

WEDNESDAY

MAY 7TH

2014

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
WEDNESDAY, May 7, 2014
WORK SESSION
2:30 p.m.**

Location: Timothy Smith Room

I. WORK SESSION

1. Chatham Correspondence re: Monomoy Wildlife Refuge
2. Review/Comment Barnstable County Bill of Rights
3. Licensing Application- On the Run Auto- Correction of Application
4. Town Meeting Update

II. MINUTES

Wednesday, April 9, 2014- Executive Session

EXECUTIVE SESSION: Litigation, Collective Bargaining

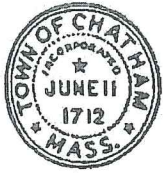
Upcoming Meetings

<i>Monday, May 19, 2014</i>	<i>5:30 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, May 21, 2014</i>	<i>2:30p.m.</i>	<i>Work Session</i>

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

The listing of matters includes those reasonably 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 may be video recorded and broadcast over Local Access Channel 18 and through the Town website at www.eastham-ma.gov.



Town of Chatham

Office of the Selectmen

Town Manager

549 Main Street

Chatham, MA 02633



Jill R. Goldsmith
TOWN MANAGER

ADMINISTRATION

APR 22 2014

RECEIVED

Tel: (508) 945-5105
Fax: (508) 945-3550
www.chatham-ma.gov

April 17, 2014

Libby Herland
Project Leader
Eastern Massachusetts National Wildlife Refuge Complex
73 Weir Hill Road
Sudbury, MA 01776

northeastplanning@fws.gov

BY EMAIL and US MAIL

Dear Ms. Herland,

On Tuesday, April 15, 2014, the Chatham Board of Selectmen voted unanimously to send you this letter to request you extend by at least 30 days your declared 60-day timetable of Open Houses and Public Comment for the "Monomoy National Wildlife Refuge Draft Comprehensive Plan and Environmental Impact Statement," and we have good reason.

Starting some fifteen years ago, this Board has been available to collaborate with your representatives in discussions over the management plan for the Monomoy National Wildlife Refuge. Your representatives have been generally helpful and receptive to our local concerns and input. In our last joint meeting in Executive Session on December 21, 2010, we were told a new draft plan would likely be presented in April of 2011. That did not happen, nor have there been any further joint meetings between our Board and USFW officials since December 21, 2010.

Now, after three years of silence, this Board is the sudden recipient of "Monomoy National Wildlife Refuge Draft Comprehensive Plan and Environmental Impact Statement," which has instantly caused grave concerns from a wide variety of our citizens – many of whom appeared at our Board of Selectmen meeting tonight to voice their dissent.

Some initial comments I recall from tonight's well-attended meeting include:

"The people of Chatham have been harvesting fish and shellfish from this area for more than 300 years, and the Wampanoags (Native Americans) did so for 10,000 years. Why does the federal government think they can manage it better now?"

"This is a Federal taking. They want all the land. We must act now to stop it."

"This act will truly harm the income and livelihoods of scores of local people in Chatham, the same shellfishers and fishermen who have been caretakers there for generations."

Not until the arrival of this document was this Board informed of your desire to expand Federal authority over 717 acres of Nauset/South Beach lands. Nor did this Board have a hint of a notion of the new strictures you favor, under "Plan B," to increase Federal control of uplands and beach areas, or make new prohibitions that never existed before. And we're not quite clear why there exists a distinct desire from the Federal government to suddenly impose and expand its will and authority upon the lands, waters and people who – for 300+ years – have been excellent stewards of this area, by virtue of personal will, economic recognition, and a devotion to a practical balance of ecological sustainability.

This draft plan has instantly caused considerable ill will and concern in our small community by recommending an expanded Federal management plan that bears absolutely no input from any of the local residents who will have to live with it.

What is more, the proposed Public Hearing date of May 29, 2014 is objectionable. That date precedes Memorial Day Weekend by just two days. This is a community where the majority of livelihoods depend on seasonal income derived between Memorial Day and Labor Day, and a May 29 hearing date will cause economic hardship among many who are most heavily engaged at that time.

In addition, more than 50% of all Chatham property owners are seasonal residents who arrive after Memorial Day, and thus would prefer a later date for a Public Hearing to allow their attendance, participation and comments.

Consequently, I respectfully request you extend and adjust the schedule of Open Houses and the Public Hearing by thirty days, or more.

And, under the unanimous direction of the Chatham Board of Selectmen, I am circulating this letter to the other Boards of Selectmen governing the various Towns of located on Cape Cod, and urge each them to endorse our request by mailing to you letters of concern and endorsement of our position to extend the comment period.

I pray we will receive a favorable reply from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy L. Roper", written in a cursive style.

Timothy L. Roper
Chairman
Chatham Board of Selectmen

Cc: Rep. Bill Keating
Senator Dan Wolf
State Representative Sarah Peake
Board of Selectmen Chairs:
Harwich, Orleans, Brewster, Yarmouth
Dennis, Wellfleet, Truro, Provincetown
Eastham, Barnstable, Falmouth, Bourne, Sandwich, Mashpee

PREAMBLE to the Constitution of the Commonwealth of Massachusetts

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

Barnstable County Bill of Rights

Markup 6.03

April 10, 2014

A Proposed amendment to the Barnstable County Home Rule Charter-
to be inserted immediately following the Charter Preamble

RIGHTS PREAMBLE

Historically, the Federal government has asserted regulatory jurisdiction over the states well beyond the clearly defined limitations of our Constitution, and often against state interests.

Correspondingly, regulatory agencies of the state may have jurisdiction over the decisions of the towns. As currently expressed through the existing process, the fundamental rights of the community are not always met.

In order that neither Federal nor state government abuse its power to the detriment of regional self-governance in matters in of regional significance, the community must have standing.

~~But the threats are not limited to those and may increase as climate change and the arbitrary power of transnational corporations heightens.~~

~~When asked, why cannot the community put an action into effect when it has decided as majority to do so (often by county wide referendum initiated through town meetings or placed on the state election ballot) — as for instance to injunct against a depredating action by an entity such as a corporation — the reality has been that in certain cases the Federal government has regulatory jurisdiction over the state, often against the interests of the state and its towns, and that, too, the regulatory agencies of the state have jurisdiction over the decisions of the towns, and the community's citizens. We want to return agency to the community on the ground, be enabling town, county and citizenry's will by a Bill of Rights which gives us legal standing to determine our own local destiny.~~

~~This paragraph is an argument for what we're doing, but doesn't fit in this declaration of rights, which needs to connect with everyone who reads it...with most of the people on the Cape who read /talk about real life.~~

~~This is why we ask that the county enact into law a Bill of Rights which includes the following~~
PREAMBLE:

Now therefore, whereas it is the intent of We the People of Barnstable County, Cape Cod, in order to protect and defend economic, environmental and social justice in our communities, and to secure our inalienable rights as defined by the Constitution of the Commonwealth of Massachusetts, do hereby Define these same Rights within this County:

1 2- Right to Self-Governance:

- As all political power is vested in and derived from the people, and as all government of right originates from the people, the people have an inherent and inalienable right to local self-government, including each Town and Barnstable County.

- That right shall include, without limitation, the power to enact local laws protecting health, safety, and welfare by establishing the fundamental rights of natural persons, their communities, and nature, and by securing those rights using prohibitions and other means.

-Such local laws shall not restrict fundamental rights of natural persons, their communities, or nature secured by the Constitution of the Commonwealth of Massachusetts, the United States constitution, or international law; and

-Such local laws shall not weaken protections for natural persons, their communities, or nature provided by state, federal, or international law.

-All provisions of this section are self-executing and severable.

2 +- We the People as Sovereign:

-Barnstable County Government shall be the regional governing authority responsible to, and governed by, the Voters of the county.

-The rights delineated herein shall be enjoyed by every natural person in Barnstable County.

~~“...to ensure job creation and enhance local business opportunities.”~~

~~“...right to have local monies reinvested locally by lending institutions.”~~

~~“...right to equal access to capital, credit, contracts, incentives and service for businesses owned by Residents.”~~

~~13- Right to affordable and safe housing; Right for all human beings to have shelter, regardless of their economic circumstances.~~

~~14- Right to affordable and accessible high quality and safe, patient-centered, preventive health and medical care, including mental health services.~~

~~NOT in this BOR. We could fail on this point alone. It is a mine field.~~

~~I am not calling for Single Payer, but a fundamental right to health care. We approved this “Health Care as a Human Right” in Nov. 2008 by 2:1 to 3:1 in each of the three Cape legislative districts, and statewide by almost 73%. That’s not a mine field to me...~~

~~15- Right to affordable renewable energy, determined by the individual municipalities within the county.~~

~~(So for those of us opposed to wind turbines with infrasound making our lives hell, but in favor of solar gardens—this would enhance local consensus on the best route for our towns individually.~~

~~This brings me to the point of balance between county and town, and even individual house holders. We need to think about how to make provisions for this so that the County is not~~

~~enabled by this BOR to become itself, a tyrannical body.)~~

~~This has to be about making this County government the expression of community care and protection, our servant and not our master.~~

3- Right to Constitutional protection in the workplace, in public spaces, and in privately-owned public spaces:

All Rights of Natural Person guaranteed by the Federal or Commonwealth Constitution, or by this Bill of Rights, will be respected in all workplaces and all public-accessible places.

4 - Right of Interdependent Natural Communities:

It is the right of the human community, on behalf of the biosphere in which we live locally (as well as globally) and upon which our health and well being is dependent, to control and limit the toxins, pollutants, fertilizers, and radiation that threaten us. We must provide an unpolluted, clean, non-toxic, and sustainable environment and economy for our contemporary community and for future generations of Barnstable County's special and fragile biosystems; oceans, bays, marshes, woodlands, surface waters, aquifers and skies, as well as the plants, animals and people which live within their webs.

5 - Right to clean drinking water:

-We the People possess a fundamental and inalienable right to the sustainable access, use, consumption and preservation of water from the natural water cycles of our sole-source aquifer; water may not be withdrawn for sale by corporate entities or any other non-public organizations.

6 - Right to a sustainable local food system:

-As all Residents possess a fundamental and inalienable right to consume locally produced non-toxic food, therefore;

-All Residents possess the right to grow, raise, produce and sell or distribute, foods generated from sustainable farming practices, free of contamination from pesticides and genetically modified organisms; and to collect, harvest and distribute all resulting seeds.

-All consumers have a right to know the source of the food they purchase and consume. Any food product offered for sale that includes derivatives of GMO's must be clearly labeled as such.

7 - Right to develop renewable energy resources, as determined by each Town, with a goal of increasing regional energy self-sufficiency

~~CUT:~~

~~//including the right to a representative elected government delegated to protect our collective safety, prosperity and happiness.// (does this not supercede and thus perhaps abrogate the state and federal constitutions? That would be bad. Or does it support and reiterate them?~~

~~DISAGREE: This has to be a fundamental right, not one as defined by... some other level of authority~~

~~17- Right to marriage equality~~

~~Right to employment equality for gender identification and orientation
already in law
All agreed???~~

8 - Enforcement by Barnstable County or any Resident through an action in equity:

Any aggrieved person may enforce this Bill of Rights through an action brought in a court of competent jurisdiction, and be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

3 Licensing Application
on the Run Auto

TOWN OF EASTHAM - BOARD OF SELECTMEN
LICENSING APPLICATION

Name of Establishment On The Run Auto P.O. Tel. # _____
Business Address _____ Town _____ State _____
Mailing Address _____ Town _____ State _____
Person in Charge _____ Home _____
Home/Legal Address _____ Town _____ State _____

Establishment is open _____ months per year. If Seasonal, dates of operation _____

COMMON VICTUALER: FEE - \$100.00 Capacity of Establishment _____ # of Parking Spaces _____

INNHOLDER-COMMON VICTUALER-OR OTHER KEEPER OF RESTAURANTS/AMUSEMENTS: FEE \$100.00

Description of Premises _____
Description and # of Amusements _____
Do you hold a Sunday License? _____
Amusements to be conducted during the hours of _____ Capacity of Establishment _____

COIN-OPERATED AMUSEMENT DEVICES: FEE - \$100.00 Weekdays - \$50.00 Sundays

MINI-GOLF: FEE - \$100.00 Weekdays - \$50.00 Sundays

Dates and hours of operation _____
Do you operate on Sunday? _____ (Must apply for State License with Licensing Clerk)
of Electronic Gun or Target Games _____ # of Coin-op Pin Ball Games _____
of Simulated Sports Games _____ # of Coin-op Skee Ball Games _____
of Coin-op Driving or Racing Games _____ # of Coin-op Juke Boxes _____

Please submit a plan of building showing all spaces usable and unusable, including entrances and exits, building dimensions and description of seating layouts.

BILLIARD TABLE: FEE - \$50.00 Do you hold a Sunday License? _____

AUTO SALES LICENSE - CLASSES II, III, IV AND V: FEE - \$100.00

Please submit a plan showing placement of buildings, storage of vehicles and driveways, etc. **Proof of bond is also required.**

ICE CREAM ON THE LORDS DAY: FEE - \$25.00 Do you hold an Ice Cream Manufacturing License? _____

PEDDLER'S LICENSE: FEE - \$75.00 (Must provide copy of State Peddler's License)

TAXI CAB LICENSE: FEE - \$100.00

ONE-DAY POURING LICENSE: FEE - \$50.00

(Must specify date type of event, hours of operation, and type of license requested (Wine and Malt Beverages or All Alcoholic Beverages)

SPECIAL ENTERTAINMENT LICENSE - FEE: \$50.00 - ONE DAY \$125.00 - THREE-DAY

Under Chapter 152, Section 25C, § 6, the Town of Eastham is now required to hold issuance or renewal of any license or permit to operate a business if a person or company does not have a Certificate of Worker's Compensation Insurance. Please attach a copy of your certificate (or a waiver if you have no employees).

SIGNATURE _____ DATE _____

INFORMATION



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

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

www.eastham-ma.gov

April 28, 2014

Robert Gurney
Chair, Open Space Committee
Eastham Town Hall
2500 State Highway, Rte 6
Eastham, MA 02642

Dear Bob,

As requested, the Board of Selectmen reviewed the draft of the 2014 Town of Eastham Open Space and Recreation, dated February 2014. The Board of Selectmen found the updated and revised plan to be both comprehensive and detailed, and we would like to commend the Open Space Committee for working so diligently on the plan.

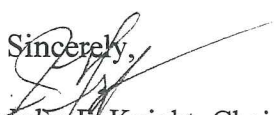
Eastham's rural seaside character is recognized as one of the most important qualities to preserve. This widespread public sentiment has been reaffirmed in the 2014 Open Space and Recreation Plan by presenting a thorough overview of the commitment to protecting our open space, preserving our historical sites, and providing active recreational opportunities for our residents, second-home owners, and visitors.

You did a fine job soliciting the thoughts of residents through public open space committee meetings and by placing the plan on the town website, as well as meeting with our boards and commissions. Eastham is very fortunate to have a wonderful community support who care about our towns future.

Our land use boards, in particular conservation commission, recreation and beach department, Planning Board, Health Department and the Board of Selectmen will all benefit from having this document as a resource when considering future land acquisitions for passive and active recreation.

On behalf of the Board of Selectmen, we thank the Division of Conservation Services for considering this plan and support our open space and recreation efforts.

Sincerely,


John F. Knight, Chair

BOS info

Outer-Cape Voluntary Gun Buyback Program

Sponsored by the Towns of Orleans, Eastham,
Wellfleet, Truro, and Provincetown

INFO: Voluntary Gun
Buyback

PRESS RELEASE

The Outer Cape Police Departments will be participating in their 2nd Annual Gun Buyback program (2014) from Saturday May 10th through Monday May 19, 2014. Turn in times will be 8:00 am – 2:00 pm. This is a voluntary program aimed at getting unwanted firearms out of the homes and safely disposed of.

We would like to thank Lydia Vivante a local volunteer for working with the local businesses and enlisting their support for this effort.

Shaw's Market
Stop & Shop, Orleans
Stop & Shop, Provincetown
Main Street Books, Orleans
True Value Hardware, Orleans
Bird Watcher's General Store, Orleans
Willy's Gym, Eastham
Hole In-One Donut Shop, Eastham
Fairway Restaurant, Eastham
Wellfleet's Farmers Market, Wellfleet
Wellfleet Marketplace, Wellfleet
Atlantic Spice Company, Truro
Conwell Lumber, Provincetown

We are still accepting donations and anyone looking to assist should reach out to Lydia Vivante

Schedule is as follows (8:00 am – 2:00 pm)

<u>Day</u>	<u>Date</u>	<u>Location</u>
Saturday	May 10	Provincetown PD
Sunday	May 11	Truro PD
Monday	May 12	Wellfleet PD
Tuesday	May 13	Eastham PD
Wednesday	May 14	Wellfleet PD
Thursday	May 15	Orleans PD
Friday	May 16	Orleans PD
Saturday	May 17	Eastham PD
Sunday	May 18	Truro PD
Monday	May 19	Provincetown PD

It is our hope to make this a yearly event

Please feel reach out to the contact people identified below or the respective Police Chiefs if you have any questions.

Outer-Cape Voluntary Gun Buyback Program

Sponsored by the Towns of Orleans, Eastham,
Wellfleet, Truro, and Provincetown

Informational Fact Sheet

Points of Contact:

Orleans Police Department

Lieutenant Kevin Higgins, khiggins@orleanspd.com (508) 255-0117

Eastham Police Department

Detective Adam Bohannon, abohannon@eastham-ma.gov (508) 255-0551

Wellfleet Police Department

Detective Geraldine LaPense, geraldine.lapennse@wellfleet-ma.gov (508) 349-3702

Truro Police Department

Lieutenant Craig Danziger, danziger@truropolice.com (508) 487-8730

Provincetown Police Department

Acting Chief Jim Golden, jgolden@provincetown-ma.gov (508) 487-1212

Wellfleet Volunteer

Lydia Vivante, vivantlydia@gmail.com (508) 349-6619

Gift donations may be dropped off at any of the Outer-Cape Police Departments or to request a pick-up contact Lydia Vivante directly.

- We anticipate that most guns turned in will likely come from ‘next of kin’ (persons who have inherited guns from a family member). Each unwanted gun turned in is valuable towards our public safety efforts.
- Guns collected during this program will be delivered to the Massachusetts State Police and destroyed.
- We will attempt to identify any antique, rare, or highly collectible guns and inform the person that it may have potential value. Area merchants may be able to help determine the value of the collectible gun.
- One gift or gift card per family.
- Any unused gift cards, gift certificates, and/or goods donated will be reserved for a future gun turn-in program or returned to the donor upon request.

INFO: Monomoy Refuge

5/7 agenda



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601
508-862-4738 • 508-862-4770
E-mail: council@town.barnstable.ma.us
www.town.barnstable.ma.us



Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan, PhD
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:

Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

May 1, 2014

Libby Herland, Project Leader
Eastern Massachusetts National Wildlife Refuge Complex
73 Weir Hill Road
Sudbury, MA 01776

Dear Ms. Herland,

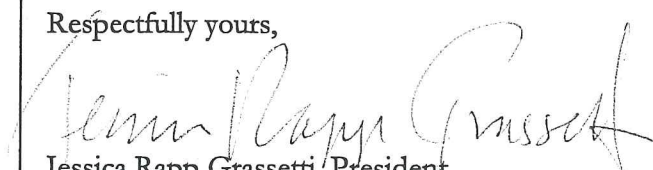
PUBLIC HEARING – MONOMOY NATIONAL WILDLIFE REFUGE

As the Monomoy National Wildlife Refuge is an important resource not only for Chatham residents and visitors, but also to all Cape Cod residents and the millions of visitors that travel here every year, I write to you on behalf of the Barnstable Town Council. Due to the relatively short notice, as well as the date chosen (May 29, 2014) for the public hearing, I respectfully request an extension to the public hearing be scheduled in the best interest of all concerned.

Property owners should have the opportunity to provide input on the plan to expand Federal authority, control, and restrictions to the uplands and beach areas.

With this, we implore you to extend the dates of the public houses and public hearing, providing an opportunity to hear from as many of those interested and affected on the changes proposed.

Respectfully yours,


Jessica Rapp Grassetti, President
Barnstable Town Council

JRG:baf

Copy: Senator Dan Wolf
Congressman Bill Keating
Representatives Brian Mannal and Sarah Peake
Board of Selectmen Chairs: Bourne; Brewster; Chatham; Eastham; Falmouth;
Harwich; Mashpee; Provincetown; Sandwich; Truro; Wellfleet; Yarmouth
Barnstable Town Manager Thomas K. Lynch
Barnstable Town Council

ADMINISTRATION

MAY 06 2014

RECEIVED

NAUSET REGIONAL SCHOOL COMMITTEE

Thursday, May 8, 2014

AGENDA

INFO: Nauset 5/8/14
Agenda

EASTHAM TOWN HALL

7:00 p.m.

Recording or taping notification: "As required by the Open Meeting Law we are informing you that the District will be videotaping this public meeting. In addition, if anyone else intends to either video or audio tape this meeting they are required to inform the Chair."

I. CALL TO ORDER/AGENDA CHANGES

II. RECOGNITIONS

III. CITIZENS SPEAK

IV. PRIORITY BUSINESS

A. Presentation

B. Student Representative Report - Nicole O'Leary

C. Administrators' Reports

Principal Conrad

Principal Minkoff

Director of Student Services, Dr. Caretti

Assistant Superintendent, Mr. Gauley

Superintendent, Dr. Hoffmann

D. FY14 Budget Update

Ms. Venditti will discuss the most recent dashboard report and will review projected balances on June 30, 2014.

E. Superintendent's Evaluation

V. OTHER REPORTS AND INFORMATION

A. Policy Subcommittee

B. Transportation Subcommittee

C. Technology Advisory Subcommittee

D. Capital Asset Subcommittee

E. Cape Cod Collaborative

F. Future Agenda Items

VI. APPROVAL OF MINUTES

Approve the minutes of April 10, 2014.

VII. Executive Session

There will be an Executive Session will be held to discuss strategy with respect to collective bargaining with union personnel, not to return to open session.

VIII. ADJOURNMENT