

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, September 15, 2014
5:00 p.m.**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEN INFORMATION

II. APPOINTMENTS

- a. 5:30 p.m. Update on Municipal Water Project – Environmental Partners Consultants
- b. 6:00 p.m. National Park Service – Erosion at Nauset Beach, Cranberry Bog Walkway, Red Maple Swamp Repairs – George Price Superintendent National Park Service

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

III. ADMINISTRATIVE MATTERS

- a. Action/Discussion
 - 1. Consideration of Recommendation for Appointment of Alternate - Cape Cod National Seashore Advisory Board – Nat Goddard
 - 2. Approval for Discharge of Mortgage 11 Pleasant Street, Provincetown - Acquired Under Regional Housing Grant with Eastham as Lead Community
- b. Discussion
 - 1. Correspondence concerning Turnip Road/Turnip Field Road name.
 - 2. Correspondence concerning Affordable Unit at Brackett Landing

IV. OTHER BUSINESS/CORRESPONDENCE/MINUTES

V. TOWN ADMINISTRATOR'S REPORT

- VI. EXECUTIVE SESSION** – To discuss strategy with respect to collective bargaining or litigation when an open meeting may have a detrimental effect or the bargaining and litigating position of the public body and the chair is so declaring

Upcoming Meetings

Wednesday, September 17, 2014	2:30p.m.	Work Session
Monday, October 6, 2014	5:00 p.m.	Regular Session
Wednesday, October 8, 2014	2:30 p.m.	Work Session

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

**Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.*

**If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 5900 x207*

9/17

Sheila Vanderhoef

From: Price, George <george_price@nps.gov>
Sent: Wednesday, August 20, 2014 10:27 AM
To: Sheila Vanderhoef
Cc: Kathy Tevyaw; Karst Hoogeboom; Lauren McKean
Subject: Eastham update public meeting

Sheila,

We are feeling the need for a public workshop/informational meeting because of the number of items which have come up lately. I am thinking about a possible visit to a BOS meeting in Sept. at some open date, followed up that week with a longer session open to the public at Salt Pond Visitor Center. The goal of the BOS meeting is to introduce the topics – because no decisions are required – but there will not be enough time to explore the subjects or allow for public discussion. So, on one hand I would like the BOS to feel they were informed, but invite further review at the second meeting.

Our topics include:

- 1) 1) Current erosion issues related to Nauset Light Beach.
 - Plans to remove walkway closest to edge of the bluff for safety reasons.
 - Start up plans to re-locate bathhouse structure
 - Short and long-term plans for parking lot. As the erosion continues, there will be a point when we have to eliminate the row of parking as well as walkways close to the bluff.
 - Long-term plans would involve relocation of the parking lot, following recommendations of Volpe 2010 Transportation Study (new lot or doubling up at Nauset HS).
- 2) 2) Improvements to Cranberry Bog Bridge and to Coast Guard Beach walkways and bridges on the Nauset Marsh Trail.
- 3) 3) The completed Nauset Bike Trail, starting at the Salt Pond VC.
- 4) 4) Challenges of the Red Maple Swamp Trail.
- 5) 5) And I am sure, by the time we have this meeting, there will be questions about our role with the Nauset Spit issue.

Thoughts?



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

September 15, 2014

To: Board of Selectmen

From: Lisa Shaw, Admin Asst. /HR

***Re: Committee Appointment-Consideration of Recommendation:
Nat Goddard, Cape Cod National Seashore Advisory Committee, Alternate***

Cape Cod National Seashore Advisory Committee

The Board is asked to consider recommending the appointment of Mr. Nat Goddard to the Cape Cod National Seashore Advisory Committee as an Alternate to replace Mr. Don Nuendel who became the Principal Member of the Committee after Mr. Ed Sabin resigned this past spring. Mr. Goddard's term will commence September 15, 2014 and expire June 30, 2015.

Mr. Goddard's application is attached.

Date Received:

Date Interviewed:

Disposition:

EASTHAM VOLUNTEER FORM

One of the foundations of good government in a small town is volunteer citizen participation on the boards, commissions, and committees, which play a vital part in the management of local affairs. The members of these boards and committees arbitrate issues that arise in interpreting and enforcing local laws, and recommend policies that will help to shape the future of our Town.

Name: Nat Goddard
 Address: 905 Doane Rd N Eastham, MA 02642
 Mailing Address (if different): P.O. Box 1626, N. Eastham MA 02651
 Home Phone: (508) 255-3818 Cell Phone: 774-722-5352
 Work Phone: _____ Email: kaynat@c4.net

LOCAL COMMITTEES: Please indicate up to three boards, commissions, or committees in which you are interested. Place a "1" next to your top priority, continuing with "2" and "3" as appropriate. If you have no preferences, simply check up to three. **Please note:** To be appointed to a regulatory committee (bold letters), you must be a registered voter in Eastham, and you may only serve on one regulatory committee.

☐ Animal Advisory Committee☐ Bikeways Committee☐ Board of Assessors☐ Board of Health☐ Board of Highway Surveyors☐ Board of Cemetery Commissioners☐ Community Preservation Committee☐ Conservation Commission☐ Council on Aging Board of Directors☐ Cultural Council☐ Finance Committee☐ Historical Commission☐ Human Services Advisory Committee☐ Long Range Planning Committee☐ Olde Town Centre Historic District☐ Open Space Committee☐ **Planning Board**☐ Public Access Committee of Eastham (P.A.C.E)☐ Recreation Commission☐ Recycling Committee☐ Search Committee☐ 1651 Forest Advisory Committee☐ Visitor's Tourism and Promotion Services Board☐ Water Management Committee☐ **Zoning Board of Appeals**

CCNB

① Other A Seashore Advisory Commission
(alternate)

Please fill out back of form

Describe briefly your experience, including volunteer service, that you feel would be useful to the Town and to the committee(s) you are interested in. You may add any additional information including education, other formal training, specialized courses, professional licenses or certifications.

☒ Check here if additional information is attached

If you have served or are serving on a committee in the Town, please list the committee(s) and the year(s) and term(s) served:

Committee Name:

Term Served:

350th

Check the Town website (www.eastham-ma.gov) for meeting dates and times and additional committee information. If you have any questions, call Town Hall, 508-240-5900.

Please respond to the following additional questions:

I have:

- Attended a meeting(s) of the committee(s) selected. Yes ☐ No ☒
- Read the charge of the committee *Talked with Don H.* Yes ☒ No ☐
- Met with the chair(s) of the committee(s) Yes ☐ No ☒
- Read The Ten Rules Municipal Employees Need Yes ☒ No ☐
- to Know about the Conflict of Interest Law

If you are aware of any possible conflicts of interest to serve on a particular committee, please contact the MA State Ethics Commission@ (617) 371-9500 or (888) 485-4766 for an opinion.

Signature: _____

David G. Giddard

Date: _____

9/11/14

Completed form will be kept on file for two years.

Please return completed form to:

Selectmen's Office
Eastham Town Hall
2500 State Highway
Eastham, MA 02642

Phone: 508-240-590 Fax: 508-240-1291

To: Selectmen of the Town of Eastham MA

From: Nathaniel Goddard, Information for possible selection as Alternate to CCNS Advisory Commission

1. Resident and Taxpayer in the Town of Eastham.
2. Retired Educator, Teacher and Administrator 1961-1994
3. Education: Harvard AB in Biology, University of Virginia MEd
4. Natural Resources Officer, Town of Eastham, 1994-2009
5. Served with Eastham Forum, 1997-2002?
6. Served on Eastham 350th Celebration Committee
7. Treasurer of Friends of CCNS early 2000's



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642
All Departments 508-240-5900
www.eastham-ma.gov

Date: September 12, 2014

Memo To: BOS Members

Memo From: Sheila Vanderhoef, Town Administrator

Re: Discharge of Mortgage – 11 Pleasant Street, Provincetown, MA

Attached is the request for the release of deed restriction at 11 Pleasant Street, Provincetown. As you can see it is recommended by our housing consultant as the reasons meet the requirements of the state regulations in this matter. Eastham was the lead community on the grant that subsidized this issue and thus you need to vote to release.

Laurie, Gillespie-Lee

From: Alice Boyd <aboyd@baileyboyd.com>
Sent: Friday, August 29, 2014 4:45 PM
To: Sheila Vanderhoef
Cc: Laurie, Gillespie-Lee
Subject: Re: Town of Provincetown Housing Specialist & Grant Administrator

Hi Sheila-

I support Michelle's request to remove the restriction from this home. Here's why:

- 1) The loan has already terminated (15-year note)
- 2) Normally the note would be forgiven after Mr. Asher's death however the CDP was not notified
- 3) We have written testimony that the unit was rented affordably (if it was not rented affordably we would enforce the note)

I can handle this if you chose and remove the restriction.

Best,

Alice

On Fri, Aug 29, 2014 at 3:34 PM, Laurie, Gillespie-Lee <admin2@eastham-ma.gov> wrote:

Hi Alice,

The attached is from Sheila Vanderhoef. Please review and advise Sheila.

Thanks.

Laurie Gillespie-Lee

Administrative Assistant

Town of Eastham

2500 State Highway

Eastham, MA 02642

9/15
agx-da

Telephone: 508-240-5900, ext 207

Fax: 508-240-1291

E Mail: admin2@eastham-ma.gov

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Alice Boyd
Bailey Boyd Associates, Inc
508 430-4499 x1
413 258-7055
www.baileyboyd.com

**Town of Provincetown
Housing Specialist &
Grant Administrator**

Town Hall
260 Commercial Street
Provincetown, Massachusetts 02657
Telephone 508/487-7087

August 27, 2014

Linda Burt, Chair
Board of Selectmen
Town Hall
2500 State Highway
Eastham, MA 02642

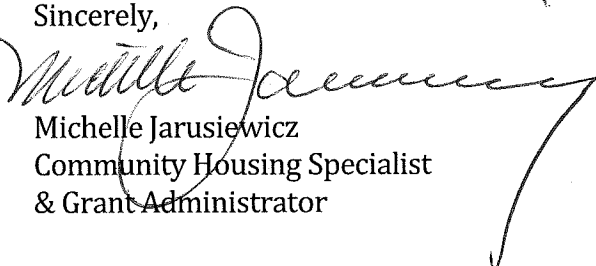
Re: George Dunlap
Asher Housing rehab loan 1998
11 Pleasant Street, Provincetown

Dear Ms. Burt:

Attached is a request from George Dunlap to discharge the lien on his property at 11 Pleasant Street under the 1998 Housing Rehabilitation program through a regional MCDBG grant through the Town of Eastham. The original loan was for \$5,547.05 to "11 Pleasant Street Realty Trust - David Asher, Trustee" who was George's partner. The Loan was recorded 6/3/98 Bk. 11475, pg. 266 with a ten year term and has long since expired. Mr. Asher died suddenly on 12/29/99. Mr. Dunlap was unaware of the lien on the property and the requirements for some time as he outlines in his letter until 2009. He spent considerable time and effort with the Community Development Partnership trying to provide the missing documentation that they requested and was able to provide most of it. Additional IRS documents were needed for one tenant which he attempted to acquire but was unable to do so. I currently have the files from the CDP and have been meeting with Mr. Dunlap since last September to resolve this. I believe that Mr. Dunlap has made a good faith effort to resolve the issues presented to him and support his request for a discharge of the lien.

Please let me know what needs to be done to facilitate this discharge. I believe that it must be done by the CDP as they are the other party. Feel free to contact me with any questions at 508/487-7087 or mjarusiewicz@provincetown-ma.gov.

Sincerely,



Michelle Jarusiewicz
Community Housing Specialist
& Grant Administrator

August 27, 2014

Linda Burt, Chair
Board of Selectmen
Town Hall
2500 State Highway
Eastham, MA 02642

Re: Asher Housing rehab loan 1998
11 Pleasant Street, Provincetown

Dear Ms. Burt:

I am requesting a discharge of the lien against my property at 11 Pleasant Street which was a result of a housing rehabilitation loan to my partner, David Asher, in 1998. I have been really struggling with this issue since first learning that a lien was being placed on 11 Pleasant Street in April 2009. I have done my best to try to get this lien removed and followed instructions from the Community Development Partnership since that time. The reason that David and I originally purchased these properties was to provide affordable rentals for yearround residents of Provincetown.

Following is a chronology of events as I recall:

- 05/1998 – David Asher, Trustee of 11 PLEASANT STREET REALTY TRUST presumably has dealings with Community Development Partnership (CDP's letter refers to "documents needed to discharge the May 20, 1998 mortgage of 'PLEASANT BAY REALTY TRUST.'")
- 12/29/99 – David Asher dies suddenly from brain aneurysm.
- 01/30/2000 – Lawyer Karen DePalma handles all affairs transferring David's part of estate to George Dunlap, Trustee, 11 PLEASANT ST REALTY TRUST. No information re: Community Development Partnership mentioned or brought to my attention.
- No correspondence, notices, etc. between CDP until April 2009 when I received notices from the CDP requesting rent verification's which I attempted to resolve.
- 03/11/10 email from Gail Meyers Lavin re: need for tenant Bruce Levy - 2004 IRS Tax Return and how to obtain copy of same; and form letter from Community Development Partnership requesting dates Mr. Levy lived at 11 Pleasant St, Provincetown.
- 04/13/10 email from Gail Meyer Levin informing me that Wendy Palliser, Rehab Loan Manager, requesting me to print out email from 03/11/10 requesting RENT info from 2004 on, and phone number for Bruce to call IRS to request copy of 2004 tax return. Mr. Levy and Mr. Dunlap comply.

- - - (No communication between parties until...

- March 20, 2013 – Letter to George Dunlap, Trustee, from Christine Henault, Records Manager, re: remaining documents needed to discharge the 'May 20, 1998 mortgage..'

Enclosed were Form 4506 (Request for Copy of Tax Return) and letter to verify Mr. Levy's rent from 2005-2008.

Mr. Levy's rent Sept. 2004 – August 2009 was \$800.00 / month – utilities included.

Completed, signed forms and check for \$57.00 sent to:

RAIVS Team
P.O. Box 145500
Stop 2800 F
Cincinnati OH 45250

March, 2013

Communication between Community Development Partnership, Eastham MA 02642 re: non- receipt of Mr. Levy's 2004 Tax Return.

I HAVE POSSESSION OF CANCELLED CHECK MADE OUT TO AND CASHED BY IRS FOR \$57.00 dated March 27, 2013.

April 2014

- Met with Michelle Jarusiewicz, Grant Administrator, Provincetown to review this on-going situation.

May 19, 2014

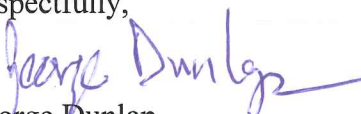
- Called IRS at 1-800-825-1040 to check about Form 4506, copy of RICHARD BRUCE LEVY'S 2004 Tax Return re and my cashed check to IRS for \$57.00. – NO INFORMATION LOCATED

Called IRS 800-908-9946 – on phone for 30 minutes before being told I am not speaking to right department.

Called 816-325-3157, IRS – spoke with Kathy (kathy.n.gibbs@irs.gov), who attempted to check into matter; asked that I email her cover letter and 'front & back' of disputed check \$57.00 No. 1172. Did so. Later same day, rec'd call from "Joe" at IRS, Kathy's supervisor, who listened to my story – I was told that they (IRS) do not have copies of 2004 Tax Returns, so my request is impossible. I asked about status of copies back in March, 2013 when original request made...and was told they didn't have 2004 copies of Tax Returns at that time either.

After countless man-hours on my part to comply with all requests for copy of RICHARD BRUCE LEVY's 2004 Tax Return, and verification of his rent (\$800.00/mo.). I am requesting that you consider leniency to me and discharge the lien against my property at 11 PLEASANT STREET, PROVINCETOWN. I can be reached at 508/487-3743 or 508/944-9940.

Respectfully,


George Dunlap



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642

All Departments 508-240-5900

www.eastham-ma.gov

Date: September 12, 2014

Memo To: BOS Members

Memo From: Sheila Vanderhoef, Town Administrator

Re: Road Name - Turnip or Turnip Field Road

This is being addressed by the Assessing and Town Clerk Departments. We need to determine what name the Planning Board gave to the road when created and then it can be changed by the Planning Board. This is being provided to you as information only at this time.

WILMERHALE

September 2, 2014



Andrew H. Cohn

+1 617 526 6218 (t)
+1 617 526 5000 (f)
andrew.cohn@wilmerhale.com

The Board of Selectmen
Town of Eastham
c/o Linda Burt (Chairperson)
2500 State Highway
Eastham, MA 02642

Dear Chairperson Burt:

This letter is written on behalf of the Bay View Association, an association representing the 55 homes which access Higgins Road (a public way) via Turnip Field Road (a private way).

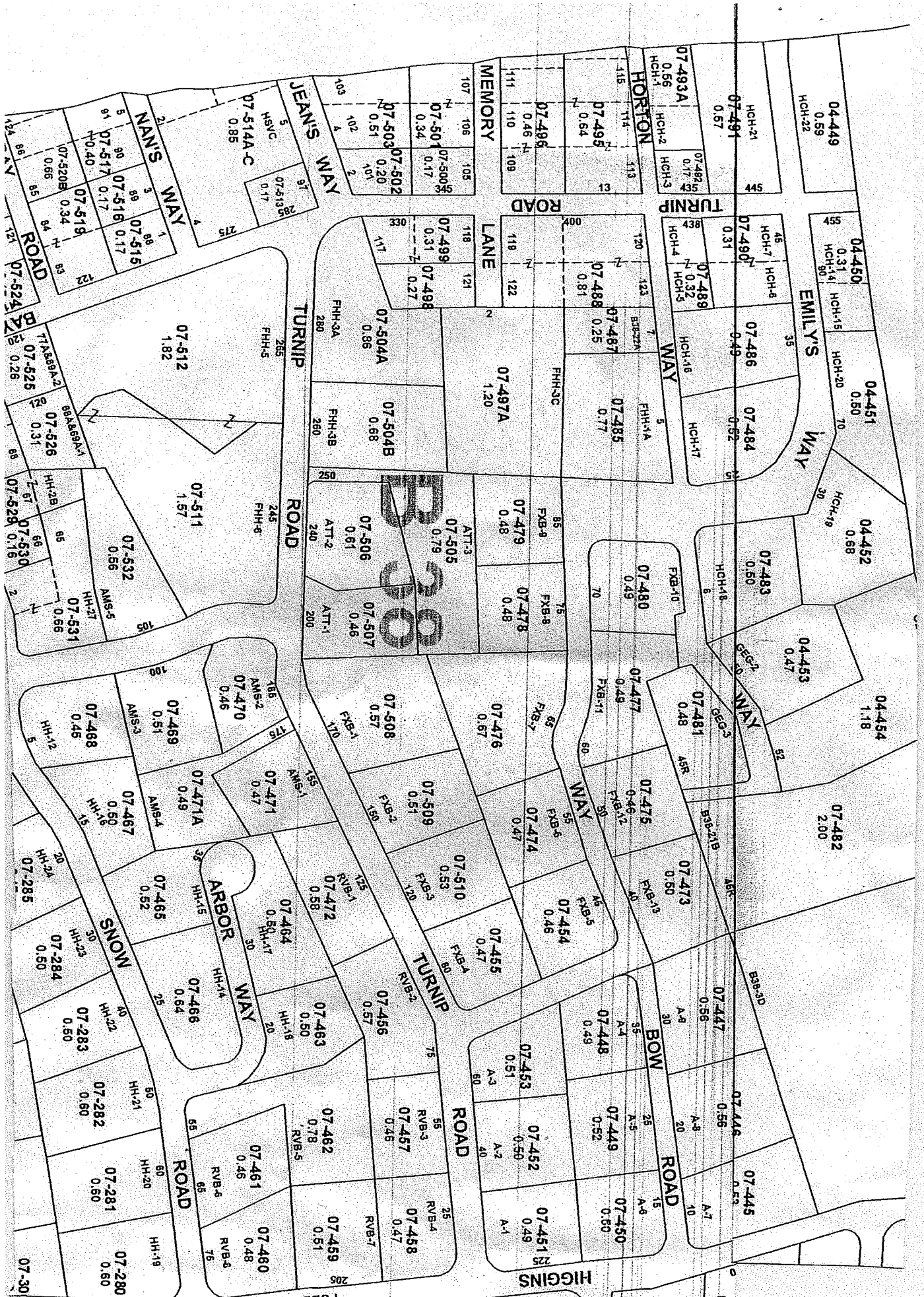
Specifically, we are formally requesting action by the Board of Selectman that Town records be changed to reflect the accurate name for the road, namely "Turnip Field Road" instead of "Turnip Road."

Thank you for the prompt attention to this matter.

Very truly yours,

Andrew H. Cohn

Cc: Town of Eastham Police Dept.
Town of Eastham Fire Department
Town of Eastham Assessing Department



ADMINISTRATION

SEP 09 2014

RECEIVED

60 Dory Lane
Eastham, MA 02642
September 8, 2014

Ms. Abigail Chapman, Director of Housing
Community Development Partnership
3 Main Street Mercantile
Eastham, MA 02642

RE: CONVEYANCE NOTICE TO CDP AS MONITORING AGENT- 60 DORY LANE EASTHAM

Dear Abigail,

Please consider this letter as my "Conveyance Notice" under Section 4 of the Affordable Housing Restriction to begin the process to sell my affordable home at 60 Dory Lane Eastham. As required, a copy of this notice is also being sent to the town to the attention of Eileen Morgan, Chair of the Eastham Affordable Housing Trust and to Sheila Vanderhoef, Town Administrator. Because I will be out of the area during business hours, please know that my partner, David Dunford will take an active role on my behalf in this matter.

Under Section 4, CDP as monitoring agent must now calculate the Maximum Resale Price and must promptly begin marketing efforts. As you know, I am currently paying carrying costs of \$1473 per month plus utilities for this property as well as rental costs near my new place of work of \$2445 per month plus utilities and time is of the essence. I request that there be no requirement that a real estate broker be hired to handle this sale. Hiring a broker would be very costly for me and, I believe, is not effective since brokers are not accustomed to handling the regulated process by which affordable homes are marketed. Instead, it is my intention to actively the market property through local newspapers, networking and through any other channels you might suggest.

As we discussed Friday, if an eligible purchaser is not found in 90 days, we will again discuss renting the property. This will help mitigate the financial hardship resulting from my relocation for new employment.

Thank you for your help in this matter. I look forward to hearing from you soon.

Sincerely,

Nan Balmer (508) 237 - 1330

CC: Jay Coburn, Executive Director, CDP
Eileen Morgan, Chair Affordable Housing Trust
Sheila Vanderhoef, Eastham Town Administrator ✓



community development partnership

Promoting a vibrant and diverse community on Lower Cape Cod

September 5, 2014

Nan Balmer
60 Dory Lane
Eastham, MA 02642

ADMINISTRATION

SEP 09 2014

RECEIVED

Dear Ms. Balmer,

The Community Development Partnership (CDP) is in receipt of your letter received August 25th, 2014 in which you request consent to lease your unit located at 60 Dory Lane, Eastham, MA. As you are aware, the CDP acts as the Monitoring Agent, on the behalf of the Town of Eastham and Mass Housing Finance Agency, to insure the home maintains its affordability and follows all requirements of the Affordable Housing Restriction (AHR) and Regulatory Agreement (RA).

The AHR and RA provide the requirements for insuring that the home remains affordable in perpetuity, which was a condition of the Comprehensive Permit issued by the Town of Eastham to the Developer (Page 3, #11). According to these documents the home must be available to those earning at or less than 120% of the annually published Housing and Urban Development (HUD) Area Median Income at no more than the Maximum Resale Price.

Since the CDP finds no hardship or special circumstances in your request, we are hereby denying your request to lease the property until you have first attempted to sell your unit in accordance with the Affirmative Fair Marketing Plan (AFMP) outlined in the Local Initiative Program (attached: page VI-19). If you are unsuccessful in selling the unit, after the 90-day period has passed and the requirements of the AFMP have been satisfied, the CDP will consent to allowing you to lease on a yearly basis, to a resident(s) who income qualifies. The rent amount will be determined by your carrying costs, but may not exceed the 120% Fair Market Rent, annually published by HUD.

Your next step is to provide the CDP with a "Conveyance Notice" (See item 3, page 5 of AHR) and start the marketing process; we will work with you to complete the process to make sure it meets the requirements of the affordable deed restrictions placed on the home.

Thank you,

Jay Coburn
Executive Director

CC: Sheila Vanderhoef, Town Administrator, Eastham, MA/Katherine Lacy, Mass Housing Finance Agency

3 Main Street Mercantile, Unit 7
Eastham, MA 02642

ph: 508.240.7873 | 800.220.6202
fx: 508.240.5085

contact@capecdp.org
www.capecdp.org