[HISTORY: Adopted by the Board of Health of the Town of Eastham 6-1-2007.

Editor's Note: These regulations supersede former Ch. 309, Transfer Station and Recycling, adopted 5-26-2005, effective 7-1-2005. Amendments noted where applicable.]

GENERAL REFERENCES

~~Refuse and septage disposal — See Ch. 308.~~

§ 309-1. Purpose.

The transfer station and recycling facility is operated by the Town of Eastham and is to be used for the disposal of acceptable waste generated ~~only~~ within the Town of Eastham. All other refuse and waste which originate outside of the Town limits is prohibited unless otherwise directed and authorized by the Board of Health.

§ 309-2. Authority.

The following regulation is adopted pursuant to MGL c. 111, §§ 31, 31A, and 31B. This regulation supplements 310 CMR 19.000, which for enforcement purposes is adopted by the Town of Eastham.

§ 309-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE WASTE

Any waste currently accepted at the solid waste facility.

BRUSH

Tree trimmings, bushes, shrubs.

COMMERCIAL VEHICLE

Any vehicle used in the transportation of commercial waste, commercial landscaping operations, commercial earthmoving operations, commercial construction and demolition materials. This term also includes refuse collection and transportation vehicles.

COMMERCIAL WASTE

All types of solid waste from manufacturing operations or commercial establishments, such as restaurants, markets, motels, campgrounds, office buildings, and retail stores.

CONSTRUCTION AND DEMOLITION WASTE

All lumber, pipes, bricks, shingles, sheetrock, masonry and other construction materials resulting from the construction and demolition of buildings and other structures.

HAZARDOUS MATERIALS

Solvents, oils ([excluding motor oil and antifreeze](#)), chemicals, pesticides, explosive materials, nuclear or radioactive materials, hazardous metals, corrosive materials.

LIQUID WASTE

Material that drains freely or contains free-draining liquids. Contained liquid wastes generated by and produced in the normal operation of a household, excluding septage, shall not be considered liquid waste unless expressly excluded through 310 CMR 19.017 or these regulations.

METAL

Includes but is not limited to refrigerators, washing machines, clothes dryers, air conditioners, ranges, stoves, metal furniture, appliances, structural members and pipes up to four feet long, small wire and metal fencing in bundles up to four feet long, small metal scrap, bicycles, lawn mowers, tubs, sinks, and single family residential furnaces.

PICKING

Unauthorized removal of products and materials from the Eastham Transfer Station.

RECYCLABLE or RECYCLABLE MATERIAL

A material that has the potential to be recycled and which is presorted and not contaminated by significant amounts of toxic substances.

REFUSE

[Municipal](#) Solid waste materials, including garbage and rubbish, exclusive of building and demolition materials.

REFUSE COLLECTORS AND TRANSPORTERS

Individuals or companies who or which collect and/or transport refuse from private or commercial sources.

SEASONAL RENTER

Individuals who rent a dwelling unit in Eastham for part of a year and are not on the census of the Town.

Single Stream Recycling (SSR)

[A method of collecting recyclable materials in which all items \(paper, plastic, and metal/glass containers\) are mixed together, rather than being separated by residents. Private refuse haulers that collect recyclable materials typically use this method of recycling. Once collected, SSR materials are transported to a material Recovery Facility \(MRF\) where they are sorted into categories and sold as a commodity.](#)

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UNACCEPTABLE WASTE

Any waste currently not accepted at the solid waste facility.

YARD WASTE

Grass clippings, weeds, garden materials, shrub clippings, leaves, pine needles, bark, mulch, wood chips and brush less than one inch in diameter.

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No vehicle shall be allowed to enter the Town of Eastham Transfer Station and Recycling Center except in accordance with these regulations.

§ 309-5. Noncommercial use.

- A. Eligible access. Noncommercial access to the Transfer Station and Recycling Center is limited to vehicles having a valid Town of Eastham Transfer Station sticker or to residents who have ~~purchased a one-use ticket~~ paid a one-time use gate fee.
- (1) Eligible for use of the Transfer Station facilities are: Eastham residents, nonresident taxpayers, and any other person visiting the Town, such as seasonal renters and business owners.
 - (2) Eligible are one-time users who are living, staying, or renting in Eastham. One-time user ~~passes~~ fees entitle the holder to access the Transfer Station once with ~~a limit of four thirty-two-gallon bags containing~~ acceptable solid waste and recyclable material. The gate fee and number of 32 gallon bags of MSW allowed per visit. ~~One-time passes may be purchased at the Transfer Station for a fee~~ shall be as set forth by the Board of Selectmen.
 - (3) Eligible are organizations that may conduct cleanup campaigns in Town parks, beaches, roadsides, or other public areas. Prearrangement of the disposal from such campaigns must be made with the DPW Superintendent.
 - (4) Eligible is the Cape Cod National Seashore after execution of a contract with the Town of Eastham delineating specific terms and conditions for use of the Transfer Station.
- B. Sticker eligibility.
- (1) General eligibility and requirements.
 - (a) An "eligible person" for the purposes of these rules and regulations is a person who is entitled to Transfer Station stickers because they meet real estate or residence requirements.
 - (b) All stickers are vehicle-specific. Each sticker shall have the license plate number of the vehicle onto which it will be placed. The sticker will be considered valid only if permanently attached to the vehicle.
 - (c) A current vehicle registration must be provided at the time of sticker purchase; a valid registration must show the name of the eligible person as the owner. If the vehicle is leased or rented, the eligible person's name must appear on the lease or rental agreement.
 - (d) A residential Transfer Station sticker allows the owner of the vehicle to dispose of residential solid waste generated from the owner's primary Eastham residence only.
 - (e) A commercial transfer station sticker allows the owner of the vehicle to dispose of solid waste generated in the Town of Eastham. Such waste is subject to the commercial disposal rates and inspection by DPW staff. Commercial Transfer Station sticker approvals are subject to waste ban regulations set forth in 310 CMR 19.017.
 - (2) Residential transfer station eligibility.
 - (a) Year-round residents and real estate taxpayers.
- [1] Any person wishing to purchase a Transfer Station sticker must appear on the current Assessor's list of residential property owners. New property owners who do not appear on the list must provide a copy of the deed.

- [2] If a property is owned by a trust, the trustees of that trust are eligible for a Transfer Station sticker but the beneficiaries are not. Documentation must be provided at the time of sticker purchase.
- [3] Year-round residents and real estate taxpayers with vehicles that have commercial license plates registered to them as individuals are eligible to obtain residential Transfer Station stickers. The sticker allows the vehicle to dispose of residential solid waste generated from the owner's primary Eastham residence only.
- [4] Nonresidents who own businesses in Eastham and thus pay real estate taxes are eligible for a residential Transfer Station sticker.
- [5] Nonresident real estate taxpayers, without a habitable dwelling or occupancy permit on an Eastham property, are not eligible for a residential Transfer Station sticker.
- [6] Each eligible property owner is entitled to purchase one Transfer Station sticker at full price; the second sticker purchased will be at a discounted rate; third and subsequent stickers will be purchased at the full price.
- (b) Year-round residents who are not real estate taxpayers.
- [1] Year-round residents who are not real estate taxpayers must appear on the Town's current census. New residents who have not yet been placed on the list must provide three proofs of residency, to include: vehicle registration, driver's license, and telephone/electric bills all with the same Eastham street address, not a PO box.
- [2] A current vehicle registration must be provided; if the vehicle is leased or rented, the name and Eastham street address of the eligible person must appear on the lease or rental document, not the PO box.

§ 309-6. Commercial use.

- A. Commercial access to the Transfer Station is limited to those vehicles having a valid commercial Transfer Station sticker.
- B. An annual operating license from the Board of Health is required for vehicles used for the commercial collection of waste in the Town of Eastham and for the collection of Single Stream Recyclables generated either inside or outside of the Town of Eastham from Refuse Collectors and Transporters with a valid operating license from the Board of Health.

§ 309-7. Management of waste materials.

- A. Facilities at the Eastham Transfer Station are operated for the collection and disposal of household and commercial waste generated only within the Town of Eastham. Public access to the Eastham Transfer Station shall be through paved entry/exit roads, during hours of operation only.
- B. All materials accepted at the solid waste facility shall be placed in only those areas designated by the Disposal Manager or his designee.
- C. Waste materials are subject to restrictions that require separation of certain materials from the MSW, mass of co-mingled trash.
- D. The following materials shall not be disposed of in the Transfer Station MSW compactors. After separation, these materials (most of which are recyclable) shall be placed in the receptacles or areas designated to receive them.

[See attached new Section 309-6-C regarding Swap Shop as recommended by Recycling Committee.]

- (1) Ashes.
- (2) Batteries, wet cell and automotive.
- (3) Bottles and other glass containers (recyclable).
- (4) Building and construction: demolition debris.
- (5) Cans and small metal containers: tin, aluminum, or bimetal (recyclable).
- (6) Mattresses, fully upholstered furniture, cushions and pillows.
- (7) Metals: both scrap metal and white goods (recyclable).
- (8) Newspapers (recyclable).
- (9) Oil: automotive, marine or small engine ([return to place of purchase recyclable](#)).
- (10) Plastics: HDPE, milk and water jugs (recyclable).
- (11) Tires: either on or off the rim.
- (12) Yard waste: leaves, grass clippings, brush, etc.
- (13) Asphalt.

E. The following materials are strictly prohibited from the Eastham Transfer Station site:

- (1) Agricultural waste, explosive materials, corrosive materials, pathological waste, biological waste, offal, entrails, etc. of butchered animals, radioactive materials, [ashes](#), foundry sand, mining waste.
- (2) Sewage sludge, cesspool and other human waste, human and animal remains, motor vehicles, [and major motor vehicle parts containing oil \(including transmissions, rear ends, springs and fenders\), agricultural and farm machinery and equipment and major parts thereof, marine vessels and major parts thereof.](#)
- (3) [Any other type of large machinery or equipment, including thick-walled or solid metal objects such as castings, forgings, gas cylinders or large motors, s](#)Solid blocks of rubber or plastic greater than two cubic feet in volume, rolls of carpet or fencing over 12 inches in diameter, steel or nylon rope, chains, cables or slings more than four feet long, logs over four feet long and/or two feet in diameter, tree stumps, liquid waste, including liquid chemical waste, sewage and other highly diluted water-carried materials or substances and those in gaseous form, nonburnable construction materials and/or demolition debris, or special nuclear by-product materials within the meaning of the Atomic Energy Act of 1954 as amended, or any other material which:
 - (a) May present a substantial endangerment to public safety;
 - (b) Would cause applicable water quality or water effluent standards to be violated by the normal operation of the project; or
 - (c) Because of its size, durability or composition cannot be processed at the project, may materially impair its structures or equipment or has a reasonable possibility of otherwise adversely affecting the operation of the plant.
- (4) Hazardous waste shall not be accepted at the Transfer Station at any time.
- (5) Special waste shall not be accepted at the Transfer Station at any time. Such wastes include asbestos waste, infectious waste, sewage and water treatment sludges, and any solid waste not hazardous pursuant to 310 CMR 30.00 and that exists in such quantity or in a chemical or physical state so that particular management controls are required to prevent an adverse impact from the collection, transmission, transfer, storage, processing treatment or disposal of the solid waste.

F. Acceptable wastes, after any required separation and preparation, shall be placed in the contractor bins, or deposited in the areas or receptacles designated for each class of

material, as instructed by appropriate signage and/or verbal instruction from the Transfer Station employees.

- G. Transfer Station employees shall periodically inspect loads of waste materials brought for disposal to ensure compliance with this regulation. Patrons entering the disposal area shall, upon request of a Transfer Station attendant, provide proof or answer questions concerning the origin or nature of their waste materials.
- H. Transfer Station employees shall keep daily and periodic records of the type of waste received, and of the weights of waste and restricted materials shipped from the Transfer Station. These records will be kept in a manner and form appropriate to the financial and operational management of the Transfer Station, and for use in complying with the commonwealth's stated waste-reduction goals.

§ 309-8. Severability; violations and penalties; enforcement.

- A. If any articles, regulation, paragraph, sentence, clause, or phrase of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.
- B. Violations of the above regulations shall result in the issuance of fines, under MGL c. 40, § 21. This regulation is enforced by the Eastham Department of Public Works Director, Eastham Police Department, the Eastham Health agent or its designees.

Requested by Recycling Committee:

Recyclable materials: Any item removed from Swap Shop must be for personal use only. No resale of items allowed. The Recycling Committee proposes the Board of Health add new section 309-6 C as follows:

§ 309-6. Commercial use.

- A. Commercial access to the Transfer Station is limited to those vehicles having a valid commercial Transfer Station sticker.
- B. An annual operating license from the Board of Health is required for vehicles used for the commercial collection of waste in the Town of Eastham and for the collection of Single Stream Recyclables generated either inside or outside of the Town of Eastham from Refuse Collectors and Transporters with a valid operating license from the Board of Health.
- C. Removing items from the swap shop for sale at events including but not limited to flea markets and yard sales is prohibited.

III B

SEASONAL COMPENSATION SCHEDULE

Year Round Part-Time/Seasonal Employee Compensation Schedule

Attached is the Year Round Part-Time/Seasonal Employee Compensation Schedule noting the rates for 2014. Below is an explanation by Department to explain any proposed changes.

Recreation Department: The Department does not propose any hourly rate changes to the currently listed positions.

Proposes adding a position entitled **Year-Round On-Call Recreation Leader** at an hourly rate of \$12.50.

Those hired for the position will help to chaperone/lead the various year-round programs/events/field trips scheduled by the Recreation Department. There has been a significant increase in students registering for these programs/events/field trips and thus the department needs more staff to help.

Natural Resources/DPW: The Department does not propose any hourly rate changes to the currently listed positions.

Proposes adding a currently existing position, not yet included in the Compensation schedule, entitled **Casual On-Call DPW Laborer**. The proposed hourly rate is \$14.50 (Step 1) and \$15.00 (Step 2).

Hiring for this position is needed to be able to retain skilled labor that can fill in as needed, with no training. A pay rate of \$14.50/\$15.00 is necessary as it is significantly less than trying to fill a shift with full time staff on overtime.

Elections/Town Clerk: The Department does not propose an hourly rate change to the Election Deputy Warden position.

Proposes increasing the Election Teller rate from \$7.00 to \$7.75 per hour to abide by the 2014 Federal Minimum wage of \$7.25 with an additional increase of .50 per hour.

Proposes increasing the Register of Voters rate from \$7.00 to \$8.00 per hour to abide by the 2014 Federal Minimum wage of \$7.25 with an additional increase of .75 per hour. The Registrar of Voters works more than the Election Tellers as well as having more obligations and responsibilities.

In researching Election Teller and Registrar of Voters hourly rates with those of other towns, Eastham pays significantly lower, with other towns paying a range of \$8.00-\$13.00 per hour.

Police Department: No rate changes proposed for current listed positions.

Library: No rate change proposed for current listed position.

COA: No rate change proposed for current listed position.

YEAR ROUND PART TIME/SEASONAL EMPLOYEE COMPENSATION SCHEDULE

JOB TITLE	SUMMER 2010 EFFECTIVE MAY 1, 2010		SUMMER 2011 EFFECTIVE MAY 1, 2011 & SUMMER 2012 EFFECTIVE MAY 1, 2012		SUMMER 2013 EFFECTIVE MAY 1, 2013		SUMMER 2014 EFFECTIVE MAY 1, 2014	
	STEP 1	STEP 2	STEP 1	STEP 2	STEP 1	STEP 2	STEP 1	STEP 2
<u>BEACH/RECREATION DEPARTMENT</u>								
HEAD LIFEGUARD	13.50	13.75	14.50	15.00	15.00	15.25	15.00	15.25
SWIM INSTRUCTOR/WSI LIFEGUARD	12.75	13.00	13.50	14.00	14.00	14.25	14.00	14.25
LIFEGUARD	12.50	12.75	13.00	13.50	14.00	14.25	14.00	14.25
PLAYGROUND PROGRAM DIRECTOR	13.50	13.75	14.50	14.75	15.75	16.00	15.75	16.00
PLAYGROUND LEADER	10.00	10.25	10.50	10.75	11.00	11.25	11.00	11.25
ASSISTANT BEACH SUPERVISOR	13.50	13.75	14.50	14.75	15.00	15.25	15.00	15.25
HEAD STICKER SELLER	12.50	12.75	13.50	13.75	14.00	14.25	14.00	14.25
STICKER SELLERS	10.00	10.25	10.50	10.75	11.00	11.25	11.00	11.25
BEACH GATE ATTENDANT	10.00	10.25	10.50	10.75	11.00	11.25	11.00	11.25
RECYCLER	12.00	12.50	12.50	12.75	12.50	12.75	12.50	12.75
HEAD MILLER	11.25		11.50		11.50		11.50	
ASSISTANT MILLER	10.75		11.00		11.00		11.00	
YEAR ROUND ON CALL RECREATION LEADER							12.50	
<u>POLICE</u>								
SEASONAL POLICE OFFICER	13.50	14.00	14.50	15.00	14.50	15.00	14.50	15.00
YEAR ROUND ON CALL POLICE OFFICER	14.00	14.50	14.50	15.00	14.75	15.50	14.75	15.50
YEAR ROUND ON CALL DISPATCHER/CLERK	14.25	15.00	15.50		15.50		15.50	
YEAR ROUND ON CALL MATRON	14.25	14.50	14.50	15.00	14.50	15.00	14.50	15.00
<u>NATURAL RESOURCES/DPW</u>								
ASST HARBORMASTER	12.00	12.25	12.25	12.50	No longer	a position	No longer	a position
LONG SEASON DEPUTY ASST NR OFFICER	13.50	13.75	13.75	14.00	No longer	a position	No longer	a position
TRANSFER STATION/DPW LABORER	12.00	12.25	12.25	12.50	12.75	13.50	12.75	13.50
WHARFINGER			12.00	12.25	12.50	12.75	12.50	12.75
ON-CALL SNOW PLOW/SANDING DRIVERS					20.00	20.00	20.00	20.00
CASUAL ON-CALL DPW LABORER							14.50	15.00
<u>ELECTIONS/TOWN CLERK</u>								
ELECTION TELLERS	7.00		7.00		7.00		7.75	
ELECTION/DEPUTY WARDENS	10.00		10.00		10.00		10.00	
REGISTER OF VOTERS	7.00		7.00		7.00		8.00	
<u>LIBRARY</u>								
LIBRARY ASSISTANT	12.00	12.50	12.50	12.75	12.75	13.00	12.75	13.00
<u>COUNCIL ON AGING</u>								
COA VAN DRIVER	12.00		12.50		12.75		12.75	

Adopted Board of Selectman -March 6, 2013

*Salary adjustments made on July 1, of each years. All other salaries on this scale effective May 1 of the year.

Key: Employee shall move one step on recommendation of the Department Head and after Service as below:

1. 8 weeks of continuous Service

2. 200 hours of Service or Training

3. 100 Hours of Service or Training

1 Seasonal Comp Pay Scales. for 2014 USE

Memorandum

DATE: April 2, 2014

TO: Sheila Vanderhoef
Board of Selectmen

FROM: Madelynne Magill
Licensing Clerk

RE: 2014 Seasonal License Renewals

Attached are the Seasonal Common Victualer Liquor License renewal forms from the ABCC and the new licenses, for:

License #	Name on License	D. B. A.	Type
036400022	Orleans-Eastham Lodge of Elks #2572	(Elks)	Club
036400032	L & T Fine Foods Corporation	(Laura & Tony's Kitchen)	Restaurant
036400033	Jerope, Inc.	(Arnold's Restaurant)	Restaurant
036400034	Tides Landing LLC.	(Tides Landing)	Package Store
036400036	Woody's Eastham Lobster Pool, LLC	(Stewart's Restaurant and Tavern)	Restaurant
036400040	El Mercado Loco, Inc.	(Sam's Uncorked)	Package Store

The liquor license renewal forms must be signed and paid for by the responsible party for each seasonal licensed business during the month of March.

- * **Dell Enterprises, Inc. has not yet submitted necessary paperwork or payment of fees. When he has met the requirements for renewal, I will submit his application separately.**
- * **Oaxaca Mexican Grill will not be opening this year, they will remain closed and intend to sell the business.**

I have included all of the licenses up for renewal held by the above licensees and also Poit's and the Gift Barn. **Common Victualer-Retail Sales, Entertainment, Mini-Golf and Coin-Op Amusements.**

All renewal fees for the above have been collected and submitted to the Treasurer.

These businesses are currently closed and all inspections by Building and Health and Fire will be completed during the months of April and May, prior to the issuance of their licenses.

Chief Kulhawik is reviewing the call-out sheets for these licensees.

If approved, please sign the ABCC renewal forms and the actual licenses for each applicant.

Thank you!

MEMORANDUM

TO: Town Administrator
Board of Selectmen

FROM: Madelynnane Magill
Licensing Clerk

DATE: April 2, 2014

Seasonal Licenses

Seasonal Licenses up for renewal are:

Entertainment:

Captain's Quarters Motel and Conference Center
Woody's Eastham Lobster Pool dba Stewart's Restaurant & Tavern

Peddler's:

Nicole Waite - dba Good Times Ice Cream
Hyannis Ice Cream - Truck #1
Hyannis Ice Cream - Truck #2

Common Victualer - Retail Sales:

Arnold's Restaurant
Atlantic Oaks Campground
Ben and Jerry's
Captains Quarters Motel
El Mercado Loco, Inc. dba Sam's Deli
El Mercado Loco, Inc. dba Sam's Uncorked
Friendly Fisherman
Laura & Tony's Kitchen
Nauset Ice Cream Company
Poit's Restaurant
Tide's Landing LLC
Viking Shores Motel
Woody's Lobster Pool dba Stewart's Restaurant & Tavern

Coin-Operated Amusements:

Poit's Restaurant
The Gift Barn

Miniature Golf:

Cedar Banks Links @ Arnold's
Poit's Restaurant
The Gift Barn

Inspections will be performed by Building and Health prior to opening for the season. Chief Foley had no issues with these licenses and Chief Kulhawik checked his database and found nothing to indicate not issuing these licenses. Should you approve these licenses, please sign where indicated. Thank you!



III D. Transient Vendor
Licenses

MEMO:

To: Sheila Vanderhoef, Town Administrator

From: Vicky Anderson

Date: April 7, 2014

Re: Transient Vendor Permits

Please find attached six Transient Vendor Applications for consideration and approval by the Board of Selectmen. In each case, the \$20.00 fee has been received.

Vendors seeking permits at this time are:

Susan and Peter Milsky
30 Cedar Lane
Eastham MA 02642

Barbara Ehle
Box 351
Orleans MA 02653

Leslie Froes
564 Main Street
Harwich MA 02645

Deidre Oringer
1200 Bound Brook Island Road
Wellfleet MA 02667

Jesse Mechling
255 Quail Cover Lane
Eastham MA 02642

III e. Fuel Assistance
Acct
Tim Smith

DATE: April 7, 2014

TO: Board of Selectmen

FROM: Nan Balmer, Assistant Town Administrator

RE: **Timothy Smith – Needy Fund – Request for Transfer of Funds**

Since 2005, by special vote of the Board of Selectmen acting as Trustees of the Timothy Smith Fund, the fund has been used to assist residents with fuel heating bills. The original transfer of funds from the Timothy Smith Fund to the Fuel Assistance Account was \$40,000.

The current balance in the Timothy Smith Fund is \$80,408.61. \$10,394.68 is remaining in the Fuel Assistance Account. Approximately \$12,000 annually is spent to assist local residents needing fuel assistance.

We are requesting the Board approve a transfer of \$10,000 from the Timothy Smith Fund to the Fuel Assistance Account.

Thank you for your consideration of this request.

III F-Committee Appl
John mayer

April 7, 2014

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: Committee Appointment

The following is the information needed to make a committee appointment.

John Mayer ~ Recreation Commission

The interview committee recommends the appointment of John Mayer to the Recreation Commission.

If the Board appoints him, his first term would commence April 7 and expire June 30, 2017. He is to replace Christine LaBranche who resigned 11-12-13, and whose term ends June 30, 2014.

INFORMATION

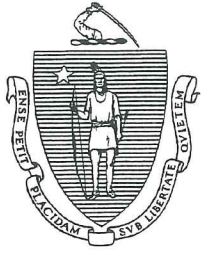
Nan Balmer

From: Shana Brogan [dpw@eastham-ma.gov]
Sent: Thursday, April 03, 2014 4:59 PM
To: Neil Andres
Cc: Nan Balmer
Subject: Cape Cod National Seashore Letter - Nauset Spit

Hello Nan and Neil,

I just received a letter in the town hall mailbox this afternoon dated March 25th from the Cape Cod National Seashore. The letter informs the conservation commission that they will be placing the appropriate signage and fencing to mark piping plover habitat as they do from Chatham to Provincetown. The letter is mostly educational about the piping plover and their federal and state protections. They also inform us they will submit report update letters of which I will share with you both when we receive them. I will also scan and e-mail the letter to you both as soon as I return to the office on Monday morning.

Thank you,
Shana



DEVAL L. PATRICK
GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE GOVERNOR**

State House, Room 360, Boston, MA 02133
(617) 725-4005 FAX (617) 727-9725

April 1, 2014

TEL: (617) 725-4005
FAX: (617) 727-9725
<http://www.mass.gov/governor>

ADMINISTRATION

APR 03 2014

RECEIVED

Ms. Sheila Vabderhoef, Chair
Town of Eastham
2500 State Highway
Eastham, MA 02642

Dear Ms. Vabderhoef:

We are pleased to inform you that the Chapter 90 local transportation aid funding for Fiscal Year 2015 will total \$200 million statewide. While the \$200 million is provisional based on the passage of the pending transportation bond bill, the Fiscal Year 2015 apportionment reflects a level funding from the previous fiscal year and continues to represent the highest level of funding apportioned for local transportation aid in the past decade.

This letter certifies that the **Town of Eastham's** Chapter 90 apportionment for Fiscal Year 2015 is provisionally **\$249,377**, based on the passage of the transportation bond bill. Once the transportation bond bill authorizing the Chapter 90 Program is passed into law, this apportionment is automatically incorporated in your existing 10-Year Chapter 90 contract, available on the MassDOT website <http://www.massdot.state.ma.us/chapter90>. Prior to the enactment of the transportation bond bill municipalities may not obligate the provisional funds identified in this letter.

We look forward to working closely with your community to ensure the continuing success of the Chapter 90 program in the years to come.

Please feel free to contact Maria Conti at (857) 368-9144 or Paul Jay at (857) 368-9150 with any questions you may have regarding the Chapter 90 program.

Sincerely,

Governor

INFO: CHAPTER 90
FY15

info
cc: Nail



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

INFO.
SHANA BROGAN
APPOINTMENT

April 2, 2014

To: Shana Brogan

From: Sheila Vanderhoef, Town Administrator

Re: FY 14 Appointment- Shana Brogan

In accordance with the *Town of Eastham Home Rule Charter*, § 4-4 D, you are hereby appointed to the position of Conservation Agent/Administrative Assistant in the Environmental Planning Department for a period of sixteen weeks commencing March 6, 2014 and ending June 30, 2014.

The Board of Selectmen will be notified of this appointment on April 7, 2014 and have fifteen days to reject the same.

cc: Lillian Lamperti, Town Clerk
✓ Board of Selectmen

*Personal
file*

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



March 25, 2014

508-240-5971
Fax 508-240-6687

ADMINISTRATION

MAR 31 2014

RECEIVED

Mr. Martian McDonald
Selectman
Eastham Board of Selectman
2500 State Highway
Eastham, MA 02642

Dear Selectman McDonald

We would like to advise you that you have an exceptional employee, Shana Brogan, Administrative Assistant in your Conservation office. As Commissioners of the Conservation Commission we feel strongly that Ms. Brogan is an invaluable asset to the performance of the Commission and believe we would be unable to function without Ms. Brogan's assistance.

She not only advises and guides applicants in preparing their submittals to the commission and generates the packets for the Commissioners review with all the pertinent information. She takes a huge step further and advises the Commission of the relevant points of discussion, provides copies of the applicable sections of the Wetlands Protections Act, Eastham conservation bylaw, or other relevant regulatory section in the applicant's staff notes and/or advises us where the sections can be found in the Environmental Handbook for Massachusetts Conservation Commissioners for each and every application.

Ms. Brogan attends all the meetings of the Commission as well as our site visits and alerts us to any issues or problems with the proposed projects. She also researches difficult or unusual applications/questions/processes through other sources of written reference material besides the Wetlands Protection Act, and or contacts other agencies or individuals working in field that may have a better understanding, knowledge or opinion of the question before the commission that can help the Commission form a decision that benefits both Eastham and the applicant.

Ms. Brogan takes initiative, is hard working and resourceful. In the absence of a conservation agent, she has stepped up admirably and done the work needed to prepare the Commissioners for the matters pending before the Commission. Ms. Brogan demonstrates her interest in serving the Township and the Commission in many ways.

She recently attended a Conference of the Massachusetts Association of Conservation Commissioners on a weekend, which is just one example of how eager she is to learn. In one of the sessions, the speaker noted that Eastham is the only town that consistently ensures that revetments are replenished with sand each year, which is an important measure for protecting the shoreline. Ms. Brogan plays a critical role in this distinction by sending annual reminders to homeowners and then following up to ensure compliance.

The Conservation Commission would be hard pressed to be able to function at its current high level of professionalism without the exceptional assistance from Shana Brogan. We request that the Board of Selectmen recognize Ms. Brogan's extraordinary performance.

Sincerely,

 3/23/2014

Eastham Conservation Commission
By Stephen N. Smith, Chair

and
Michael R. Harnett
Commissioner

Linda Haspel
Commissioner

Steven Kleinberg
Commissioner

Steven LaBranche
Commissioner

Frederick Rollinson
Commissioner

Mary T. Zdanowicz
Commissioner

~~Cc:~~ Ms. Shana Brogan
Sheila Vanderhoef, Town Administrator



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544


All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

INFO:
Mark Foley
appointment

April 2, 2014

To: Mark Foley

From: Sheila Vanderhoef, Town Administrator 

Re: FY 14 Appointment- Mark Foley

In accordance with the *Town of Eastham Home Rule Charter*, § 4-4 D, you are hereby appointed to the position of Fire Chief for a period of three years commencing January 16, 2014 and ending January 15, 2017.

The Board of Selectmen will be notified of this appointment on April 7, 2014 and have fifteen days to reject the same.

cc: Lillian Lamperti, Town Clerk
✓ Board of Selectmen



INFO. EMPLOYMENT
AGREEMENT / Mark Foley
FIRE CHIEF

TOWN OF EASTHAM

2500 STATE HIGHWAY, EASTHAM, MA 02642-2544

For all departments (508) 240-5900

Fax (508) 240-1291

www.eastham-ma.gov

FIRE CHIEF EMPLOYMENT AGREEMENT BETWEEN TOWN OF EASTHAM AND MARK FOLEY

Agreement made this 16th day of January, 2014 by and between the Town of Eastham, Massachusetts, (hereinafter the "Town") and Mark Foley of Harwich, MA (hereinafter the "Chief" or "Fire Chief").

WHEREAS, the Town is desirous of securing the services of the Chief in the administration of the Fire Department; and

WHEREAS, Chief is willing to perform the duties of the position of Chief according to the terms and conditions of this Contract;

WHEREAS, pursuant to G.L. c. 41, §108O may contract with the Chief regarding his terms and conditions of employment;

NOW, THEREFORE, the Town and the Chief hereby agree that the following terms and conditions shall govern the salary and fringe benefits payable under this Contract to which said Chief shall be entitled as Chief.

1. LENGTH OF CONTRACT

A. Term:

The term of this Contract shall be for a period commencing 16th Day of January 2014 and ending 15th Day of January 2017.

In the event the Chief intends to resign voluntarily before the natural expiration of any term of employment, then the Chief shall give the Town ninety (90) days written notice in advance, unless the parties otherwise agree in writing. Should the Chief provide the requisite notice, he shall be entitled to compensation for earned but unused sick leave in excess of eighty

(80) days, at the rate set forth in Section 4.C, below, together with any other amounts due as required by law.

In the event the Town does not intend to reappoint the Chief at the end of this contract term, the Chief shall be given sixty days (60) notice prior to the end of the contract, and given a lump sum severance payment equal to three months' salary following the end of the contract term or when the Chief finds replacement employment, whichever comes first. In the event that the Chief resigns following a formal suggestion by the Town that he resign before the expiration of this agreement, he shall be given a lump sum severance payment equal to three months' salary upon resignation.

B. Probationary Period:

The first six months of this Contract shall be a probationary period, during which time the provisions of Section 7, below, shall not apply. The Town Administrator shall evaluate the Chief prior to the expiration of the probationary period, and at least annually thereafter. The timing and frequency of evaluations shall be at the discretion of the Town Administrator.

2. DUTIES

The administrative control of the Fire Department for the Town shall be the responsibility of the Chief, in accordance with G.L. c. 48, §42A, subject to the direction of the Town Administrator pursuant to the provisions of the Eastham Home Rule Charter. The Chief's duties are generally set forth in a job description, on file in the Personnel Office, and as otherwise may be assigned by the Town Administrator or required by law.

3. HOURS OF WORK

The Chief agrees to devote that amount of time and energy which is reasonably necessary for the Chief to faithfully perform the duties of Chief under this Contract, including being at work during regular Department business hours Monday through Friday. To perform his duties and obligations effectively, the Chief will be required, outside of regular business hours, to respond to emergencies, attend meetings, make field inspections, and participate in community activities. It is expected that the Chief will spend such time as is necessary or reasonably required to assure the effective and efficient operation of the Fire Department.

At the Chief's request, the Town Administrator may approve compensatory time off for the Chief at times that do not adversely affect Department operations if the Chief has been required to work an excessive number of hours. Any compensatory time that the Chief may be approved shall not accrue or otherwise be permitted to carry over from year to year, nor shall the Chief be entitled to any compensation for approved but unused compensatory time.

The parties acknowledge that the Chief is an exempt employee under the Fair Labor Standards Act ("FLSA") and that therefore, he is not entitled to overtime under the FLSA.

4. **COMPENSATION AND BENEFITS**

A. **Salary:**

The salary for the Fire Chief as of January 16, 2014 shall be **\$111,000** annually. After the probationary period (Section 1.B) and subject to a satisfactory performance review, on July 16, 2016 the salary will increase to **\$116,500**. Each July 1 thereafter for the remainder of this contract term, the Chief shall receive the same percent salary increases generally granted to non-union Department Heads in the Town. The Chief may receive any additional amount as a performance merit increase, as may be recommended by the Town Administrator and authorized by the Board of Selectmen, subject to appropriation.

B. **Vacation:**

The Chief, who is currently serving as Deputy Chief is currently entitled to four weeks (20 days) of vacation. As of July 1, 2016, the Chief shall earn, in the manner of all other employees, five weeks (25 days) of vacation, annually. Up to ten (10) days of vacation may be carried over into any subsequent year. Carry over requests in excess of that amount require a written request and the written approval of the Town Administrator.

C. **Sick Leave:**

The Chief shall accrue sick leave, as all other employees, at a rate of 1.25 days per month. Upon retirement, the Chief shall be entitled to compensation for earned but unused sick days at the rate of \$50 per day for each day over 80 up to 160 days, (the value of which buy back shall not exceed \$4,000).

D. **Holidays:**

The Town agrees to provide the Chief with paid holiday leave for all Federal and State holidays provided to all non-union Department Heads of the Town. Currently, there are twelve (12) such paid holidays: Christmas, New Years' Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and the Day after Thanksgiving. In addition, the Chief will be eligible for an additional day's pay for up to nine (9) of the above-listed holidays, provided that the Chief is available on these holidays. The Chief must notify the Town Administrator in writing, in advance, of the day(s) for which he intends to exercise this option.

E. **Personal Days:**

The Town agrees to provide the Chief with three (3) paid personal days each fiscal year. Personal days must be used in the fiscal year accrued, and may not be carried over from one fiscal year to another. Personal days may be used at the discretion of the employee, but shall not be used in conjunction with holidays or vacation leave and only after prior notice to the Town Administrator.

F. **Vehicle:**

The Town shall provide a vehicle for use by the Chief for his work related to his appointment as Fire Chief of the Town of Eastham. The Town shall pay for all attendant operating and maintenance expenses and insurance. Said vehicle is to be used by the Chief in

connection with the performance of his duties as Chief and for his professional growth and development. It may be used by the Chief for personal reasons, since the Chief is "on-call" in the event of emergency. However, the vehicle will not be used for out of state use without the permission of the Town Administrator. The Chief shall pay any employee contributions to the pension program for any pension benefit arising from this section. The vehicle may not be used in pursuit of, or in the execution of duties related to other paid employment, regardless of which level of government is the outside employing authority.

G. Insurance:

The Chief shall be eligible to enroll in the Town's health, life and disability insurance programs, with the Town contributing towards the cost of such insurances at the same contribution rate as other non-union Department Heads. Currently, these contributions are as follows:

Health Insurance – The Town pays 65% of the premium costs, with the employee paying 35% of the premium costs.

Dental Insurance – The employee pays ^{65%}100% of the premium costs.

Life Insurance – The Town provides a life insurance benefit of \$10,000, with the Town and the employee each paying 50% of the premium costs. Additional life insurance may be purchased by the employee at 100% cost to the employee.

Disability Insurance – Private disability plans are available at 100% cost to the employee.

H. Professional Liability Insurance:

The Town agrees to furnish at its expense professional liability insurance for the Chief with liability limits of One Million (\$1,000,000.00) Dollars.

I. Dues and Subscriptions:

Subject to appropriation, the Town agrees to budget for the professional dues and subscriptions of the Chief for his continuation and participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional growth and advancement, and for the good of the Town, including but not limited to the International Association of Fire Chiefs, the National Fire Protection Association (NFPA), the Massachusetts State Fire Chiefs Association, and Barnstable County Fire Chiefs Association. As sufficient funds may not be available for dues and subscriptions to all of the above-listed organizations, the Chief shall make expenditures for his professional dues and subscriptions only as permitted and limited by budgetary appropriations.

J. Professional Development:

Subject to appropriation, the Town agrees to budget for the Chief's attendance at conferences and workshops for the Chief's professional development, such as the Massachusetts, New England, and International Associations of Fire Chiefs. Subject to appropriation and the advance written approval of the Town Administrator, the Chief's attendance at such conferences shall be without loss of vacation or other leave, and the Chief will be reimbursed by the Town for all reasonable expenses (including travel expenses) incurred while attending or traveling to the such workshops and conferences.

K. **No Reduction in Benefits:**

The parties agree that no reduction in the benefits described in this paragraph shall occur during the term of the Contract, except to the extent that such reduction is evenly applied across-the-board for all non-union employees of the Town.

5. **INDEMNIFICATION**

The Town agrees that, to the extent permitted by law, it shall defend, save harmless and indemnify the Chief against any tort, professional liability claim or demand or other civil legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Chief's duties as Fire Chief of the Town. The Town shall not indemnify the Chief against any criminal proceedings brought against him, nor shall the Town indemnify the Chief for any claims or proceedings he may bring against the Town.

6. **INJURED ON DUTY**

As a sworn fire officer, the Chief shall be eligible to injured-on-duty benefits as provided in Chapter 41, Section 111F of the Massachusetts General Laws, when applicable.

7. **DISCIPLINE OR DISCHARGE**

A. As noted above in Section 1.B., the first six months of this Contract constitute a probationary period, and the Chief may be removed or dismissed at the will of the Town Administrator at any time during this probationary period. If the Town Administrator does so remove the Chief during the probationary period, he may request a hearing before the Board of Selectmen, to provide information or defense in support of his continuation of service. Such hearing shall be held in compliance with the Open Meeting Law. The Town Administrator's recommendation shall be part of the official record of such a hearing, but the decision of the Board of Selectmen shall be binding and final on all parties.

B. Upon successful completion of the probationary period required under Section 1.B, above, the parties agree that the Chief can be disciplined or discharged only for just cause, upon proper notice and opportunity to be heard, at which the Chief shall have the right to be represented by counsel. Such hearing shall be held in compliance with the Open Meeting Law. The Town Administrator's recommendation shall be part of the official record of such a hearing, but the decision of the Board of Selectmen shall be binding and final on all parties.

The principle of progressive discipline will apply and the Town recognizes its obligation to provide the Chief with periodic performance evaluations.

8. **PERFORMANCE GOALS**

The Town Administrator, after consultation with the Chief, shall establish annual performance goals for the Chief. Should the Chief fail to meet performance goals set by the Town Administrator as part of the evaluation the Chief may not receive a compensation increase

as otherwise set forth in Section 4.A, above, and/or may be subject to discipline or discharge. Performance goals for the first year of this contract shall be established upon full execution of the contract; the Town Administrator with input by the Chief shall establish performance goals for subsequent years of the contract after written evaluation.

9. **MODIFICATION**

No change or modification of this Contract shall be valid unless it shall be in writing and signed by both of the parties.

10. **LAW GOVERNING**

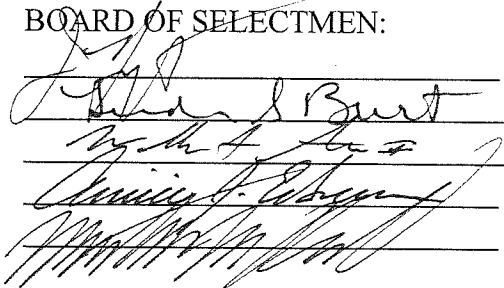
This contract shall be construed and governed by the Laws of the Commonwealth of Massachusetts.

11. **SEVERABILITY OF PROVISIONS**

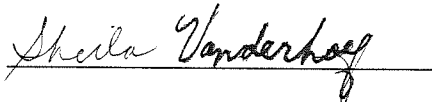
If any clause or provision of this contract shall be determined to be illegal by a court of competent jurisdiction, the remainder of this contract shall not be affected thereby.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals to this instrument the date and year first above written.

FOR THE TOWN
BOARD OF SELECTMEN:


Four handwritten signatures are present, each on a horizontal line. The signatures are in cursive and appear to be of various individuals.


TOWN ADMINISTRATOR:


A handwritten signature in cursive, appearing to read "Sheila Vanderhoef", is written over a horizontal line.

APPROVED AS TO FORM:

Town Counsel

THE FIRE CHIEF


A handwritten signature in cursive, appearing to read "Mark Foley", is written over a horizontal line.

Mark Foley

121 FORMATION
BAY SCALLOP FISHERY



Paul J. Diodati
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor

Timothy P. Murray
Lt. Governor

Richard K. Sullivan, Jr.
Secretary

Mary B. Griffin
Commissioner

April 3, 2014

Ms. Sheila Vanderhoef
Town Administrator
Eastham, Ma. 02642

Dear Mr. Wilson,

As a result of your April 2014 petition, the Division has investigated the circumstances related to the bay scallop fishery in Cape Cod Bay in the Town of Eastham and agrees that there is an abundance of adult scallops that will not be harvested prior to the termination of the normal scallop season on March 31, 2014. Furthermore, it is believed that most of these adult scallops will not live long enough to spawn again this coming summer. Therefore, under authority of Chapter 130, section 73, MGL, the bay scallop season, in the Town of Eastham, is extended through April 30, 2014. Permission is hereby granted to the Board of Selectmen to issue permits to take scallops during the extended season.

No "seed" scallops as defined in Chapter 130, section 70 MGL, may be taken under any circumstances without permission of the Director of Marine Fisheries. Scallops landed during this extended season may be inspected by Shellfish Program personnel to determine condition and legal size.

Sincerely,


Paul Diodati, Director

CC: J.M. Hickey & Tom Shields, DMF
A. Gross & L. Roberts, D. Belanger, DELE
M. O'Connor, Eastham Shellfish Constable



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov

INFO:
REQUEST TO EXTEND
BAY SCALLOP HARVEST
SEASON

April 1, 2014

Mr. Michael Hickey, Chief Marine Fisheries Biologist
Division of Marine Fisheries
The Southcoast Marine Fisheries Field Station
1213 Purchase Street
New Bedford, MA 02744

VIA E-MAIL: Michael.Hickey@state.ma.us

Dear Mr. Hickey,

Pursuant to MGL 130 s.73, please consider our request to extend bay scallop harvest season in the water of Cape Cod Bay beyond the normal closure date from March 31st, to April 30, 2014.

The number of scallops remaining is significant and a number of Eastham commercial permit holders are interested in extending the harvest. It is our intention to monitor the harvest for quality of product and we will notify you if in our opinion the animals are not suitable for harvest.

Thank you for your consideration of this matter.

Sincerely,

Sheila Vanderhoef
Town Administrator

CC: Board of Selectmen
Michael O'Connor, Senior Deputy Natural Resource Officer

V TOWN ADMINISTRATOR
VOTE TO EXTEND SCALLOP
SEASON TO APRIL 30, 2014

Town of Eastham

Natural Resources Department
555 Old Orchard Road
Eastham, MA. 02642



508 240-5972
FAX 240-6687
natres@eastham-ma.gov

TO: Eastham Board of Selectmen

FROM: Michael J. O'Connor
Senior Natural Resources Officer

RE: Bay scallop season

DATE: March 14, 2014

We have received a request to extend the bay scallop season in Cape Cod Bay due to plentiful amounts of scallops. With severe weather conditions this winter commercial harvesters were limited on the number of days they could get out and fish. Pursuant to MGL Chapter 130 Section 73 I am requesting extending the season until April 30, 2014. If approved the request will have to be approved by the Director of the Division of Marine Fisheries. I am including letters from March of 2012 as that was the last time we made this request. Thank you for your attention to this matter!



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

Info
Ragnar Relay

March 20, 2014

Ms. Ameena Khan, Race Director
Ragnar Relay Series, Ragnar Events, LLC
12 South 400 West 2nd Floor
Salt Lake City, UT 84101

Dear Ms. Khan,

RE: Ragnar Relay- Saturday, May 10, 2014
Request to Use Wiley Park

This is to inform you that the Eastham Board of Selectmen, at their Monday, March 17, 2014 meeting, were pleased to approve your request to hold the Ragnar Relay at Wiley Park on Saturday, May 10, 2014.

Deputy Police Chief Ken Roderick and Recreation and Beach Director Mark Powers, have reviewed and approve your request. Police officers, paid for by the event's organizers, will be ready to work the details this event requires. The Eastham Recreation Department will have staff on site through to the end of the event to make sure public access to Wiley Park is not impeded.

Additionally, please forward a check in the amount of \$150.00 made out to the Town of Eastham and mailed to the Eastham Recreation Department, 2500 State Highway, Eastham, MA 02642. This agreed upon assessed fee will be utilized to cover staff costs.

We wish you much success, and thank you for your interest in the Town of Eastham.

Sincerely,

Sheila Vanderhoef
Sheila Vanderhoef
Town Administrator

cc: ☒ Board of Selectmen
Police Chief Ed Kulhawik
Fire Chief Mark Foley
Mark Powers, Recreation and Beach Director

INFO: WILEY PARK LANDSCAPING

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

April 2, 2014

Town of Eastham
Office of the Town Administrator
2500 State Highway
Eastham, MA 02642

Dear Mrs. Vanderhoef,

On February 25, 2014, the commission voted to approve a proposal by Neil Andres of the DPW to enhance the entry way to Wiley Park Conservation Area utilizing the planting plan by *Gardens by Rebecca* dated January 14, 2014. The plan was modified to remove the cranberry contoneaster and wormwood and includes a majority of plants from the Eastham Conservation Commission accepted plant list and others native to North America. As discussed, the commission will review the success of the planting project in three years.

Sincerely,

Shana Brogan
Eastham Conservation Office

cc. File
Office of the Selectmen
Open Space Committee
1651 Arboretum

Department of Public Works
555 Old Orchard Road
Eastham, MA. 02642

Town of Eastham



INFORMATION :

WILEY PARK
ENTRANCE
508 240-5973
Fax 508 240-6687

To: Sheila Vanderhoef, Town Administrator

From: Neil Andres, Superintendent DPW

Date: March 28, 2014

RE: Wiley Park Entrance Grant

Attached please find a draft of the interpretive sign which will be placed at the entrance to Wiley Park. As noted on the plan, which will become the interpretive sign, the design and installation of this landscaped area was funded through a Land Management Grant from Cape Cod Cooperative Extension, a department of Barnstable County government.

The project is now permitted and will be completed before Memorial Day.

58-33

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

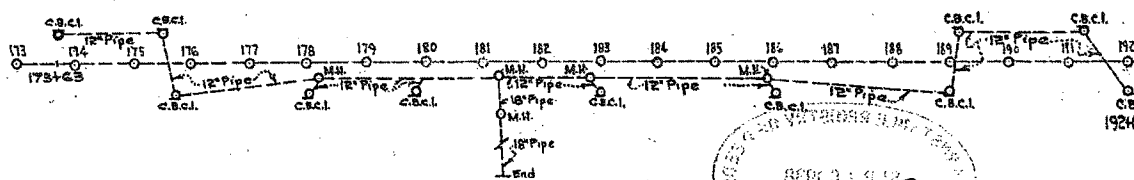
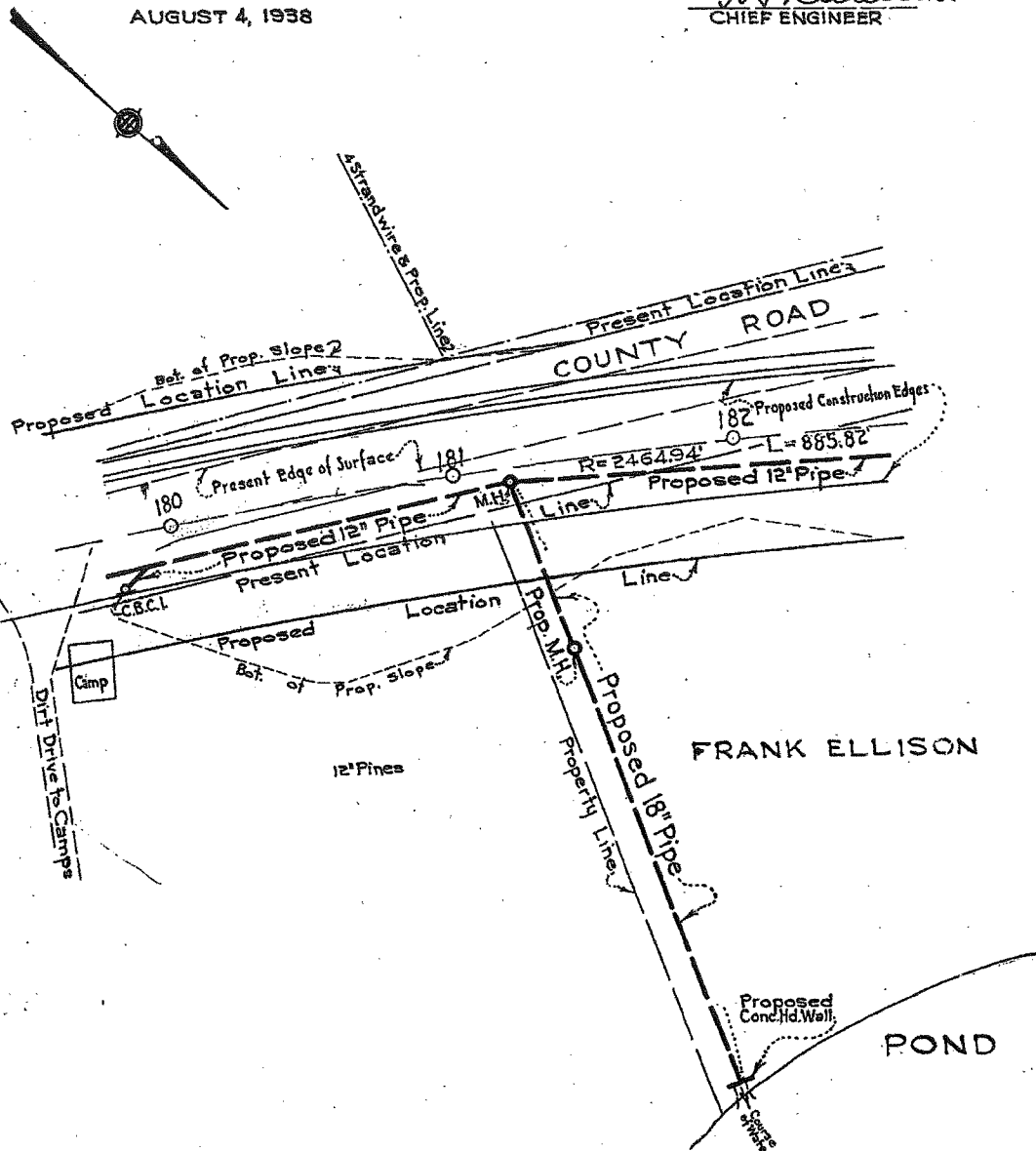
TOWN OF EASTHAM

Plan of Proposed Drainage System and Outlet
ABOUT STA. 181+30 ON THE PROPOSED ALTERATION OF STATE HIGHWAY

SCALE: 40 FEET TO THE INCH

AUGUST 4, 1938

G. H. Lillman
CHIEF ENGINEER



Sketch Showing Complete Proposed Drainage System

CAPE COD SELECTMEN & COUNCILORS' ASSOCIATION

REPRESENTING 98 ELECTED OFFICIALS IN 16 MUNICIPALITIES

**THE 208 REPORT
CURRENT STATUS AND
OTHER UPDATES ON
CAPE COD COMMISSION
ACTIVITIES FOR TOWNS**

PRESENTED BY

PAUL NIEDZWICKI

UPDATES FROM LEGISLATIVE OFFICES
MEMBER REPORTS

FRIDAY, APRIL 11, 2014
7:30 A. M.

PB BOULANGERIE, WELLFLEET

DIRECTIONS:

LE CONTE HOLLOW ROAD, So. WELLFLEET, MA
ON LE CONTE HOLLOW ROAD AT THE INTERSECTION WITH ROUTE 6

=

From: ed McManus [<mailto:mcmanused@msn.com>]

Sent: Friday, April 04, 2014 7:54 AM

Subject: Attachment For CCSCA April 11 Meeting

Sean O'Brien from the county EMS group asked that I send out the attached letter from the county 911 planning group to the State 911 Agency.

Please RSVP for April 11 if you haven't done so yet.

Remember to put May 10, Saturday on your calendar for our annual meeting and trip to Nantucket. Details on the program and making reservations will be out next week.



BARNSTABLE COUNTY COMMISSIONERS

P.O. BOX 427
BARNSTABLE, MASSACHUSETTS
02630
(508) 375-6648
FAX (508) 362-4136

HOME RULED CHARTERED
IN 1989

COUNTY COMMISSIONERS
WILLIAM DOHERTY
Harwich

MARY PAT FLYNN
Falmouth

SHEILA R. LYONS
Wellfleet

March 14, 2014

Mr. Frank Pozniak, Executive Director
State 911 Department
1380 Bay Street, Building C
Taunton, MA 02780

Dear Executive Director Pozniak,

On behalf of the Cape and Islands' Police Chiefs' Association, the Barnstable County Fire Chiefs' Association, and the Barnstable County Regional Emergency Planning Committee, the Barnstable County 911 Dispatch Study Steering Committee respectively submits this grant application to the Fiscal Year 2015 State 911 Grant program.

At a meeting held on March 14th, 2014, the Barnstable County 911 Dispatch Study Steering Committee voted to resubmit its Fiscal Year 2014 911 grant application to the State 911 Department. In conjunction with this vote, the Steering Committee stresses four critical points:

I. The Barnstable County 911 Dispatch Steering Committee was formed by recommendation of a regional E911 feasibility study conducted by Intertech Associates. The Steering Committee supports the fifteen local municipalities within Barnstable County on regional emergency call center and PSAP consolidation issues. Over the last 2 years, the committee, comprised of representatives from the Barnstable County Fire Chiefs Association, Cape and Islands Police Chiefs Association, Cape and Islands Emergency Medical Services Inc., the Barnstable County Sheriff, and the Cape Cod Municipal Managers Association, has worked toward the establishment of a regional public safety answering point and call center to be governed by an independent executive committee of the public safety agencies that utilize the center. This center will provide the highest level of emergency call center services *directly* to the citizens in Barnstable County.

II. In Fiscal Year 2012, the Barnstable County Regional Emergency Planning Committee was awarded funding from the State 911 Department to assess dispatch and 911 services in Barnstable County and conduct a feasibility study for consolidation and regionalization. Stemming from this report, and in coherence with the very process outlined by the State 911 Department, a second application was submitted to the Fiscal Year 2014 grant program. This application – designed to assess a governance structure – was not funded by the Commonwealth. The Barnstable County 911 Dispatch Steering Committee still considers the goals and methodology outlined in the Fiscal Year 2014 grant application as the next logical steps in determining the future of dispatch and 911 services in Barnstable County.

III. The intent of the Barnstable County Regional Emergency Planning Committee's proposal is to establish one PSAP serving as the RECC for Fire, Police and EMS departments for all interested communities of Barnstable County. In addition to public safety support, the BCREPC's proposal is supported by the Cape Cod Municipal Managers and several Boards of Selectmen have voted and supported our proposal by issuing Letters of Attestation. We would like the 911 Commission to note that to date no communities have signed the Sheriff's proposed Inter-municipal Agreement. This is a clear indication of a lack of support from the communities to partner with the Sheriff and lose governance over the delivery of local Public Safety Services.

IV. To assist in the development of an equitable governance structure and effectively discuss regional 911 and dispatch throughout Barnstable County, the Steering Committee asks for support from the State 911 Department. Allocating 911 grant funds between state agencies undermines municipal investment and stalls local efforts to regionalize services. Further support for the State's initiative – without direct involvement of the Barnstable County 911 Dispatch Study Steering Committee and without the full support of local public safety agencies – is a clear disregard for the needs of 36 police, fire and EMS agencies on Cape Cod and a poor appropriation of future grant funds.

The Barnstable County Fire Chiefs Association, the Cape and Islands' Police Chiefs' Association and the Cape Cod Municipal Managers have requested that Sheriff Cummings return to the 911 Dispatch Steering Committee. The Sheriff's participation in the 911 Dispatch Steering Committee is necessary for balanced representation of public safety partners as the future of dispatch and 911 services are decided.

Frank Pozniak
March 31, 2014
Page 3 of 3

Attached to this letter you will find 10 copies of the Barnstable County Regional Emergency Planning Committee's Fiscal Year 2014 grant application to the State 911 Department. As required, Letters of Attestation have been provided. If there are any questions pertaining to this application or any other matters regarding the Barnstable County Regional Emergency Planning Committee or the 911 Dispatch Study Steering Committee, please do not hesitate to contact us at your convenience.

Respectfully,

E. Mark Zielinski
Barnstable County Director of Finance / Treasurer

cc:

Deval Patrick, Governor of the Commonwealth of Massachusetts
Andrea Cabral, Executive Secretary of Public Safety
Therese Murray, President of the Senate
Robert A. DeLeo, Speaker of the House
Daniel Wolf, State Senator
Randy Hunt, State Representative
Timothy Madden, State Representative
Brian Mannal, State Representative
Sarah Peake, State Representative
Cleon Turner, State Representative
David Vieira, State Representative
Cape Cod Municipal Managers
Cape Cod Selectmen & Councilors' Association