

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
WORK SESSION
Wednesday, October 8, 2014
2:30 p.m.**

Location: Timothy Smith Room

- 2:30 p.m.** **PACE COMMITTEE** – Lori Hovenstein, Chair Discussion of Tasks and Mission
- 2:45 p.m.** **SALT WORKS ROAD STAIRS TO BEACH** – Neil Andres, DPW Superintendent
Ron Shaw and R. Bentsen Massasoit Hills Homeowners Association
- 3:00 p.m.** **TIMOTHY SMITH LOAN POLICY** – Joan Plante, Town Treasurer
- 3:15 p.m.** **ELECTRONIC VOTING COMMITTEE** –Steve Cole, Moderator/ Sue Fischer, Town Clerk
- 3:30 p.m.** **SPECIAL MUNICIPAL EMPLOYEE POLICY DISCUSSION** – Sue Fischer, Town Clerk
- 3:45 p.m.** **NOVEMBER STATE ELECTION BALLOT** – Sue Fischer, Town Clerk
- 4:00 p.m.** **PLANNING AND ZONING BOARD MEMBERSHIP** – Sheila Vanderhoef

Minutes:

August 19, 2013	Regular Session
September 3, 2013	Regular Session
September 16, 2013	Regular Session
October 9, 2013	Work Session
December 2, 2013	Regular Session
February 12, 2014	Regular Session
March 5, 2014	Work Session
March 17, 2014	Regular Session
March 31, 2014	Regular Session
April 3, 2014	Work Session
May 7, 2014	Work Session
September 15, 2014	Regular Session
September 15, 2014	Executive Session
September 17, 2014	Work Session

Upcoming Meetings

<i>Monday October 20, 2014</i>	<i>5:00 p.m.</i>	<i>Regular Session – Municipal Water Update</i>
<i>Monday October 20, 2014</i>	<i>6:00 p.m.</i>	<i>Meeting Board of Water Commissioners</i>
<i>Wednesday October 22, 2014</i>	<i>2:30 p.m.</i>	<i>Work Session – Municipal Waste Water Update – Jane Crowley, Health Agent</i>
<i>Monday November 3, 2014</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, November 5, 2014</i>	<i>2:30 p.m.</i>	<i>Work Session</i>

**All items on the agenda may be discussed in any order during the meeting. This agenda reflects topics that the Chair anticipates will be discussed at the meeting. 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 but consistent*

**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*

Lori L. Hovenstine, PT
POB 736
720 Brackett Road
North Eastham, MA 02651-0736

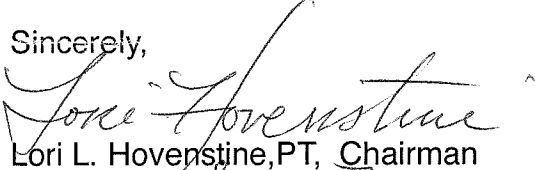
To whom it may concern,

July 16, 2014

Re: Chairmanship and Public Access Committee Resignation

Last month at the PACE meeting, I announced that for medical reasons I was no longer able to serve on the committee. The following discussion lead to the resignation of all the remaining 3 members. We feel that the committee has run its course for the town. More than 85% of the business are accessible, the remaining will probably always be grandfathered into noncompliance. We are an advisory group. Some members are Community Access Monitors for the state and will continue to do so, some with disabilities themselves, but basically we feel the town does not use us as a resource. We have only 4 members when 9 should be on the team. The search committee has not helped at all. The selectman liaison does not attend the meetings anymore. The building inspector also. When a problem is identified, we are met with resistance, for example: the parking signs and the ramps at the Windmill Green. There is still a HP sign in a bucket at the green. We as a committee applied for moneys from the town for a path mat at Bee's River. It was approved but a year later nothing has materialized. We have served as consultant to the Roach Property project that is stalled also. When nothing happens with the money for improvement is not used, our hands are tied and cannot apply for future funds to benefit the town. We have an aging community and our goals and aspirations as a committee have not been unrealistic. With sadness and frustration we have decided to disband the committee. We would be honored to consult with any future projects, but meeting on a regular basis is wasting our time and energy.

Sincerely,


Lori L. Hovenstine, PT, Chairman


Members: Eileen Morgan


Jeannette Marcucci


Asa Decker

cc: Board of Selectmen

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

MEMO

To: Sheila Vanderhoef

From: Shana Brogan *SB*
Conservation Agent

Date: September 30, 2014

Re: Salt Works Road

The subject town land is a coastal bank and coastal dune resource area and protects Salt Works Road, upland property and homes from coastal storm damage and flooding. Due to the close proximity of the roadway and properties to the coastal beach, it is important to ensure no unnecessary erosion takes place. Therefore, if access is permitted over this area, it is recommended that an elevated stairway be used and not a pathway. The new stairway would require the filing of a notice of intent with the conservation commission. If access is not permitted via an elevated stairway, the area pathway should be closed to foot traffic by installing sand drift and split rail fencing. Additionally, exposed areas should be planted with American Beach Grass to help stabilize the existing sediment and catch wind blown sand. It is not likely a stone revetment would be permitted in this area in the future.

The Massasoit Hills Homeowner Association maintains a beach access stairway on Salt Works Road. The subject Town pathway is approximately 528 feet (.1 mile) from the Massasoit Hills Homeowners Association stairway and three driving minutes to S. Sunken Meadow public beach.



- Police Station
- Fire Station
- Ice Rinks
- Libraries
- Schools
- Town Hall
- Lighthouses
- Three Nautical Mile Line
- Parcels with Aerials
- MA Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Ocean



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 110 220 ft

Printed on 09/30/2014 at 10:40 AM







Town of Eastham

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



508 240-5973
Fax 508 240-6687

To: Sheila Vanderhoef, Town Administrator

From: Neil Andres, Superintendent DPW

Date: July 29, 2014

RE: Stairs at Salt Works Road

The town owned parcel off Salt Works Road used to be extensively eroded from foot traffic. To preserve the town owned parcel, split rail fence and landscape timbers were installed to prevent the erosion by confining foot traffic to a path. The landscape timber steps, however, were constantly washed out from erosion of the bank.

To overcome this erosion, DPW staff built a platform and removable stairs at Salt Works Road for less than \$1,000 in material in 2009. Permitting was a simple sketch. The platform, however, was washed out during the Feb 8, 2013 Blizzard. A claim for \$40,000 was submitted to FEMA but to date, FEMA has not paid for any costs of the Feb 8, 2013 blizzard despite the efforts of our state representatives.

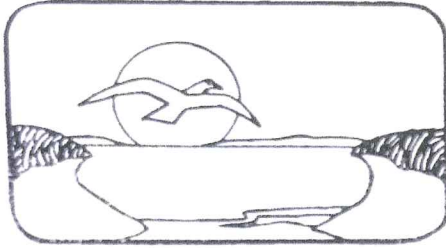
In order to replace the stairs under current regulations, a Notice of Intent, title search, and an engineered plan will have to be filed. The submission needs to include the engineering work necessary for new federal accessibility requirements which requires an analysis to document why an accessible ramp system cannot be constructed instead of stairs. The cost of design and permitting is estimated at \$5,000.

Based on estimates from two local companies, new stairs will cost approximately \$35,000. It should be noted that the Eastham Conservation Commission no longer allows pressure treated lumber to be used near the resource area so the new stairs will have to be made of naturally rot resistant lumber such as tropical hardwood or aluminum. In order for the platform to be more resistant to damage, the platform is proposed to be placed on substantial piles driven deeply into the bank similar to the stairs at Thumpertown landing. The old stairs are no longer usable as they are made of pressure treated lumber and the rise and run no longer match the bank which has retreated.

Given erosion at the area, the life expectancy of the stairs is probably less than 10 years. It is difficult to justify spending \$40,000 for a set of stairs used only by 25-30 families as they are located off a private road without public access or public parking - especially when there is accessible access at the nearby South Sunken Meadow beach

We researched the possibility of grading out the dune so that it is not necessary to walk up the dune and then down the dune to the beach. Apparently this is considered removing a coastal dune and is not permitted. At this point, we have removed landscape stair treads as erosion takes place and foot traffic is gradually flattening the slope. We have also nourished the area behind the sand drift fence so that it provides a flat area to walk to the beach.

JUL 22 2014

**Massasoit Hills Homeowners Association**

P.O. Box 1292

North Eastham, MA 02651

www.mhha.info

Find us on Facebook Under Groups and Search for
Massasoit Hills Homeowners Association

Board of Directors**President***Ron Shaw***Vice-President***Bill Bristol***Clerk***Jody Vilardo***Treasurer***Tom Moriarty**Jonathan Bruce**Joe Flaherty**Mark Herman**Peter Kelligrew**Jack Savoia**Chris Thompson**Daniel Maloof**Per Bentsen**Dick Ostrander**Peter Olsta*

Ms. Sheila Vanderhoef
 Town Administrator
 Town of Eastham
 2500 State Highway
 Eastham, Mass. 02651

Dear Ms. Vanderhoef:

I am writing to you as the current President of Massasoit Hills Homeowners Association (MHHA) here in Eastham. MHHA was formed in 1983 and has 142 families as members. For years many of these families and their guests have accessed the waters of the bay via a town owned access path. This town owned lot is circled in red on the attached map. The path is on the lower end of the lot. Several years ago the town installed a much needed platform at the top of the dune with a set of stairs (with railings) leading down to the beach. This arrangement worked very well and virtually stopped the erosion of the dune caused by foot traffic. It also made the access point much more accessible for older beachgoers and much safer for everyone.

Unfortunately during the February 8/9, 2013 blizzard the platform was destroyed (the stairs were removable and had been removed by the town and stored elsewhere before the winter). Our association has been in contact with Mr. Andrade and we know he has been trying to obtain FEMA funds to replace the platform and stairs. When last I spoke to Mr. Andrade he advised his appeal to FEMA was not going well and he did not see a positive result forthcoming.

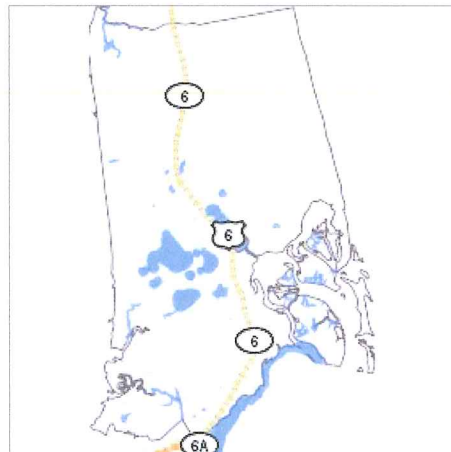
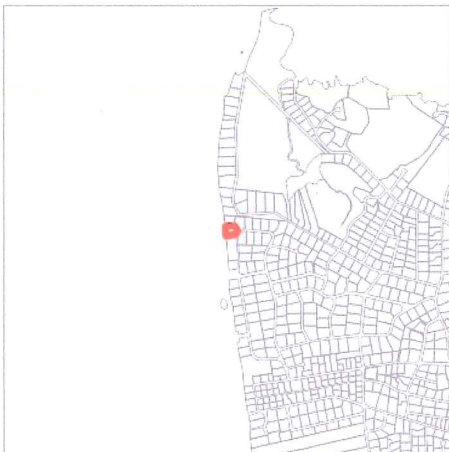
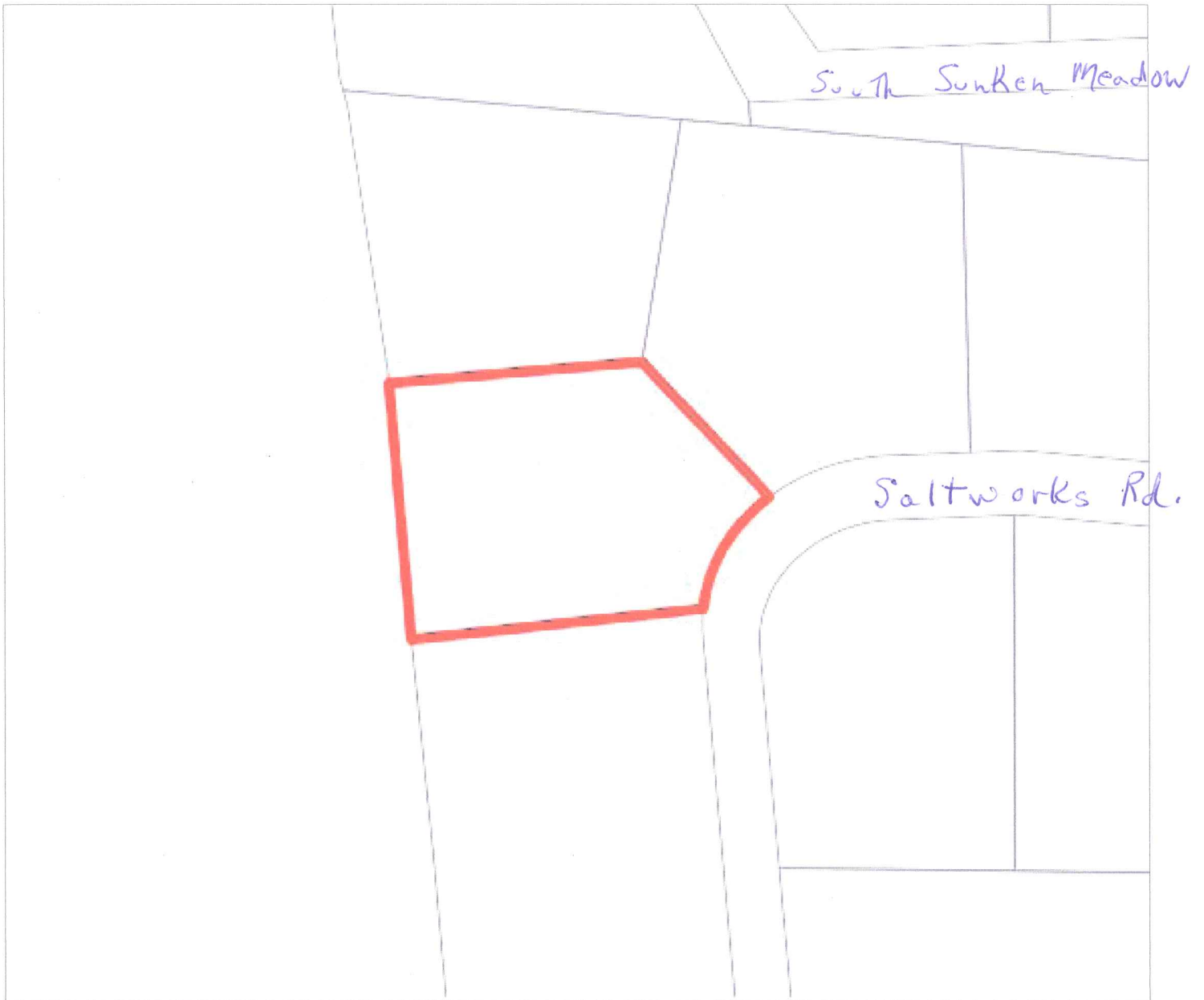
It has now been nearly 2 summers without a usable stair arrangement on this access path and many of our members are very concerned. The path is used by 25 to 35 families, their guests, in some cases renters as well as folks who come from the Aspinet Road area. When the South Sunken Meadow beach parking lot fills up this is a very good alternative for many folks in this area.

The Association is anxious to know what plans the town has to restore the platform/stair arrangement so that this access can be more safely utilized and help prevent the erosion of this valuable dune. I would like to meet with you to discuss what options might be available and how MHHA can assist the town.

Thank you in advance for your time and efforts.

Regards

Ron Shaw
 Ron Shaw



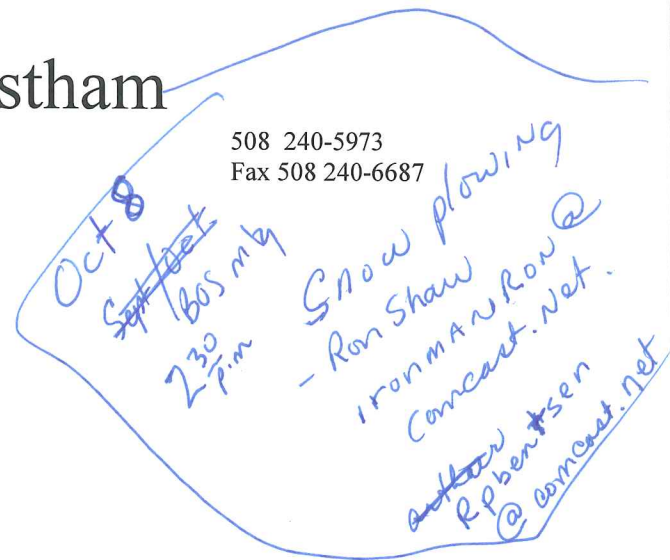
Town of Eastham

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



508 240-5973
Fax 508 240-6687

To: Sheila Vanderhoef, Town Administrator
From: Neil Andres, Superintendent DPW
Date: July 29, 2014
RE: Stairs at Salt Works Road



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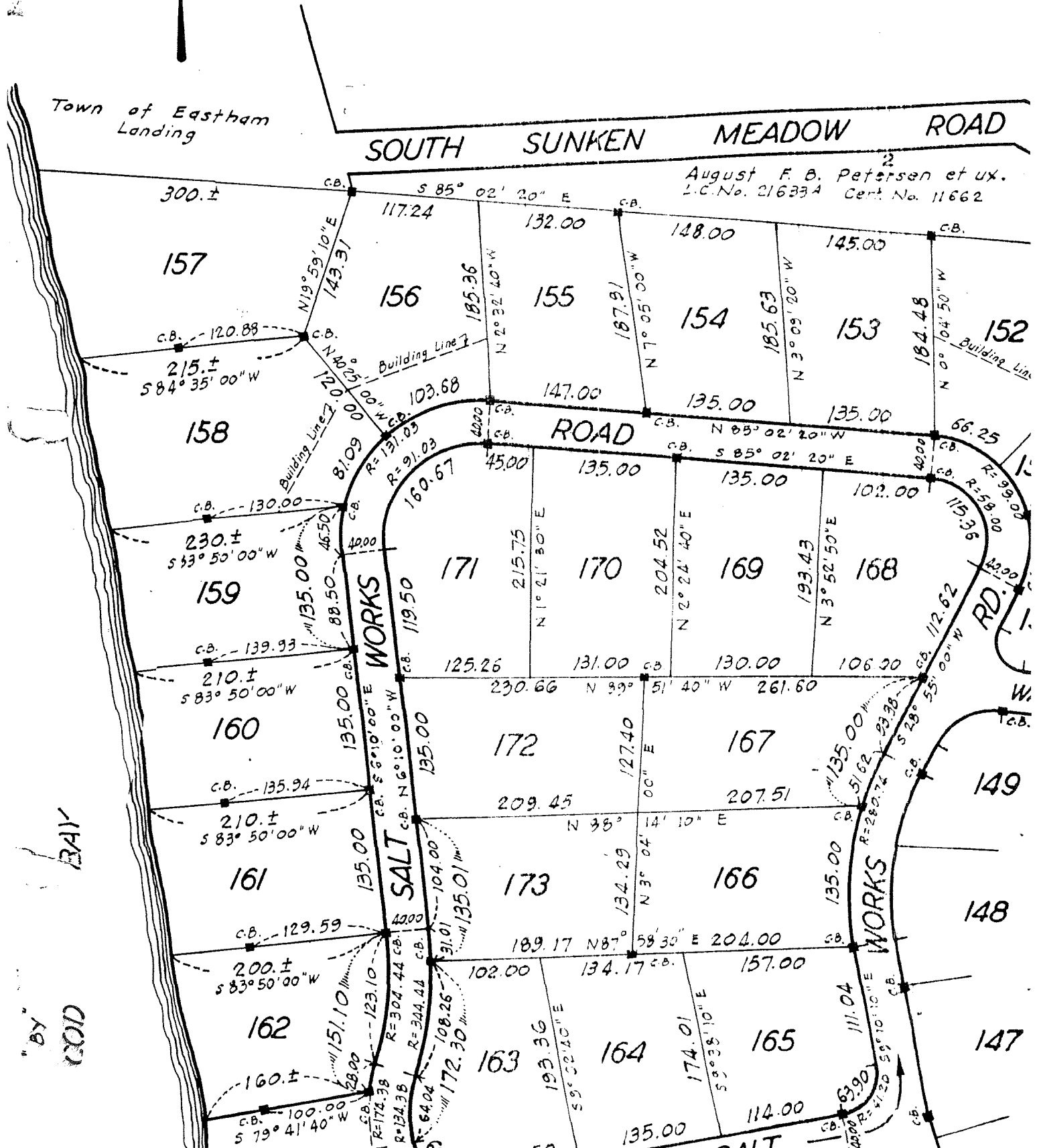
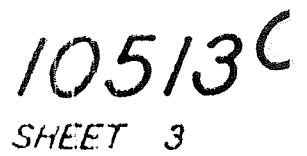
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In order to replace the stairs under current regulations, a Notice of Intent, title search, and an engineered plan will have to be filed. The submission needs to include the engineering work necessary for new federal accessibility requirements which requires an analysis to document why an accessible ramp system cannot be constructed instead of stairs. The cost of design and permitting is estimated at \$5,000.

Based on estimates from two local companies, new stairs will cost approximately \$35,000. It should be noted that the Eastham Conservation Commission no longer allows pressure treated lumber to be used near the resource area so the new stairs will have to be made of naturally rot resistant lumber such as tropical hardwood or aluminum. In order for the platform to be more resistant to damage, the platform is proposed to be placed on substantial piles driven deeply into the bank similar to the stairs at Thumpertown landing. The old stairs are no longer usable as they are made of pressure treated lumber and the rise and run no longer match the bank which has retreated.

Given erosion at the area, the life expectancy of the stairs is probably less than 10 years. It is difficult to justify spending \$40,000 for a set of stairs used only by 25-30 families as they are located off a private road without public access or public parking - especially when there is accessible access at the nearby South Sunken Meadow beach

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October 1, 21014

Sheila Vanderhoef, Town Administrator
Town of Eastham
2500 State Highway
Eastham, MA 02642

Dear Ms. Vanderhoef,

I am writing to you to convey my support to you, to the Eastham Board of Selectman, and to other town officials for the rebuilding of the stairs between Salt Works Road and Sunken Meadow Beach. Since the destruction of the stairs several years ago due to a winter storm, erosion of the dune has accelerated. My elderly neighbors have a much harder time getting to the beach. My neighbors who rent their homes have lost some repeat tenants because of the more difficult access to the beach.

The path between the road and the beach has been used by families in the Massasoit Hills Homeowners Association neighborhood since long before I first started summering on Salt Works Road over twenty five years ago. Town officials acknowledged the importance of this right of way by construction of a stairway (eight or ten years ago if I am remembering correctly), which made beach access easier for elderly residents and provided a check for erosion on the dune. Reconstruction of the stairs is in keeping with the Town's historical support of this right of way, and of other similar situations in town.

I truly appreciate that in Eastham, town officials are responsive to the needs of all its taxpayers, as evidenced by the prior investment in the stairs in this little corner of the town. As a homeowner on Salt Works Road, I see how important access to Sunken Meadow Beach is for summer residents, including small children and elderly beach-goers. I urge the Board of Selectman to appropriate funds to design and construct a durable, environmentally sound, user-friendly set of stairs on this pathway.

Sincerely,

Michael Buonaiuto

210 Salt Works Road
mjbuonaiuto@gmail.com

Sheila Vanderhoef,
Town Administrator
Town of Eastham
2500 State Highway
Eastham, MA 02642

Dear Ms. Vanderhoef,

I am writing to you to convey my support to the Eastham Board of Selection, and to other town officials for the re-building of the stairs between Salt Works Road and Sunken Meadow Beach. Since the destruction of the stairs several years ago due to a winter storm, erosion of the dune has worsened and access to the beach has been difficult for the many families using this pathway to Sunken Meadow Beach

We purchased our home on Salt Works Road in 2008 and we have seen the Town re-build the stairs on at least one occasion. We depend upon the beach access for our friends and families access to the beach as well as our summer renters. I have had several past renters complain about the difficult access to the beach over the last two summers. Reconstruction of the stairs is in keeping with the Town's historical support for this access.

I urge the Board of Selectman to appropriate funds to design and construct a durable, environmentally sound, user friendly set of stairs for this pathway..

Sincerely,

Peter Feinmann
150 Salt Works Road
peterfeinmann@gmail.co

Electronic Voting Committee “EVC”

Charge to Committee

Purpose

The EVC is convened to fully examine the electronic voting options available to replace hand counting, various secret ballot methods and quantum of vote issues. The EVC must consider in its Charge large numbers of voters and multiple adjacent rooms at Town Meeting for 2015.

Membership

The committee consists of 3 (5) members, the voting members, appointed by the Board of Selectmen. There will also be an Advisory Panel consisting of:

1. One member from the Board of Selectman.
2. The Town Moderator.
3. The Town Clerk or the Town Clerks appointed delegate.
4. The Town Administrator or the Town Administrators appointed delegate.

Charge

1. The EVC should determine how electronic voting systems work, their benefits, opportunities, problems, primary costs and associated costs if the Town chooses to develop Requests for Information (RFI) and/or Request for Proposal (RFP) documents to engage a vendor(s) to supply such services for either or both rental and ownership options.
2. The EVC should develop a list of potential applicants to respond to an RFI and/or RFP to be issued by Town administration.
3. The EVC should provide access to the general public to see demonstration videos of the system in operation, informed of towns that are using EV and when their next town meeting occurs, and to offer other towns the opportunity to experience our use of such systems if requested.
4. The EVC should seek ways of minimizing costs by exploring collaborative activities with other Towns and the County.

The EVC should recommend methods of employing e-voting to the Town Clerk and Moderator since the Charter requires them to set the rules and methods for voting at Town Meeting.

Date: May 27, 2014

To: Town of Eastham Board of Selectman
Town of Eastham Town Clerk

From: Ed Schneiderhan
Chair Electronic Voting Committee

Subject: E-Voting Committee Status Report Fiscal 2014.

Dave Schropfer in mid March proposed to the Board of Selectman that a committee be created with the intent to provide electronic voting capabilities at the 2014 Town Meeting. Dave proposed a committee of three citizen volunteer members, the voting members, and advisory panel comprised of a member from Town Administration, a member from the Town Clerks office, a member from BOS and the Town Moderator.

The committee was formed and with the assistance of the advisory panel, proceeded to:

- Investigate the experience of other Towns with similar open meeting structures. Including a visit to Duxbury's Town Meeting.
- Prepare a request for and received funding.
- Create a list of potential vendors for voting devices and software. Six were identified.
- Examined Request for Proposals (RFP) from other towns.
- Structured a set of specifications and created an RFP specific to Eastham.
- Held a public hearing.

Although the intent was to have E-Voting available for the 2014 Town Meeting, it became evident there was more than a small risk in doing so. The primary reason for the potential risk was the short time available to:

- Publish an RFP
- Review responses
- Select a vendor
- Develop software
- Procure hardware
- Train additional personnel

All of the above would have to be accomplished in approximately 30 calendar days. The committee and the advisory panel concluded the short development cycle did not provide vendors with ample opportunity to adequately respond. Therefore, there was a potential for a less than desirable implementation of E-Voting. Consideration was also given to the fact that the Moderator and Selectman positions would have new members

May 27, 2014

Memo: To the Town of Eastham Board of Selectmen

From: Ed Schneiderhan, Chair, Electronic Voting Committee

The following will, I hope, provide some more information as to the content of the proposed charge to the committee and other issues.

Continuation of E-Voting Committee

The Electronic Voting Committee was formed to have a short time to exist as it was to provide E-Voting at the 2014 Town Meeting. As we all know that did not happen, however, a Warrant Article requesting funding for E-Voting capabilities for the 2015 Town Meeting passed. I therefore request the Board of Selectman continue the Electronic Committee at least through fiscal 2015.

Additionally, I would request the membership of Teresa Martin and Ed Schneiderhan be extended for at least for at least fiscal 2015. We need to maintain the technical knowledge gained about the process as well as the technical skills of the current membership.

Committee Size

The Electronic Voting Committee was originally created as a three (3) member team. This worked well until one member resigned. We currently have a quorum with two (2) members, however, we cannot vote. To remedy this situation it has been suggested the committee be increased to five (5) members. If the BOS were to increase the size to five(5) members, the committee could continue to meet and vote with only three(3) members as we do now. If the committee size is five(5), and a new member is not found soon, the committee would need to suspend activities until a new member is available as there would not be a quorum. The BOS has the authority to set the size of and the tenure of membership of committees. This should probably be a topic for discussion at your June 2, 2014 meeting.

Efforts with CCC, County and other Towns

With the extension of the Electronic Voting Committee and with sufficient time, We will be able to explore mutual activities with other Governmental Agencies and Towns. The intent to be a reduction in cost of providing E-Voting to the Town of Eastham. Dave Schropher has already contacted a member of the Cape Cod Commission. This person may be available for our next committee meeting of June 19, 2014.

and the Town Clerk could also change.

The joint committee/advisory panel proceeded to request the BOS include a warrant article for funding E-Voting for the 2015 Town Meeting. Additionally, a short presentation was created to be presented at the 2014 Town Meeting. As you all know the Warrant Article did pass.

Draft of Report to Selectman/Town Clerk

Dave Schropfer in mid March proposed to the Board of Selectman that a committee be created with the intent to provide electronic voting capabilities at the 2014 Town Meeting. Dave proposed a committee of three citizen volunteer members, the voting members, and advisory panel comprised of a member from Town Administration, a member from the Town Clerks office, a member from BOS and the Town Moderator.

The committee was formed and with the assistance of the advisory panel, proceeded to:

- Investigate the experience of other Towns with similar open meeting structures. Including a visit to Duxbury's Town Meeting.
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All of the above would have to be accomplished in approximately 30 calendar days. The committee and the advisory panel concluded the short development cycle did not provide vendors with ample opportunity to adequately respond. Therefore, there was a potential for a less than desirable implementation of E-Voting. Consideration was also given to the fact that the Moderator and Selectman positions would have new members and the Town Clerk could also change.

The joint committee/advisory panel proceeded to request the BOS include a warrant article for funding E-Voting for the 2015 Town Meeting. Additionally, a short presentation was created to be presented at the 2014 Town Meeting. As you all know the Warrant Article did pass.

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Wednesday, September 3, 2014
5:00 p.m.**

Location: Earle Mountain Room

- I. Discussion of Strategy and Issues Concerning Nauset Spit in Anticipation of Joint Meeting w/Orleans Board of Selectmen
- II. Discussion of Water Interconnect Options with Orleans System
- III. Special Municipal Employee Request – Bob Sheldon
- IV. 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 10, 2014	7:00 p.m.	@Orleans Town Hall Joint w/Orleans Board of Selectmen Topics for Discussion – Nauset Spit/ Water Interconnect
Monday, September 15, 2014	5:00 p.m.	Regular Meeting
Wednesday, September 17, 2014	2:30 p.m.	Work Session

**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*

September 2, 2014

To: Board of Selectmen

RE: Agenda Item – III

Attached is a request from Bob Sheldon, a member (chair) of the ZBA and a member of the Affordable Housing Trust, to be designated as a Special Municipal Employee. Mr. Sheldon has been on the ZBA for several years and was recently appointed to the Housing Trust. I have included for you, information on the definition and meaning of the designation. Please remember that the designation, as Mr. Sheldon mentions, is not an individual designation if it pertains to the position on a multimember board. Mr. Sheldon would need all members of the trust and the ZBA to have this designation, and to agree to accept such designation.

Mr. Sheldon may be in to discuss this matter. He is aware that it is on the agenda. You are under no obligation to make a decision today. You may want to discuss with Town Counsel or the ethics commission before you make a final decision.

9/3 BOS
agenda

Sheila Vanderhoef

From: mreastham@comcast.net
Sent: Friday, August 15, 2014 10:43 PM
To: Sheila Vanderhoef
Subject: ZBA and Affordable Housing Trust - 'Special Municipal Employees'

Sheila,

As discussed, I believe that it's important that the Selectmen designate the members of the ZBA and the Affordable Housing Trust as 'Special Municipal Employees'.

As I learned in the mandatory ethics training, non-special employees cannot present or represent others at other boards and commissions in the town. As a Realtor, I'm called on to advise and participate in the process that may include trips to the Planning, Health, & Conservation Boards. Additionally, I may be called on to work with builders on future projects that may, ultimately, come before several boards. As a non-special employee, all these activities would be banned.

I spoke to attorney Amy Mee, who was the attorney-of-the-day when I called the ethics hot-line. She indicated that both boards that I am on would need that designation for me to be able to freely be a Realtor and members of the boards.

Please present this situation to the Selectmen at your earliest convenience.

Thank you.

Bob Sheldon

Sent from Xfinity Connect Mobile App

What is a 'special municipal employee'?



May 31, 1999

Q: What is a “special municipal employee”?

A: The law gives broad discretion to municipalities to determine which positions should be designated as special municipal employees. Municipalities should carefully consider this decision which balances the municipality’s interest in obtaining the expertise needed for its boards, commissions and other part-time or unpaid positions with the lesser restrictions that apply to special municipal employees as noted below.

A list of all the “special municipal employee” positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission. Please review the designated “special municipal employee” list for your municipality and provide a copy of the list to the Massachusetts State Ethics Commission within 60 days.

“Special municipal employee” status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, town council or city council. The designation may be made by a formal vote at any time. Votes should be taken individually for each board or position being designated -- expressly naming the positions being designated. Once a position is designated as having “special” status, it remains a “special municipal employee” position unless and until the classification is rescinded.

A position is eligible to be designated as a “special municipal employee” position provided that the municipal employee:

- * is not paid; or
- * holds a part-time position that allows him or her to work at another job during normal working hours; or
- * was not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having “special” status, not the person holding the position. Therefore, all employees holding the same office or position must have the same classification as “special municipal employees.” For instance, one member of a school committee cannot be classified as a “special” unless all members are similarly classified.

Under no circumstances may a mayor, city councilor, town councilor, alderman, or selectman in a town with a population of more than 10,000 be designated as a “special”. However, in towns of 10,000 or less, selectmen are automatically considered “special” employees.

The Legislature may also designate certain positions to have “special municipal employee” status. For example, board members and certain part-time employees of local housing and

redevelopment authorities are defined by law as “special municipal employees” and do not need to have local authorities approve their designation as “specials” (see G.L. c. 121B, §7).

Answer provided by State Ethics Commission

What restrictions are different for special municipal employees?



May 29, 2007

What restrictions are different for special municipal employees?

Q: What restrictions are different for special municipal employees?

A: The conflict of interest law (M.G.L. Ch. 268A) covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time, but two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as “special municipal employees.”

Chapter 268A, Section 17, generally prohibits municipal employees from representing a private party before any municipal boards or departments. It also prohibits municipal employees from acting as agent (or attorney) for a private party in connection with any matter of direct and substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

The prohibitions of Section 17 for special municipal employees are less restrictive and only apply to matters that are before their own board or agency or are subject to their official responsibility. For example, a full-time school department employee would be prohibited from representing anyone before any town board or agency; in contrast, a school committee member who qualifies as and is designated a special municipal employee would be able to represent clients before boards other than the school department or any agency that falls under the responsibility of the school department.

Chapter 268A, Section 20, generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. There are, however, many exemptions in this section, and the prohibitions for special municipal employees are less restrictive. For example, a special municipal employee may have a financial interest in a contract with a department which is completely independent of the one where she works, provided that she files a disclosure of her interest in the contract with the city or town clerk. A special municipal employee may even have a financial interest in a contract with her own department (or with a department that has overlapping jurisdiction with her department), provided that she files a disclosure of her interest in the contract with the city or town clerk and the board of selectmen, board of aldermen, town council or city council vote to grant her an exemption to Section 20.

Answer provided by the State Ethics Commission.

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STATE ETHICS COMMISSION

COMMISSION SUMMARY NO. 16

"SPECIAL" MUNICIPAL EMPLOYEES"

The conflict of interest law, G.L. c. 268A, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, two sections of the conflict law apply less restrictively to those part-time or unpaid municipal officials who have been designated as "special municipal employees."

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen, board of aldermen, town council or city council. Several specific municipal positions are automatically designated as "special" under the law. Your position is eligible to be designated as a "special municipal employee" position provided that:

1. you are not paid; or
2. you hold a part-time position which allows you to work at another job during normal working hours; or
3. you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.

It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees". For instance, one member of a school committee cannot be classified as a "special" unless all members are similarly classified.

The designation may be made by a formal vote of the board of selectmen, board of aldermen, town council or city council at any time. Votes should be taken individually for each board or position being designated -- expressly naming the positions being designated. Once a position is designated as having "special" status, it remains a "special municipal employee" position unless and until the classification is rescinded. A list of all the "special municipal employee" positions should be on file at the town or city clerk's office. This list should also be filed with the Ethics Commission.

Under no circumstances may a mayor, city councillor, town councillor, alderman, or selectman in a town with a population of more than 10,000 be designated as a "special". However, in towns of 10,000 or less, selectmen are automatically considered "special" employees. Other municipal positions in towns with a population of less than 10,000 must still be designated as "special municipal employee" positions by the selectmen.

The Legislature may also designate certain positions to have "special municipal employee" status. For example, board members and part-time employees of local housing and redevelopment authorities are defined by law as "special municipal employees" and do not need to have local authorities approve their designation as "specials". (See G.L. c. 121B, §7.)

THE CONFLICT LAW IS LESS RESTRICTIVE FOR "SPECIALS"

Only two sections of the conflict of interest law apply less restrictively to "specials" -- §§ 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way. See the Summary of the Conflict Law for Municipal Managers or the Practical Guide to the Conflict Law for Municipal Employees for information on your responsibilities under the law (these publications are available from the State Ethics Commission). Remember that even if you serve on an unpaid part-time board or commission, you are still considered a regular municipal employee, unless your position has been expressly designated as having "special municipal employee" status.

Section 17 - Acting on Behalf of Others

Section 17 generally prohibits municipal employees from representing a private party before municipal boards or departments. It also prohibits municipal employees from acting as agent (or attorney) for a private party in connection with any matter of direct and substantial interest to their city or town. Finally, it prohibits municipal employees from accepting pay or other compensation in connection with any matter of direct and substantial interest to their municipality.

However, if you are a "special municipal employee", you may:

1. represent private parties before municipal boards other than your own, provided that you have not officially participated in the matter and the matter is not now (and was not within the past year) within your official responsibility;
2. act as agent for private parties in connection with a matter of interest to your city or town, provided that you have not participated in the matters as a municipal official, and that the matter is not (and has not been, during the past year) within your official responsibility; and
3. receive pay or other compensation in connection with matters involving your city or town, provided that you have not officially participated in the matters and they are not (and have not been, within the past year) within your official responsibility.

Example: You are a Conservation Commissioner. The Commission has been given "special municipal employee" status. You are also an engineer in private practice in town.

You may be hired as site engineer and represent a private development company at a Planning Board hearing, as long as the hearing does not in any way involve Conservation Commission matter.

However, if the hearing is about a wetlands dispute, you could not represent the developer before the Planning Board because the matter is under your official responsibility as Conservation Commissioner.

Also, if you prepare site plans, blueprints, structural analyses or other professional documents, you may not allow the developer to submit those materials to the Conservation Commission (or to any other municipal boards, in connection with matters under the Conservation Commission's responsibility).

Also, you may not be paid for giving the developer advice about how to get his project approved by the Conservation Commission, or for any other activity related to the Conservation Commission review process.

Note that the prohibition against "acting as agent" covers any type of activity that involves representing someone other than your city or town. Activities which can be considered "acting as agent" include: serving as someone's spokesperson; making phone calls or writing letters; acting as a liaison; affixing professional seals or signing supporting documentation; and participating as an electrician, plumber or other contractor during municipal building inspections. For more information about §17, request Advisory No. 13: Municipal Employees Acting as Agent from the State Ethics Commission.

Section 20 -- Restrictions on Having an Interest in Contracts with your City or Town

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with their city or town. However, there are many exemptions in this section of the law. For instance, a municipal employee may own less than 1% of the stock of a company that does business with the municipality.

Also, a municipal employee may have a financial interest in a contract with a municipal department which is completely independent of the one where he works, provided that the contract has been publicly advertised or competitively bid, and the employee has filed a disclosure of his interest in the contract with the city or town clerk. Note that there are additional requirements for personal services contracts: contact your town counsel or city solicitor or the State Ethics Commission's Legal Division for more information.

However, if you are a "special municipal employee", you have two additional exemptions to §20:

1. As a "special municipal employee", you may have a financial interest in a contract with a department which is

completely independent of the one where you work, provided that you file a disclosure of your interest in the contract with the city or town clerk (there is no "public notice" or "competitive bid" requirement for this "special municipal employee" exemption).

2. As a "special municipal employee", you may even have a financial interest in a contract with your own department (or with a department which has overlapping jurisdiction with your department), provided that you file a disclosure of your interest in the contract with the city or town clerk and the board of selectmen, board of aldermen, town council or city council vote to grant you an exemption to §20.

Example: You are a member of the School Committee, which has been given "special municipal employee" status. You also own a hardware store in town.

You may sell light bulbs to the town's Department of Public Works, because Public Works is not under the jurisdiction of the School Committee; however, you must file a disclosure of your interest in the lightbulb sales with the Town Clerk.

You also may sell light bulbs to the School Department (which is under the School Committee's jurisdiction), but only if you file a disclosure of your interest in the lightbulb sales with the Town Clerk and the Board of Selectmen vote to exempt your lightbulb sales from the restrictions of §20.

For more information about restrictions on holding an interest in municipal contracts, contact your city solicitor or town counsel or the Legal Division of the State Ethics Commission.

Section 20 -- Restrictions on Holding Multiple Municipal Positions

Because the restrictions of §20 also apply to employment contracts, municipal employees are generally prohibited from holding more than one municipal position. However, there are many exemptions to this general prohibition. If you are a municipal employee -- regular or "special" -- you may:

1. hold any number of unpaid positions, because you do not have a financial interest in any of the positions (however, if you hold even one paid appointed position, you must look for other exemptions);
2. hold any number of elected positions, whether paid or unpaid, because you serve in those positions by virtue of your election, rather than because of an appointment or employment contract (however, if you hold even one paid appointed position, you must look for other exemptions); and
3. in some instances, you may hold more than one paid appointed position, provided that the jobs are in separate departments (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. However, your board of selectmen, board of aldermen, town council or city council must vote to exempt you from §20, and there are also other requirements you must meet. For more information, request Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

If you serve in a town with a population of less than 3,500, you may hold more than one position with the town if the board of selectmen formally approves the additional appointments.

If you are a "special municipal employee", you may also:

1. hold any number of other "special municipal employee" positions, provided that the positions are with totally independent departments and you file a disclosure of your financial interest in all the positions with the city or town clerk;
2. hold any number of other "special municipal employee" positions, even if the departments' jurisdictions overlap, provided that you file a disclosure of your financial interest in all the positions with the city or town clerk, and the board of selectmen, board of aldermen, town council or city council vote to exempt you from §20.

Example: As a Cemetery Commissioner, you are a "special municipal employee".

You may also hold "special municipal employee" positions on the Board of Library Trustees and on the Waterways Commission, because the three positions are completely independent of each other. However, you must file a disclosure of your financial interest (e.g., stipends, per diem payments, salary) in the positions with the Town Clerk.

If you wish to hold a "special municipal employee" position with the Department of Public Works (which maintains buildings on the cemetery grounds) or as the town's Tree Warden (who cares for the trees on the cemetery grounds), you must file a disclosure of your financial interest in the positions with the Town Clerk, and the Board of Selectmen must vote to exempt you from §20.

For more information about holding more than one municipal position, request Advisory No. 7: Multiple Office Holding from the State Ethics Commission, or contact your town counsel or city solicitor or the State Ethics Commission's Legal Division.

* * *

The definition of "special municipal employee" can be found in Section 1(n) of the conflict of interest law (G.L. c. 268A). Note that town councils are empowered by G.L. c. 39, §1 to exercise all duties and powers of boards of aldermen.

* * *

Commission Fact Sheets are prepared and issued by the Public Education Division of the State Ethics Commission. They are intended to provide guidance to public officials and employees concerning practical applications of the conflict law. For further information, contact your town counsel or city solicitor, or the Legal Division of the State Ethics Commission.

ISSUED: May 1987

REVISED: March 1990

REVISED: January 1991

REVISED: August 1992

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BOARD OF SELECTMENT'S POLICY RELATING TO
GRANTING OF SPECIAL MUNICIPAL EMPLOYEE STATUS
TO POSITIONS, COMMITTEES AND BOARDS
PURSUANT TO MGL Ch. 268A

SAMPLE
Policy

RATIONALE:

In general, the provisions of Massachusetts General Laws Chapter 268A, Section 17 prohibit a municipal employee from receiving compensation from or acting as agent or attorney for anyone other than the Town in a matter in which the Town has a direct and substantial interest. The Board is aware of the fact that the State Ethics Commission defines "municipal employee" as any person that provides services to the Town, regardless of how that person was hired, elected or appointed, or whether the person receives compensation for his/her services. The Board understands that the State Ethics Commission would find that virtually any matter which comes before a particular board or official which requires official action is a matter in which the Town has a direct and substantial interest. The provisions of Massachusetts General Laws Chapter 268A, Section 17 are intended to prevent divided loyalties and any appearance of unfair or special advantage.

As the State Ethics Commission states, cities and towns are entitled to undivided loyalty by their municipal employees. The Board of Selectmen strongly believes that in order to promote public confidence in the administration of the town government a municipal employee's loyalty must lie first with the Town and that Special Municipal Employee status should be granted only in very limited circumstances. The Board is of the opinion that in general, positions, committees, and boards that set public policy, have regulatory authority or have appointing authority should not be granted Special Municipal Employee status.

The Board of Selectmen also believes that there are occasional circumstances that can arise where a position, board or committee may benefit from a person's expertise or knowledge in a particular field or profession. In those limited circumstances Special Municipal Employee status *may* be warranted.

Under Massachusetts General Laws Chapter 268A, the Board of Selectmen may grant Special Municipal Employee status to a position, board or committee at any time and the Board may also revoke that status at any time. It is the municipal position that is designated as having Special Municipal Employee status, not the person holding the position. Therefore, all members of a board or committee holding the same office are considered Special Municipal Employees if the designation is granted by the Board of Selectmen.

POLICY:

1. Any person(s) holding an elected or appointed position or serving as a member of an elected or appointed committee or board may file a written request with the Board of Selectmen seeking designation of such position, committee or board as a Special Municipal Employee(s).
2. Any such request shall be made a part of the agenda of a regularly scheduled meeting of the Board of Selectmen.

3. The person(s) making such a request shall appear at the scheduled meeting of the Board of Selectmen to present such request. The person(s) making the request shall present to the Board of Selectmen the rationale for such request. The presentation shall include a demonstration of the need the position, committee or board has for the skills or professional knowledge that the person making the request possesses. Additionally, the presentation shall include how those skills or professional knowledge will benefit the position, committee or board as well as benefit the overall interests of the Town.
4. The Board of Selectmen shall consider the request and a vote shall be taken on the request. The granting of such status shall be by a majority vote of the Board.
5. Requests for Special Municipal Employee status will be voted upon individually for each position, committee or board requesting such status, expressly naming the position, committee or board being designated.
6. If Special Municipal Employee Status is granted to the position, committee or board, then annually, no later than May 25, any person intending to retain such status for the position, committee or board, shall resubmit a request to the Board of Selectmen for Special Municipal Employee status. The Board shall review and act upon the request in accordance with Paragraph 2 through Paragraph 5 of this policy at its first meeting in June. Additionally, at the first meeting of the Board of Selectmen in June, the Board shall review the list of positions, committees and boards granted Special Municipal Employee status to ensure compliance with this policy. A list of Special Municipal Employees shall be forwarded to the Town Clerk and the State Ethics Commission any time Special Municipal Employee status is granted or revoked by the Board and at least annually.

Adopted: Abington Board of Selectmen
October 15, 2012

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

STATE ELECTION

SS: Barnstable County

To: Either of the Constables of the Town of Eastham

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at

Eastham Town Hall Precinct 1

on **TUESDAY, THE FOURTH DAY OF NOVEMBER, 2014**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS	FOR THIS COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.	NINTH DISTRICT
COUNCILLOR	FIRST DISTRICT
SENATOR IN GENERAL COURT	CAPE & ISLANDS DISTRICT
REPRESENTATIVE IN GENERAL COURT	FOURTH BARNSTABLE DISTRICT
DISTRICT ATTORNEY.	CAPE & ISLANDS DISTRICT
REGISTER OF PROBATE.	BARNSTABLE COUNTY
COUNTY COMMISSIONER	BARNSTABLE COUNTY
BARNSTABLE ASSEMBLY DELEGATE	EASTHAM

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A YES VOTE would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

A NO VOTE would make no change in the laws regarding the gas tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of "illegal gaming" under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot

machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A NO VOTE would make no change in the laws regarding earned sick time.

QUESTION 5
THIS QUESTION IS NOT BINDING

Shall the state senator from this district be instructed to vote in favor of legislation to expand the radiological Plume Exposure Emergency Planning Zone around the Pilgrim Nuclear Power Station in Plymouth, an approximately 10-mile-radius area, to include all of Barnstable, Dukes, and Nantucket Counties?

QUESTION 6
THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of legislation that would allow the state to regulate and tax marijuana in the same manner as alcohol?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2014.

_____ SELECTMEN OF THE TOWN OF EASTHAM

I have posted attested copies of this warrant at the Post Office in Eastham and North Eastham at least seven days before the date of this election.

Constable

Date

A True Copy Attest:

Susanne Fischer
Town Clerk

Laurie, Gillespie-Lee

From: coppelman@aol.com
Sent: Friday, October 03, 2014 8:13 AM
To: Laurie, Gillespie-Lee
Subject: Fwd: EPB position

-----Original Message-----

From: Panaccione <lisa2320@gmail.com>
To: Dan Coppelman <coppelman@aol.com>
Sent: Fri, Oct 3, 2014 4:42 am
Subject: EPB position

Hi Pete, Dan,

I am resigning my position. With my new work schedule I can't make most of the meetings. It's time to let someone else from the planning board take a turn at the CPC. I also will probably need surgery soon and that's also complicating things for attending the EPB work and regular sessions. I have to slow my schedule down. Perhaps in the future I will be able to participate again.

I've enjoyed being on both boards and will miss all of you.

Lisa

Sheila Vanderhoef

From: Peter Doolittle <pdoolittle@capecodrta.org>
Sent: Thursday, October 02, 2014 11:28 AM
To: svanderhoef@eastham-ma.gov
Subject: RE: Peter Doolittle

Hello Sheila, If that is the case, I will have to give my resignation from the ZBA effective today. Sorry Peter.

From: Sheila Vanderhoef [<mailto:svanderhoef@eastham-ma.gov>]
Sent: Thursday, October 02, 2014 10:45 AM
To: Peter Doolittle
Subject: RE: Peter Doolittle

You absolutely cannot represent yourself nor can you be in the room.

From: Peter Doolittle [<mailto:pdoolittle@capecodrta.org>]
Sent: Wednesday, October 01, 2014 8:11 AM
To: svanderhoef@eastham-ma.gov
Subject: RE: Peter Doolittle

Hi Sheila, I thought I could represent myself, but could not vote on the application. Anyhow thank you for checking this out. Peter Doolittle

From: Sheila Vanderhoef [<mailto:svanderhoef@eastham-ma.gov>]
Sent: Wednesday, October 01, 2014 8:08 AM
To: Peter Doolittle
Subject: RE: Peter Doolittle

Any property owner can apply for a permit. You cannot represent yourself before the Board. That is my understanding of the law. I should contact Bob to better understand his interpretation. Give me a week and I will get back to you.

From: Peter Doolittle [<mailto:pdoolittle@capecodrta.org>]
Sent: Tuesday, September 30, 2014 9:36 AM
To: svanderhoef@eastham-ma.gov
Subject: Peter Doolittle

Good morning Sheila,

I am interested in putting an application in to the ZBA for 2355 State Hwy. Bob Sheldon said I could not do that being a member of the ZBA. If this is true, I will have to resign from the ZBA and then apply again after all is completed. Please advise as soon as possible. Thanks Peter Doolittle 508-348-4522 or pdoolittle101@comcast.net. Thanks for your quick response.