

# AGENDA

Monday

December 1, 2014

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, December 1, 2014  
5:00 PM**

**Location:**        Earle Mountain Room

**I. PUBLIC/SELECTMEN INFORMATION**

**II. APPOINTMENTS**

5:00 PM        Annual Financial Audit Exit Overview – Dan Sullivan, Auditor, CliftonLarsenAllen LLP

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

**III. ADMINISTRATIVE MATTERS**

**A. Action/Discussion**

1. Appointment Community Preservation Committee Planning Board Representative – Daniel Coppleman
2. Review of Parking Concerns on Old State Highway/Rear of Knack Shack – Chief Ed Kulhawik
3. Request Letter of Support – Duffy Health Center *In From the Street* Program
4. Request Letter of Support – Environment Massachusetts for Solar Energy
5. Resignation from Conservation Commission, Linda Haspel

**IV. OTHER BUSINESS/CORRESPONDENCE/MINUTES**

1. Sign Letter to Board of Assessors – Special Municipal Employee Status
2. Formally Rescind Special Municipal Employee Status – Planning Board, Community Preservation Committee, and Old Town Centre Historic District Commission
3. Cape Cod National Seashore Advisory Commission – Minutes
4. Sign Conservation Restriction for Dyer Prince Purchase
5. Fee Increases for the Cape Cod National Seashore

**V. TOWN ADMINISTRATOR'S REPORT**

**Upcoming Meetings**

<i>Wednesday, December 3, 2014</i>	<i>2:30 PM</i>	<i>Work Session</i>
<i>Monday, December 15, 2014</i>	<i>5:00 PM</i>	<i>Regular Meeting</i>
<i>Wednesday, December 17, 2014</i>	<i>2:30 PM</i>	<i>Work Session</i>
<i>Monday, January 5, 2015</i>	<i>5:00 PM</i>	<i>Regular Meeting</i>
<i>Wednesday, January 7, 2015</i>	<i>2:30 PM</i>	<i>Work Session</i>

***This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at [www.eastham-ma.gov](http://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*

III A 1

**December 1, 2014**

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: **Committee Appointment**

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

**Dan Coppelman**

The Planning Board recommends the appointment of Dan Coppelman to the Community Preservation Act Committee as the Planning Board Representative.

If the Board appoints him, his first term would commence December 1, 2014 and expire June 30, 2016. He seeks to replace Lisa Panaccione who resigned from the Planning Board.

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***Daniel P. Coppelman***

***PO BOX 384  
235 ELDREDGE DRIVE  
NO. EASTHAM, MASS. 02651-0384  
TEL (508) 255-753***

NOVEMBER 25, 2014

TOWN OF EASTHAM  
BOARD OF SELECTMEN

RE: PLANNING BOARD REPRESENTATIVE  
COMMUNITY PRESERVATION COMMITTEE

PLEASE BE ADVISED THAT AT OUR WORK SESSION ON NOVEMBER 19, 2014, IT WAS DETERMINED THAT I WOULD BECOME THE PLANNING BOARD REPRESENTATIVE TO THE COMMUNITY PRESERVATION COMMITTEE.

I LOOK FORWARD TO BEING A MEMBER OF THIS IMPORTANT EASTHAM COMMITTEE.

DAN COPPELMAN





Date Form Received:	7/15/09
Form Expiration Date:	7/15/2011
Search Committee Contacted	7/15/2009
For admin use only. <i>Edlin</i>	

## 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: DANIEL COPPELMAN, P. E.

Address: 235 ELDREDGE DRIVE PO 384 N. Eastham Cape

Home Phone: 255 7539 Work/Cell Phone: \_\_\_\_\_

Email: COPPELMAN @ AOL . COM

**LOCAL COMMITTEES:** Please check the boards, commissions, or committees that you are interested in, and on which you would be willing to serve. Please indicate in priority number (maximum 3). **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.

\_\_\_ Alternative / Green Energy Committee

\_\_\_ Bikeways Committee

\_\_\_ Board of Assessors

\_\_\_ **Board of Health**

\_\_\_ Board of Highway Surveyors

\_\_\_ Cable T.V. Advisory

\_\_\_ Board of Cemetery Commissioners

\_\_\_ Community Preservation Committee

\_\_\_ **Conservation Commission**

\_\_\_ Council on Aging Board of Directors

\_\_\_ Critical Planning Committee

\_\_\_ Cultural Council

\_\_\_ Finance Committee

\_\_\_ Historical Commission

\_\_\_ Housing Task Force

\_\_\_ 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

\_\_\_ Waste Water Management Planning Committee

\_\_\_ Water Resources Advisory Board

\_\_\_ **Zoning Board of Appeals**

XXXXXXXXXXXXXXXXXXXXXXXXXX

\_\_\_ Cape Cod Commission

\_\_\_ C.C. Regional Tech. High School

\_\_\_ Seashore Advisory Committee

\_\_\_ Tri-Town Septage

\_\_\_ Other \_\_\_\_\_

Please fill out back of form.

Please describe briefly any experience, including volunteer service that you feel would be useful to the Town and how it would apply to the committee(s) you are interested in. Please add any additional information which may be useful, including education or 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:

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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.

If you are interested in any of the committees listed, it is suggested that you attend meetings to familiarize yourself with the committee's work. Check the Town website for meeting dates and times and additional committee information.

[www.eastham-ma.gov](http://www.eastham-ma.gov) If you have any questions, call Town Hall, 508-240-5900

*For admin use only.*

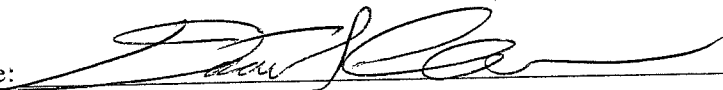
Applicant meets residency requirements of committees applied for.	YES / NO
Applicant has attended meetings of committee(s) they are interested in?	YES / NO
Applicant is familiar with charge of committee(s) they are interested in?	YES / NO
Applicant has met with chair of committee(s) they are interested in?	YES / NO
Applicant has read "The Ten Rules Municipal Employees Need to Know About The Conflict of Interest Law"	YES / NO

Completed forms will be kept on file for two years.

Please return completed form to:

Eastham Town Hall  
2500 State Highway  
Eastham, MA 02642  
Fax# 508-240-1291

Signature:



Date:

7/13/09

**RESUME OF  
DANIEL P. COPPELMAN, P.E.**

**REGISTERED PROFESSIONAL ENGINEER**

**NEW YORK  
CONNECTICUT  
MASSACHUSETTS  
NEW JERSEY**

**REGISTERED PROFESSIONAL PLANNER  
NEW JERSEY**

**LICENSED WASTEWATER TREATMENT PLANT OPERATOR  
NEW YORK**

**PROFESSIONAL MEMBERSHIPS**

**AMERICAN SOCIETY OF CIVIL ENGINEERS  
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS  
NATIONAL COUNCIL OF ENGINEERING EXAMINERS  
AMERICAN CONSULTING ENGINEERS COUNCIL  
WESTCHESTER WATER WORKS**

**EDUCATION:**

**BACHELOR OF SCIENCE - CIVIL ENGINEERING (EMPHASIS ON  
ENVIRONMENTAL DESIGN)  
NORTHEASTERN UNIVERSITY - BOSTON, MASSACHUSETTS**

**EXPERIENCE**

Keane Coppelman Engineers, P.C. was originally established in 1973 as a branch office of McPhee Smith Rosenstein Engineers of Montvale, New Jersey, and later URS Corporation, a national engineering conglomerate with specialties in the water and wastewater design fields. The office was established to serve New York and Connecticut clients with an emphasis in the sewage treatment designs in the 10,000 GPD to 500,000 GPD design flow category.

As project engineer, and later principal of Keane Coppelman Engineers, P.C., Dan Coppelman was responsible for the design engineering relating to Realty Subdivision, Commercial Developments, and Light Industrial Plants: i.e.; Site planning, grading, soil and Erosion Control, Storm Water Management, Sewage Treatment, Water Resource Development and Treatment, and Road and Drive Layouts.

Further, responsible for preparation and presentation of plans and specifications to the various Regulatory Agencies, attendance at Public meetings and Hearings (including local planning boards), and Field Inspection of the construction of the designed facilities to insure compliance with the approved plans and Governing Regulations.

A specialty in the field of expert witness for court testimony has been provided to clients involved in the preservation of their property values and rights.

**STATUS**

Retired in mid 2009 to pursue a more leisurely lifestyle in Cape Cod and Boston.

# Community Preservation Committee By-Law

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**1.0 Membership of the Committee.** There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5., appointed by the Board of Selectmen. The composition of the committee and the term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Commission, as designated by said Commission; one member of the Eastham Housing Authority as designated by said Authority; one member of the Eastham Affordable Housing Task Force as designated by said Task Force; one member of the Open Space Committee as designated by said Committee; and two at large individuals. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have recommending authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

**2.0 Duties.** The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

The Community Preservation Committee shall make recommendations to the Board of Selectmen and Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided in this section. With respect to affordable housing, the Community Preservation Committee may recommend the reuse of existing buildings or construction of new buildings on previously developed sites.

The Community Preservation Committee may include in its recommendation to the Board of Selectmen and Town Meeting, a recommendation to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas: (a) open space (not including land for recreational use), (b) historic resources, (c) affordable housing, or as otherwise authorized under Section 298 of Chapter 149 of the Acts of 2004.

**3.0 Requirement for a quorum and cost estimates.** The Community Preservation Committee shall comply with the provision of the Open Meeting Law, G.L. c.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Board of Selectmen and Town Meeting shall include the committee's anticipated costs.

**4.0 Amendments.** This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

**5.0 Severability.** In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

**6.0 When Effective.** Provided that Town Meeting approves Article 2 of the December 13, 2004 Special Town Meeting to adopt Section 298 of Chapter 149 of the Acts of 2004, and voters of the Town at the May 17, 2005 Annual Town Election approve adoption of same, this by-law shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL.c.40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments. **By-Law Adopted by Special Town Meeting on December 13, 2004.**

# Community Preservation Committee Members

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<b>Edward Brookshire</b> P.O. Box 745 Eastham, MA 02642	Term ends – 6/30/2016 508-255-4061 (h) Joyfulcreations43@comcast.net Appointed November 6, 2013 Term 2 <b>Eastham Housing Authority Rep.</b>
<b>Josiah Holden Camp, Jr.,~Vice~Chair</b> 10 Drake Circle P.O. Box 791 Eastham, MA 02642	Term ends- 6/30/2015 508-240-2409 (h) camp@hartford.edu Appointed 8/22/2012- Term 1 <b>Historical Commission Rep.</b>
<b>Edmund Casarella</b> 15 Seaside Drive P. O. Box 1714 North Eastham MA 02651	Term ends-6/30/2017 508-255-0573 fcasarella@verizon.net Reappointed 2014-Term 2 <b>Recreation Commission Rep</b>
<b>L. Michael Hager</b> 115 Shady Lane Eastham MA 02642	Term ends-6/30/2017 774-207-0674 (h) 202-842-1466 (cell) Appointed 11-3-2014 – Term 1 <u>l_michaelhager@hotmail.com</u>
<b>Linda Haspel</b> 400 Governor Prence Road Eastham, MA 02642	Term ends- 6/30/2016 508-240-1666 (h) 202-255-3776 (c) Reappointed 7/1/2013- Term 2 linda@red-dogs.net <b>Conservation Commission Rep.</b>
<b>Eileen Morgan</b> 560 Campground Road P. O. Box 781 North Eastham MA 02651	Term ends-6/30/2016 508-255-9585 (h) 978-835-9791(c) Appointed 11/18/13-Term 1 <u>baygetaway@comcast.net</u> <b><u>Aff. Hous. Trust (Task Force) Com. Rep.</u></b>
<b>Judith Poulin~CLERK</b> 12 Boat Meadow Way Eastham, MA 02642	Term ends- 6/30/2015 508-255-3339 (h) 508-826-1450 (c) Reappointed 7/1/2012- Term 2 JAPoulin@verizon.net <b>Member-At-Large</b>
<b>Peter Wade~CHAIR</b> 625 Bridge Road Eastham, MA 02642	Term ends- 6/30/2015 508-237-1399 (h) phwade@comcast.net Reappointed 7/1/2012- Term 2 <b>Open Space Representative</b>

Need:

1 member to replace Lisa Panaccione, Planning Board Rep. resigned 10-3-14 term ends 6/30/2016

Updated 11-17-2014



## EASTHAM POLICE DEPARTMENT

2550 State Highway • Eastham, MA 02642  
508-255-0551 • Fax: 508-255-5412



EDWARD V. KULHAWIK  
*Chief of Police*

KENNETH J. RODERICK  
*Deputy Chief*

TO: Sheila Vanderhoef – Town Administrator

FROM: Edward V. Kulhawik – Chief of Police

DATE: November 14, 2014

RE: **PARKING ON OLD STATE HIGHWAY / REAR OF KNACK SHACK**

Per your request I have surveyed the parking situation on Old State Highway to the rear of the newly established business the Knack Shack. I have also surveyed the parking along this Road and have determined the following.

- I am recommending that we support a ***no overnight parking ban*** to the rear of the Knack Shack but mandate that the property owner remove the signs that the business posted as they are not approved by the Town or by law. I recommend we repost signage prohibiting overnight parking at this location. Pursuant to Article I Sec. #3 subsection #2, regarding no all night parking in the Town of Eastham Traffic Rules and Orders.
- Secondly, I recommend we repost signage on the East side of Old State Highway which currently prohibits parking on that side of the roadway. There is only one sign at the location and it is severely faded.

After speaking with DPW director Neil Andres and building inspector Tom Wingard they support this plan and also assert that the changes made to the area from a landscaping perspective do meet the standards and master plan for this location that was previously approved by the Board of Selectman.





94 Main Street  
Hyannis, MA 02601  
(508) 771-7517  
(508) 771-7514, fax  
www.duffyhealthcenter.org

November 19, 2014

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

III A 3

**Re: *In from the Streets* (IFTS) Program**

Dear Colleagues:

Individuals all over Cape Cod become homeless and vulnerable. Not forever, but for a time. In some cases, it could be the result of an injury or illness, time needed to cope with the loss of a spouse or family member, or losing a job. Perhaps you know of them since they live in your town. In fact, ninety-five percent of the homeless clients served by the Duffy Health Center come from the Cape, and every town in Barnstable County is represented.

The Town of Barnstable, Cape Cod Council of Churches, Duffy Health Center and other homeless service providers started *In From The Streets* in 2005. IFTS offers a temporary, safe place for people who are vulnerable – a transgender teen, elderly men and women, a mentally ill veteran - and unable to stay in shelters. IFTS is used for a motel room, a deposit for a sober house placement, or to assist the client to move into safe group housing, while well-skilled case managers help them develop stability plans and access to other community resources.

In the past year, of the 15 persons receiving help from IFTS, 13 persons became housed or were provided housing through treatment or special programs. All 15 were enrolled or were reinstated with health insurance benefits, five persons became employed and four others received job training. Duffy Health Center will continue to work with each individual to develop a housing plan of action and to assist with needed benefits and medical, behavioral health, and other support services.

This year the success of the IFTS program has won support from the United Way in the form of \$16,000, with the challenge that towns across the Cape join this effort. The Town of Barnstable has committed \$5,000 to this effort in 2014, and Town Council unanimously passed a resolution supporting the program (attached). And, the Town of Chatham has approved \$1,000 for IFTS. We ask for a commitment of \$1,000 by your town so that more Cape Codders can benefit from the program.

I look forward to your response to our challenge, and to your commitment to strengthen all our communities.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Heidi R. Nelson'.

Heidi Romans Nelson, FACHE  
CEO

Enclosure

*Partners on the road to health, hope and home.*





# 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](mailto:council@town.barnstable.ma.us)

[www.town.barnstable.ma.us](http://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 Jr.  
Precinct 5

William Crocker Jr.  
Precinct 6

Dr. Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Sara Cushing  
Precinct 10

Philip Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

November 17, 2014

Duffy Health Center  
94 Main Street  
Hyannis, MA 02601

To Whom It May Concern:

Recently the Town of Barnstable adopted a policy which allows it to write letters of support for non-profit entities that work for the public good. The letter of support may then be used in the competitive search for financial assistance from outside sources.

The Barnstable Town Council, on November 6, 2014, voted unanimously to write a letter of support for the Duffy Center's "In From the Streets Program." The program assists elderly and other at risk populations with temporary housing, transportation to and from the hospital and other vitally important items which otherwise may be out of the reach of the individual.

We, the members of the Barnstable Town Council, believe that this is an important fund for many people who might otherwise have fallen through the cracks.

The Town of Barnstable has given \$5000 to the project, and supports its mission and efforts in our community.

Respectfully yours,

Jessica Rapp Grassetti, President

Administrator:  
Barbara A. Ford

Administrative  
Assistant:  
Cynthia A. Lovell



## Elizabeth Shaw

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**From:** Elizabeth Shaw [admin@eastham-ma.gov]  
**Sent:** Friday, November 21, 2014 1:01 PM  
**To:** 'eelipton@comcast.net'  
**Subject:** FOR: Human Services Committee  
**Attachments:** Human Services.pdf

Good Afternoon Elaine~ Attached are two informational letters I am forwarding to you as the chair of the Human Services Committee. The first is from the Duffy Health Center and the second from the Town of Barnstable, Town Council.

Thanks!

Lisa

**Lisa Shaw**  
Administrative Assistant | HR  
Town of Eastham | 2500 State Highway | Eastham, MA 02642  
T:508.240.5900 x 205  
F:508.240.1291  
[admin@eastham-ma.gov](mailto:admin@eastham-ma.gov)  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

Elizabeth Shaw

Sheela

## A 4

ADMINISTRATION

NOV 14 2014

**From:** Jessica Colarossi [jcolarossi@environmentmassachusetts.org]  
**Sent:** Friday, November 14, 2014 2:09 PM  
**To:** admin@eastham-ma.gov  
**Subject:** Solar Energy Support

RECEIVED

12/1/14  
Bryden

To the Eastham Board of Selectmen,

I work with Environment Massachusetts, the statewide grassroots environmental advocacy organization. One of our top priorities is fighting global warming and promoting clean energy. **I want to ask you, as local officials, to sign our letter in support of solar energy.**

Since 2008, Massachusetts' solar energy capacity has grown more than 150-fold, helping to clean up our air and reduce our contribution to global warming. In 2013, the solar energy industry employed 6,400 Massachusetts residents, an increase of 42% from the previous year. But without proper support from state government, this rapid growth could come to a halt.

Virtually every city and town in Massachusetts has seen the benefits of solar power firsthand. We are asking local officials to sign our letter speaking to the benefits that solar has brought to communities across the state, and urging our next governor to embrace a goal of getting 20% of Massachusetts' electricity from the sun by 2025.

Below is a copy of our letter in support of solar energy. **Would you like to add your names to our letter?**

Please let me know if you have any questions. Thank you for your consideration.

Sincerely,  
Jessica Colarossi

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Jessica Colarossi  
Environment Massachusetts  
294 Washington Street, Ste. 500 :: Boston, MA 02108  
[jcolarossi@environmentmassachusetts.org](mailto:jcolarossi@environmentmassachusetts.org)  
Cell: 631-514-5377  
Work: 617-747-4304

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December 3, 2014

Dear Governor-elect,

As local and state civic leaders, we encourage you to make solar energy a key element of Massachusetts' energy future.

By using solar energy to power our homes, businesses, schools, farms and government buildings, we can reduce pollution, cut energy bills, and boost local economies. Currently, only a small fraction of Massachusetts' power comes from the sun.

Solar is growing, in Massachusetts and across the country. Over past three years solar capacity grew by 84 percent per year in Massachusetts. In the first half of 2014, more than half of the new electric power capacity installed in the U.S. was solar. Recent progress shows we can take it to the next level.

Solar helps the environment, boosts local economies, and creates local jobs that cannot be outsourced. The solar industry jobs grew ten times faster than the rest of the economy in 2013. And because solar has no fuel costs, it helps protect us from rising fossil fuel prices.

For the sake of our environment, our health, and the economy, we ask that you join us in committing the state to getting 20 percent of our power from the sun by 2025. We can achieve that goal if we grow solar by 27 percent per year.

The cost of solar is declining. The cost of air and water pollution from fossil fuels is growing, along with the threats posed by climate change. Please help to set strong goals for solar in Massachusetts, to put us on a path to clean energy leadership.

Sincerely,

Contact:  
Ben Hellerstein, solar campaign organizer, Environment Massachusetts  
617-747-4368, [ben@environmentmassachusetts.org](mailto:ben@environmentmassachusetts.org)

Gillespie-Lee, Laurie

III A 5

**From:** Shana Brogan <conservation@eastham-ma.gov>  
**Sent:** Tuesday, November 25, 2014 1:12 PM  
**To:** Sheila Vanderhoef  
**Cc:** Gillespie-Lee, Laurie  
**Subject:** FW: Conservation Commission

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**From:** Linda Haspel [<mailto:linda@red-dogs.net>]  
**Sent:** Wednesday, November 19, 2014 9:17 PM  
**To:** Shana Brogan  
**Cc:** Mary Zdanowicz; <[catboatsteve@aol.com](mailto:catboatsteve@aol.com)>; mike Harnett; <[stevekleinberg1961@gmail.com](mailto:stevekleinberg1961@gmail.com)>; <[labranchecapecod@comcast.net](mailto:labranchecapecod@comcast.net)>; Amanda Baughman  
**Subject:** Re: Conservation Commission

Dear Shana and Fellow Commissioners,

I want to apologize for missing the past few meetings and for not responding sooner to Shana's email. Although my husband and I recently bought a house in Westborough, we are still full time residents of Eastham and will continue to be for at least the next seven or eight months. The reason I missed our meetings is that my work/travel schedule has increased significantly. I had to be in Maryland for an emergency hearing that conflicted with one of our meetings and then I had depositions that conflicted with two other meetings. During the years I have served on the Commission I have tried to make my work schedule fit around our meetings. For the most part I was able to do that, but now It seems that I have some very demanding commitments to clients in Maryland that will make it impossible for me to attend our meetings. I have tried to reschedule some of my Maryland commitments but I have not been successful. I also tied to get someone else to cover some of them for me so I could attend Commission meetings but most of my clients do not want a substitute to attend hearings. It is therefor with deep regret that i have come to the conclusion that I will have to resign from the Commission. I have enjoyed working with all of you and admire you for the hard work and attention the Commission gives to the matters that are to be decided. The work is extremely important for preserving Eastham's precious natural resources.

With kind regard,  
Linda Haspel

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On Nov 17, 2014, at 12:11 PM, Shana Brogan <[conservation@eastham-ma.gov](mailto:conservation@eastham-ma.gov)> wrote:

Hello Linda,  
We heard you may be moving in the future? If so, are you officially done with the cons comm.? We haven't heard from you and commissioners are worried. Just let me know one way or the other - I know you are busy.

Thank you,  
Shana

Shana Brogan  
Conservation Agent



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

December 1, 2014

Mr. Alfred Sette  
2025 Bridge Road  
Eastham, MA 02642

Re: Board of Assessors

Dear Mr. Sette:

At their meeting on Wednesday, November 19, 2014, the Board of Selectmen declared the members of the Board of Assessors as "Special Municipal Employees".

The decision was based on the experience and knowledge that Maureen Fagan, in her role as a Realtor, brings to the Board of Assessors concerning market values of properties. Enclosed is a copy of the Board of Selectmen's policy regarding the status of Special Municipal Employee and information from the State Ethics Commission.

The Status of Special Municipal Employee will remain active for the Board of Assessors until such time that it is rescinded by the Board of Selectmen.

Thank you for your continued interest in serving the Town of Eastham.

Respectfully,  
Eastham Board of Selectmen:

\_\_\_\_\_  
Linda Burt, Chair

\_\_\_\_\_  
John Knight, Vice Chair

\_\_\_\_\_  
Martin McDonald, Clerk

\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
Elizabeth Gawron

cc: Eastham Town Clerk

SV/lg





## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

December 1, 2014

Ms. Maureen Fagan  
P.O. Box 640  
805 Samoset Road  
North Eastham, MA 02651

Re: Board of Assessors

Dear Ms. Fagan:

At their meeting on Wednesday, November 19, 2014, the Board of Selectmen declared the members of the Board of Assessors as "Special Municipal Employees".

The decision was based on the experience and knowledge that Maureen Fagan, in her role as a Realtor, brings to the Board of Assessors concerning market values of properties. Enclosed is a copy of the Board of Selectmen's policy regarding the status of Special Municipal Employee and information from the State Ethics Commission.

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\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
Elizabeth Gawron

cc: Eastham Town Clerk

SV/lg



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[www.eastham-ma.gov](http://www.eastham-ma.gov)

December 1, 2014

Ms. Joanna Buffington  
505 Kingsbury Beach Road  
Eastham, MA 02642

Re: Board of Assessors

Dear Ms. Buffington:

At their meeting on Wednesday, November 19, 2014, the Board of Selectmen declared the members of the Board of Assessors as "Special Municipal Employees".

The decision was based on the experience and knowledge that Maureen Fagan, in her role as a Realtor, brings to the Board of Assessors concerning market values of properties. Enclosed is a copy of the Board of Selectmen's policy regarding the status of Special Municipal Employee and information from the State Ethics Commission.

The Status of Special Municipal Employee will remain active for the Board of Assessors until such time that it is rescinded by the Board of Selectmen.

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\_\_\_\_\_  
Martin McDonald, Clerk

\_\_\_\_\_  
Wallace Adams

\_\_\_\_\_  
Elizabeth Gawron

cc: Eastham Town Clerk

SV/lg



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## STATE ETHICS COMMISSION

IV 2

### 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.

**Board of Selectmen's Policy Relating to Granting of Special Municipal Employee Status  
to Appointed Committee Members, Pursuant to M.G.L. Chapter 268A**

In general, the provisions of Massachusetts General Laws Chapter 268A, Section 17 prohibits 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 is 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.

Therefore, it is the policy of the Board of Selectmen to consider special municipal employee status for any municipal employee except under extraordinary circumstances and using the following process:

1. the committee members seeking the status, petitions the Board of Selectmen in writing, stating the reason for the request;
2. the applicant discusses the matter with others on the committee as all members will need to be like designated;
3. the applicant appears before the Board in a public meeting to discuss the request at which the Board makes a determination to grant or deny the request.

Any request so granted or denied shall be confirmed by a written communication to the applicant.

***Adopted by the Board of Selectmen at a public meeting on October 20, 2014***





## TOWN OF EASTHAM

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

November 15, 2005

Mr. Martin McDonald  
1955 Bridge Road  
Eastham, MA 02642

Dear Mr. McDonald: *Marty*

**RE: Community Preservation Committee**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

Thank you for your continued interest in serving the Town. Your interest is needed and appreciated, and I'm sure your continuing service on this committee will be rewarding for you as well.

Sincerely,

*Sheila Vanderhoef*

Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk



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[www.eastham-ma.gov](http://www.eastham-ma.gov)

November 15, 2005

Mr. Peter McDonald  
P.O. Box 888  
North Eastham, MA 02651

Dear Mr. McDonald: *Peter*

**RE: Old Town Centre Historic District Commission**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

Thank you for your continued interest in serving the Town. Your interest is needed and appreciated, and I'm sure your continuing service on this committee will be rewarding for you as well.

Sincerely,

Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk



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All departments 508 240-5900 Fax 508 240-1291  
www.eastham-ma.gov

November 15, 2005

Mr. Michael Cole  
85 Harvest Road - Drawer D  
North Eastham, MA 02651

Dear Mr. Cole: *M. C.*

**RE: Eastham Planning Board**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

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Sincerely,

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Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk



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[www.eastham-ma.gov](http://www.eastham-ma.gov)

November 15, 2005

Mr. Kevin Holland  
P.O. Box 1899  
North Eastham, MA 02651

Dear Mr. Holland: *Kevin*

**RE: Eastham Planning Board**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

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Sincerely,

*Sheila Vanderhoef*

Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk



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All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

November 15, 2005

Mr. Timothy Klink  
P.O. Box 1233  
North Eastham, MA 02651

Dear Mr. Klink:

**RE: Eastham Planning Board**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

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Sincerely,

Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk



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November 15, 2005

Mr. Peter McDonald  
P.O. Box 888  
North Eastham, MA 02651

Dear Mr. McDonald: *Peter*

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Town Administrator

cc: Lillian Lamperti, Town Clerk



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All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

November 15, 2005

Mr. Craig Nightingale  
120 Quail Cover Lane  
Eastham, MA 02642

Dear Mr. Nightingale:

**RE: Eastham Planning Board**

At the Board of Selectmen's meeting on November 7, 2005, the Board of Selectmen declared the members of this committee as "*Special Municipal Employees*." Attached please find information from the Ethics Committee concerning this designation.

Thank you for your continued interest in serving the Town. Your interest is needed and appreciated, and I'm sure your continuing service on this committee will be rewarding for you as well.

Sincerely,

Sheila Vanderhoef  
Town Administrator

cc: Lillian Lamperti, Town Clerk

IV 3

255 Meetinghouse Road  
Eastham, MA 02642  
November 18, 2014

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

Dear Sheila:

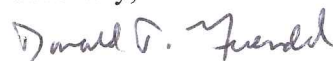
Attached are the minutes of the September 29, 2014 meeting of the Cape Cod National Seashore Advisory Commission which were approved at our November 17<sup>th</sup> meeting.

There are some items in the minutes that, I believe, are of special interest to Eastham:

- Nat Goddard introduced to the Commission (Pages 4-9)
- Nauset spit update by Superintendent Price (Pages 15-19)
- Shorebird management program (Page 45)
- Nauset Light Beach erosion (Pages 80-81)
- NSTAR spraying (Page 92)

Feel free to give me a call or e-mail (508-255-6305 / [nuecapecod@comcast.net](mailto:nuecapecod@comcast.net)) if you have any questions. The next commission meeting is scheduled for January 12, 2015.

Sincerely,



Donald T. Nuendel

c: Nat Goddard



CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION  
TWO HUNDRED AND NINETY-FIFTH MEETING

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station  
Area, Park Headquarters, South Wellfleet, Massachusetts, on  
Monday, September 29, 2014, commencing at 1:20 p.m.

## SITTING:

Richard Delaney, Chairman  
Robert Summersgill  
Nat Goddard  
Thomas Reinhart  
Joseph Craig  
Sheila Lyons  
Mark Robinson  
Maureen Burgess

Bill Clark, alternate

## Also present:

George Price, Superintendent  
Kathy Tevyaw, Deputy Superintendent  
Lauren McKean, Park Planner  
Jason Taylor, Chief of Natural Resources & Science Division  
Nicole Taylor, Safety Environmental Officer  
Nancy Doucette, Assistant to Superintendent  
Brenda Boleyn, Co-chair of Barnstable County Lyme/Tickborne  
Diseases Task Force

## Audience members

LINDA M. CORCORAN  
CERTIFIED COURT REPORTER  
P. O. Box 4  
Kingston, Massachusetts 02364  
(781) 585-8172

3

## P R O C E E D I N G S

MR. DELANEY: I'm happy to call the 295th meeting  
of the Cape Cod National Seashore Advisory Commission to  
order.

## ADOPTION OF AGENDA

MR. DELANEY: You have an agenda in front of you.  
If anyone would like to suggest a change to that, I'd be  
happy to entertain it.

Sheila?

MS. LYONS: Pardon me? Yes, a motion to --

MR. DELANEY: Oh, you accept the agenda? You're  
ahead of me.

MS. LYONS: Oh, okay. Go ahead. I wasn't paying  
attention, Mr. Chairman, so I apologize. Could you back  
up on that?

MR. DELANEY: The motion to accept has been heard.

MS. BURGESS: Second.

MR. DELANEY: All in favor?

BOARD MEMBERS: Aye.

MR. DELANEY: Good, okay.

## APPROVAL OF MINUTES OF PREVIOUS MEETING (JUNE 9, 2014)

MR. DELANEY: There also should be a copy of the  
minutes from our previous meeting, which was sent out to  
you earlier and was on June 9, 2014.

LINDA M.

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LINDA M.

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Would anyone like to suggest a correction or  
comment?

MS. BURGESS: Mr. Chairman, did Ed Sabin pass the  
editing pencil on to the representative from Eastham?

MR. DELANEY: No.

MR. GODDARD: The what?

(Laughter.)

MR. DELANEY: Your predecessor was a very, very  
sharp editor and usually caught it. So you'll have to  
take that responsibility.

MR. GODDARD: Oh, dear. Okay.

MR. DELANEY: And I'm sorry. We should introduce  
-- would you introduce yourself? You're the alternate  
from?

MR. GODDARD: Eastham.

MR. DELANEY: Eastham.

MR. GODDARD: Nat Goddard.

MR. DELANEY: Nat Goddard. And as you know --  
well, in a minute we'll go around the room so you'll get  
to know who we are, but let me take a vote.

And hearing no other --

MS. BURGESS: I did have a couple.

MR. DELANEY: Oh, you did, Maureen. Okay.

MS. BURGESS: Just a couple that I had seen.

LINDA M.

5

1 So on page 20 and -- oh, yeah, page 20. So that's  
2 down on the right-hand corner. Should that be -- that  
3 sentence, first sentence in that grid be -- should that  
4 be from Wellfleet instead of Orleans? (Reading)  
5 Sheila's our county commissioner, as you know, from  
6 Orleans (end reading).

7 MS. LYONS: From Wellfleet.

8 MS. BURGESS: Wellfleet it should be.

9 MS. LYONS: Who resides in Wellfleet, I guess.

10 MS. BURGESS: So it should be Wellfleet?

11 MS. LYONS: Yes.

12 MS. BURGESS: So that should be Wellfleet.

13 MR. DELANEY: Okay, so we'll make that change.

14 MS. BURGESS: And then on page 31 -- oh, yeah, just  
15 a question. It's the last sentence in that part of the  
16 grid. In fact, it says perpetrate. Did they mean  
17 penetrate? I think it should read penetrate. It has to  
18 do with a terrorist attack via plane. It should be  
19 penetrate, I think.

20 MR. DELANEY: Does that make sense? Okay, we'll  
21 accept that.

22 MS. BURGESS: And then just 52, there was something  
23 that jumped out at me. Oh, it's quoting Mary Hake.

24 (Reading) Excuse me for sitting, but I think this is

LINDA M.

6

1 the only way we're going to go here (end reading).

2 Excuse me for saying? Maybe it's saying?

3 MS. LYONS: Yeah, maybe saying something.

4 THE COURT REPORTER: No, she was sitting because of  
5 the production.

6 MS. BURGESS: Oh, she literally was sitting. Oh,  
7 okay.

8 THE COURT REPORTER: That's all right.

9 And it could have been somebody did say perpetrate.  
10 I don't know. I'd have to check, but a lot of times it  
11 may not be what you think.

12 MS. LYONS: They might not have used the right  
13 words.

14 THE COURT REPORTER: Exactly.

15 MS. BURGESS: That's true. That's very true.

16 And the last one was on 109. Let's see. Oh, I  
17 just -- I think it was George speaking.

18 I just was wondering, George, if you could look at  
19 that on 109 just for clarification, your last sentence  
20 there: (Reading) It's just that in a Seashore boundary  
21 (end reading). I think something got cut off. So it's  
22 109, and it's the last sentence up at the top. It's the  
23 last sentence. You were talking about Fish and Wildlife  
24 versus Park Service. I think maybe a word got left out

LINDA M.

7

1 or something.

2 MR. PRICE: I'm sorry. So which question -- which  
3 sentence?

4 MS. BURGESS: It's the very last sentence:

5 (Reading) It's just that in a Seashore boundary outside  
6 of that because the Park Service (end reading).

7 MR. PRICE: That's right, because it's the Seashore  
8 boundary that allows for the shellfishing to happen  
9 within the Seashore by the towns. So I was discussing  
10 here -- people have said, "Well, if the Seashore owned  
11 the wildlife refuge, then you'd be able to change the  
12 legislation." In fact, even if the Seashore owns or,  
13 say, took over Monomoy Wildlife Refuge, we'd still have  
14 to manage it according to refuge legislation --

15 MS. BURGESS: Right.

16 MR. PRICE: -- not Cape Cod National Seashore  
17 legislation.

18 And I apologize for not being clear in this  
19 statement. As Linda Corcoran says, our stenographer, a  
20 lot of times when we verbally say something it may not  
21 be terrific English. And when you're in the moment,  
22 people understand what you're saying, but then when you  
23 read it, it's like, "Did I actually say it that way?"  
24 So a lot of times it is not, in fact, the transcription

LINDA M.

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1 that's wrong but we weren't that great when we were  
2 doing the dialogue.

3 MS. BURGESS: Thank you.

4 MR. DELANEY: So with that and hearing or seeing no  
5 other hands or changes, with those modifications, I'll  
6 accept a motion to accept the minutes from June 9.

7 MS. BURGESS: So moved.

8 MR. DELANEY: Seconded?

9 MS. LYONS: Second.

10 MR. DELANEY: All those in favor, signify by saying  
11 aye.

12 BOARD MEMBERS: Aye.

13 REPORTS OF OFFICERS

14 MR. DELANEY: Okay, moving on to Reports of  
15 Officers.

16 I don't have one.

17 Before we get to the Reports of Subcommittees,  
18 let's do introductions for our new member.

19 I am Rich Delaney. I'm serving as chair of the  
20 committee, and I'm appointed by the -- consequently  
21 appointed by the Secretary of the Department of  
22 Interior.

23 MS. BURGESS: Oh, I'm sorry. Maureen Burgess,  
24 representative from Truro.

LINDA M.

9

1 MR. ROBINSON: Mark Robinson, representing Governor  
2 Patrick.

3 MS. LYONS: Sheila Lyons, representing Barnstable  
4 County, County Commissioner.

5 MR. PRICE: And Mary-Jo Avellar is the town  
6 moderator in Provincetown, who usually represents  
7 Provincetown.

8 I'm George Price. Besides the superintendent, I'm  
9 the federally designated official for the Advisory  
10 Commission and basically staff.

11 MR. CRAIG: I'm Joe Craig and I represent Chatham.

12 MR. REINHART: Tom Reinhart. We met. Wellfleet.

13 MR. GODDARD: I'm Nat Goddard, the new alternate  
14 with Don Nuendel from Eastham.

15 MR. DELANEY: Welcome.

16 MR. SUMMERSGILL: I'm Bob Summersgill, alternate  
17 in waiting.

18 MR. DELANEY: Let's go right around the room. Yes?  
19 'Cause we have others here.

20 Bill?

21 MR. CLARK: Bill Clark, alternate to the Barnstable  
22 County Commissioners.

23 AUDIENCE MEMBER (RICH ELDRED): Rich Eldred,  
24 reporter, Cape Codder.

LINDA M.

10

1 MR. TAYLOR: I'm Jason Taylor, and I'm the chief of  
2 natural resource management and science.

3 MS. BOLEYN: Brenda Boleyn, guest today, former  
4 member of this group.

5 AUDIENCE MEMBER (LUKE HINKLE): Luke Hinkle,  
6 resident of Brewster.

7 AUDIENCE MEMBER (ERIC GUSTAFSON): Eric Gustafson,  
8 resident of Wellfleet.

9 MS. DOUCETTE: I'm Nancy Doucette. I'm the  
10 superintendent's assistant here at the Seashore.

11 MS. TEVYAW: I'm Kathy Tevyaw. I'm the deputy  
12 superintendent.

13 MS. MCKEAN: I'm Lauren McKean, Park planner.

14 MR. DELANEY: Okay, good, thank you, everyone.

15 As the superintendent has explained in letters to  
16 the members, some of our appointments are lagging, and  
17 alternates won't be able to vote, but I'm happy to have  
18 them at the table. If we ever take an official vote, we  
19 would not be able to until officially available, but I  
20 don't anticipate that right now anyways.

21 Good, okay.

22 REPORTS OF SUBCOMMITTEES

23 MR. DELANEY: So let's go to Reports of  
24 Subcommittees.

LINDA M.

11

1 UPDATE OF PILGRIM NUCLEAR PLANT

2 EMERGENCY PLANNING SUBCOMMITTEE

3 MR. DELANEY: Maureen Burgess, would you like to  
4 report on the power plant emergency planning  
5 subcommittee.

6 MS. BURGESS: Yes, Mr. Chairman. As you said in  
7 the minutes from the last meeting, it continues to be a  
8 campaign; not a battle won, but a campaign.

9 I did prepare a packet of information for the  
10 commissioners, so you have that in front of you. And I  
11 will just go through some of the recent activities and  
12 coverage on the issue of Pilgrim's nuclear power plant  
13 or station and the state of the plant and any movement  
14 towards better emergency planning.

15 So just in terms of activities in August, I did  
16 participate in a presentation for the Wellfleet  
17 nonresident taxpayers on Pilgrim in which I referred to  
18 our economic impact study. Other speakers were  
19 represented from the Association for the Preservation of  
20 Cape Cod, Cape Downwinders, and a former Wellfleet  
21 police chief was there.

22 I've also included some recent e-mails from our  
23 alternate from Wellfleet, who is now in Hawaii, Ted, and  
24 I thought you'd be interested in knowing that there is a

LINDA M.

12

1 student in public policy who's in a seminar in  
2 Northeastern University, and his seminar is led by  
3 Professor Michael Dukakis. And he says, "I will be  
4 creating a policy proposal for ensuring the safety of  
5 the Commonwealth from the risks posed by this aging  
6 plant. Professor Dukakis has asked that I not only  
7 create a policy proposal but get in contact with those  
8 who have influence in the matter." So he knew that Ted  
9 Thomas was involved, and I think he became aware again  
10 of our economic study. And so that may be something.  
11 So I've made contact with this student and given him  
12 some other names. So that may be another paper that  
13 comes out that will be useful.

14 There was a journalist, a Japanese journalist at  
15 the -- there's an offshoot of Cape Downwinders called  
16 the Down Cape Downwinders in Wellfleet, and again,  
17 hearing of the activities of our commission and the  
18 Downwinders group, he did sit in on one of their  
19 meetings to write a piece for papers back in Japan to  
20 talk about what activists in America right here in our  
21 area specifically were doing to avoid or prepare for a  
22 Fukushima-like event in the United States.

23 And then our friend Diane Turco from Cape  
24 Downwinders reports that the Pilgrim's (sic) Day

LINDA M.

13

1 Grandmothers Four trial begins on August 17 with Dr.  
2 Helen Caldicott as the expert witness. You may recall  
3 that this group has been involved in acts of civil  
4 disobedience, specifically trespassing at the plant, and  
5 on Mother's Day they trespassed once again. And so  
6 their trial is coming up. And Helen Caldicott is a  
7 long-term individual who's been very concerned about not  
8 only public safety but the public health impact of the  
9 effects of radiation.

10 Oh, one big thing that I thought you'd be  
11 interested in. On September 3, the Barnstable County  
12 Regional Emergency Planning Committee approved the  
13 release of a two-page document, and we have -- you'll  
14 see a sample of it in your packet. What they came up  
15 with was an emergency reference sheet which outlines the  
16 steps that Cape residents and visitors should take in  
17 the event of a serious radiological accident at Pilgrim.  
18 And actually they do have a Pilgrim task force that's  
19 actually meeting today as we are meeting.

20 So I won't take up much more time because I know  
21 you have a lot to cover, but you do have -- what I've  
22 put together for you is all of the Cape Cod Times press  
23 coverage about Pilgrim in the last couple of months.  
24 And you do have copies of those articles for you to

LINDA M.

14

1 read, and one of them involves the Barnstable County  
2 reference sheet that I just referred to from their  
3 spokesman, Kevin Morley. And I think those reference  
4 sheets will soon be given out. They're going to  
5 determine how to distribute them, but basically what  
6 they're recommending for us is sheltering in place, and  
7 there is no evacuation plan. And when you look at the  
8 sheet, you'll see that they refer to where not to go and  
9 where to go, but basically we have no shelters on the  
10 Cape that would protect us from a nuclear accident. You  
11 would get minimal protection by going indoors and  
12 keeping your doors and window vents shut for a period of  
13 time.

14 So that's all there for you to take your time and  
15 read through.

16 MR. DELANEY: Great. That's helpful to have the  
17 continuing press coverage in one place for us to keep  
18 track of this, and I'm sure the Commission will continue  
19 its intense interest. Thank you for the update.

20 Any questions on the subcommittee report?

21 (No response.)

22 MR. DELANEY: Other subcommittee reports? Did we  
23 have a Nickerson Subcommittee report?

24 MS. BURGESS: No, that was in June, so I don't have

LINDA M.

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1 anything more to report there.

2 MR. DELANEY: All right, fine.

3 SUPERINTENDENT'S REPORT

4 MR. DELANEY: Hearing no other subcommittee reports  
5 to be had, let's ask the superintendent to give us the  
6 superintendent's update.

7 MR. PRICE: Sure.

8 Just to actually backtrack to the Nickerson, I just  
9 wanted to share. The end of August we had a spectacular  
10 science symposium, which was packed. The Visitors  
11 Center auditorium on a beautiful weekday afternoon,  
12 people came to see it. Jason and his staff did a  
13 wonderful job. And I can't remember, but it was at  
14 least one, if not two, former Nickerson grant recipients  
15 actually spoke and gave part of their papers and thanked  
16 the Nickerson fellowship for their support. So I  
17 thought that was great, a complete circle for that.  
18 That's for sure.

19 MS. BOLEYN: Yes, sorry I couldn't make that.

20 NAUSET SPIT UPDATE

21 MR. PRICE: I wanted to jump in on a couple of  
22 things. Number one, you certainly read about the issue  
23 involving the Nauset Spit between the towns of Eastham  
24 and Orleans. Larry Spaulding has been very involved

LINDA M.

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1 with these meetings. He was not able to be here today.  
2 And Don Nuendel has been involved at the meetings as the  
3 official representative. So they specifically asked  
4 that nothing go forward for a vote or a position of the  
5 Commission at this point without them here.

6 I just wanted to just give you the briefest outline  
7 of where we are. So a lot of it is actually in my  
8 opinion very well reported in the newspaper. There is  
9 obviously a boundary issue between the towns of Eastham  
10 and Orleans. When the Seashore was established, that's  
11 where the opening was, and especially after the Blizzard  
12 of '78, there was a lot of sand transition in that  
13 period. And Orleans is claiming that because the spit  
14 then migrated north and connected with what was Park  
15 Service land, they're believing by the laws of accretion  
16 that the Town of Orleans actually owns the entire spit.  
17 The National Park Service does not take that or accept  
18 that position. We believe that the lands that were  
19 purchased by the United States that were five different  
20 parcels never actually totally disappeared. So there  
21 was nothing -- it wasn't like the Orleans property  
22 overtook or overrode those properties. After the  
23 Blizzard of '78, there was a new breach further to the  
24 north. The other breach filled in, but we maintain that

LINDA M.

(17)

1 our properties never went away.

2 There has been some correspondence back and forth.  
3 All I've done in your packet is to give you a copy of  
4 the latest letter from the National Park Service to the  
5 town manager in response to what their solicitor and the  
6 Woods Hole group sent us with their explanation for the  
7 claim. We've had a number of meetings both with the  
8 town and the board of selectmen of Orleans and Eastham,  
9 and on the 10th there was a joint meeting down in  
10 Orleans Town Hall. I asked the solicitor for the  
11 Department of the Interior, Andrew Tittler, to join me  
12 for that meeting, and we basically walked through a lot  
13 of the issues. It appears -- and as reported -- the  
14 Town of Eastham Board of Selectmen was interested in a  
15 negotiated settlement where if the Town of Orleans would  
16 allow Eastham residents to actually travel to the spit  
17 itself through Orleans into Eastham town boundary, that  
18 they were willing to put forward before town meeting a  
19 vote to actually rescind the 1978 bylaw which restricts  
20 off-road vehicles within the Town of Eastham. As the  
21 Park Service and the federal government, what I was  
22 saying is up until this point we've acquiesced with  
23 Eastham acquiescing that Orleans continue to manage the  
24 off-road vehicle corridor, but if Eastham was going to

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1 therefore, we are not going to undertake more than what  
2 we've already stated based on the information we have to  
3 date. If Orleans was, in fact, going to proceed with a  
4 court case, then the United States would have to rethink  
5 our particular position to build a more solid case.

6 So this basically still outlines the position that  
7 incorporates the information from our coastal  
8 scientists, from our land specialists, and from our  
9 solicitor's office. So as far as we're concerned, it  
10 pretty much stands where it is. Larry has not seen this  
11 letter. I know he was particularly interested with his  
12 background in law, so it will be interesting to see what  
13 he thinks when he actually sees it. And we have not yet  
14 heard from either town even though they received this  
15 letter last week.

16 MR. DELANEY: Any questions on this particular  
17 topic from anyone?

18 (No response.)

19 MR. DELANEY: Okay, thanks George.

20 TICK UPDATE - BRENDA BOLEYN

21 MR. PRICE: At the last meeting when we were  
22 talking about agenda items for this meeting, a couple of  
23 you mentioned a general understanding about the tick  
24 problems on Cape Cod, and specifically Barnstable has

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(18)

1 take that positive step by actually rescinding their  
2 bylaw, which is what all the Park Service off-road  
3 vehicle restrictions have been based on, which leaves us  
4 with the eight-mile corridor in the north, that the Park  
5 Service would not be able to allow off-road vehicles  
6 without going through a NEPA process, and that NEPA  
7 process would have to consider all of the environmental  
8 factors and the wildlife factors, et cetera, et cetera.  
9 So that to many of the boards of selectmen members was  
10 new information to them. So I've been quoted in the  
11 paper saying with Eastham's change of attitude to  
12 actually rescind the Eastham bylaw to me is a game  
13 changer, and I think for some of the people that were  
14 just assuming that this could be worked out, the  
15 position of the Park Service was a game changer as well.

16 The Town of Orleans was asking for something in  
17 writing which would present our case. This is the  
18 letter that was sent. I think it's important to  
19 understand. The first sentence says this is a  
20 conditional response. As I understand it from our  
21 solicitor, if we were actually going to prepare a  
22 response in accord, it would actually be a lengthy  
23 process and expensive as far as researching the deeds,  
24 researching the GIS, researching everything else, and

LINDA M.

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1 been in the news a lot lately.

2 We all know that our former colleague and oldest  
3 friend, Brenda Boleyn, has been involved with the tick  
4 issues on the Cape. And I was mentioning to Brenda a  
5 recent meeting that I had at Congressman Keating's  
6 office. His staff members were asking us about the Park  
7 Service's involvement with ticks and what we knew about  
8 what's going on. So it was absolutely appropriate to  
9 invite Brenda to come back and speak to our group.

10 Brenda?

11 MS. BOLEYN: Well, thank you very much.

12 There is a bill actually, a federal bill that  
13 Congressman Keating cosponsored it, and not surprisingly  
14 it didn't make it through the process in the latest  
15 session, but it did get passed by the House, and it was  
16 in committee in the Senate when everything ended. But  
17 anyway, that's progress, believe it or not. So we might  
18 hear some more from that, but Congressman Keating is  
19 interested in this. And that's a good thing because the  
20 problem needs exposure at that level and so forth.

21 Anyway, I'm here as co-chairman of the Barnstable  
22 County Lyme and Tickborne Diseases Task Force. And  
23 we've actually been at work since 1998, and we got  
24 started right down here in the Lower Cape when this all

LINDA M.

21

1 began. And I won't boast too much, but the task force  
2 and the county has really made a difference in the  
3 Commonwealth. In fact, our education materials have  
4 been adopted by the State Department of Public Health,  
5 and that's kind of reinforcing for us.

6 So anyway, I can really do this update in about ten  
7 minutes, but I did bring some information for you to  
8 take home for exciting reading. And I'll start by  
9 showing you the new county sign, which are available.  
10 Larry Dapsis, our county entomologist, designed that.  
11 And these are to be posted outside, and those are  
12 available. If the Seashore would like some, Larry will  
13 be happy to provide them.

14 As the superintendent just said, there's been a lot  
15 in the news in the last year about tickborne diseases  
16 and so forth. And I will try to comment on those, but I  
17 thought this was a great opportunity for an old teacher  
18 to put together some information for you. I actually  
19 have -- I think I have copies enough for everyone. So  
20 we're not going to go through all of this today, but --

21 MR. PRICE: This was the entire package?

22 MS. BOLEYN: That's everything. Everything that's  
23 got a clip on it is one package. If it has a clip on  
24 it, it's one package.

LINDA M.

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1 MR. PRICE: I need one for Mary-Jo. Thank you.

2 MS. LYONS: So, Brenda, would it be worth our while  
3 to buy those little tick clips again that you --  
4 remember those little like scoop things?

5 MS. BOLEYN: The tick removal tool?

6 MS. LYONS: Yeah, that little tool.

7 MS. BOLEYN: Excellent. There's nothing like fine-  
8 tipped tweezers. Actually --

9 MS. LYONS: I still have mine. I mean, that is the  
10 --

11 MS. BOLEYN: Here it is right here.

12 MS. LYONS: Yeah.

13 MS. BOLEYN: On my key chain, I have the tick  
14 removal tool. I can pass this around. Also, the  
15 tweezers. Nothing like a pair of fine-tipped tweezers,  
16 but the little tick tool really works well on pets who  
17 don't want to sit still while you poke around. But this  
18 is the tool that you may have heard me talk about. See,  
19 when I was on the Commission, I used to bring these  
20 things and warn everybody at every meeting to do your  
21 tick checks, so I'm going to do the same thing today.

22 MS. LYONS: This is great because you just put it  
23 under the tick on the animal and just pull it up, and it  
24 just pulls it right off. It's a great little tool, and

LINDA M.

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1 it works on humans exactly the same way because I've  
2 taken it off people, myself, and my dog.

3 MR. GODDARD: Without snipping off the (inaudible)?

4 MS. LYONS: Without snipping off the (inaudible).

5 You can just lift it gently right up, and it pulls the  
6 whole stinger or whatever it is that's holding on to  
7 you.

8 MS. BOLEYN: Ticks do have a very good grabbing  
9 mechanism. They have a very good grabbing mechanism,  
10 and you do have to snag them at the head end and just  
11 pull steadily. Deer ticks have an especially effective  
12 grabber. Dog ticks are easier to remove.

13 MR. REINHART: Brenda, is there any group that's  
14 taking the other side of this issue?

15 MR. ROBINSON: Pro ticks?

16 MS. BOLEYN: You mean people who are in favor of  
17 ticks?

18 MR. REINHART: Yes.

19 MS. BOLEYN: I don't know of any tick promotion  
20 group.

21 MS. LYONS: You couldn't surprise me, Tom. Not in  
22 this world. It would not surprise me.

23 MS. BOLEYN: You're a tick promoter; is that what I  
24 hear?

LINDA M.

24

1 MR. REINHART: I don't know about promoter, but I  
2 sort of like them. They get a bad wrap sometimes.

3 MS. BOLEYN: They do get a bad wrap.

4 MS. LYONS: But there are reasons for that.

5 MS. BOLEYN: Now, one of the things --

6 MS. LYONS: They're the one thing I don't have a  
7 bad wrap -- I don't feel bad for a tick. I don't. I  
8 can kill ticks with joy.

9 MR. REINHART: They might have some place in --

10 MS. LYONS: I'm sure they do, but it's not

11 (inaudible). They're just bloodsuckers.

12 MS. BOLEYN: Actually, you know, this is a serious  
13 question. We get this question very often. What good  
14 are ticks? What good are mosquitoes? What good are  
15 leeches, you know, all the things that bug us? What  
16 good are they? And that's because we have this sort of  
17 anthropocentric view of wildlife. And so I tell people  
18 we have to live with our wildlife, and ticks are part of  
19 it. And so the big message is you really don't want to  
20 have ticks that close to you where they're going to try  
21 to find a blood meal, so there are ways to prevent that,  
22 and you have a little handout about that here.

23 So I do want to start, though, by saying two  
24 things. Most ticks do not carry infectious organisms.

LINDA M.

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1 Most ticks don't. However, at this time of year in the  
2 fall on Cape Cod, adult female deer ticks can be as much  
3 as 50 percent infected. So that's a fairly high number,  
4 but aside from that, the infection rates are much lower.  
5 So in most cases you get that tick, you're free and  
6 clear. You get it off before it sits very long.

7 And the other big message too is that, yes, it is  
8 safe to enjoy the great outdoors of Cape Cod. So we  
9 don't want everybody heading for the exits when you scan  
10 this cover sheet, and visitors should be assured and so  
11 forth, but there are precautions that are pretty  
12 sensible and worthwhile.

13 So what I've done is I've made a little cover  
14 sheet. We're not going to cover all of that in the  
15 discussion today. The next page is an article that was  
16 written by Cynthia McCormick, who's been a very  
17 responsible reporter for the Cape Cod Times, and you  
18 will find that this particular article is a pretty good  
19 update of what's gone on during the past year.

20 The third page is an article that our task force  
21 put together, and it was published in the insert that we  
22 see in the weeklies. It's called To Your Good Health.  
23 It usually has a green banner at the top, and sometimes  
24 it has articles pertaining to ticks. So we decided to

LINDA M.

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1 force, the county task force on ticks and Lyme disease  
2 is an advisory body of citizens. We have doctors and  
3 nurses and businesspeople and so forth on this  
4 commission, and we are appointed by the county  
5 commissioners. So this makes us a rather unusual group.  
6 In fact, we do not know of any other advisory body of  
7 this sort. So we've been working very hard over the  
8 last 15 years, and we I think have earned a lot of  
9 credibility with our legislators and with the  
10 physicians. So progress has been made, and I can tell  
11 you that people on Cape Cod know a lot more about where  
12 to go for information than they did when we started out.  
13 In fact, we started out with people coming and saying,  
14 "I don't have any information. Where can I go?" So we  
15 started out in 1998 by writing our own brochure.

16 Right, Bill?

17 MR. CLARK: Yes, absolutely.

18 MS. BOLEYN: So the brochure, which was too long  
19 and convoluted, has now been sort of condensed into this  
20 card that you have here. And I have extra copies of  
21 this. Let me quickly pass out a few of these too,  
22 bookmarks.

23 We've been trying to get the word out to the people  
24 on the Cape one way or another. Two professional

LINDA M.

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1 submit this one, and it was accepted for publication.

2 Then the next one is -- it talks about how to keep  
3 the ticks away, clothing, repellents, and so forth. It  
4 does not yet carry the imprimatur of the Tickborne  
5 Diseases Task Force because it's under review by the  
6 task force right now. So it will probably be improved,  
7 but pretty much I think it's accurate.

8 Then the thing that many of us get questioned about  
9 most, the phone rings and it says, "I've got a tick.  
10 What do I do?" So this is a good sheet to keep handy in  
11 your household. When you find a tick attached to your  
12 skin, what do you do? I'll stand by to answer questions  
13 later, but that's become a very useful document for us  
14 to distribute.

15 The other thing I haven't quite finished handing  
16 out here -- I gave you the cards, and I have some more  
17 handouts here from UMass.

18 (Pause.)

19 MS. LYONS: So for those of you that are new,  
20 Brenda worked with Bill in our cooperative extension,  
21 and she's been our lead on the ticks for the community.

22 MS. BOLEYN: It's now -- what? -- getting onto 16  
23 years, I think.

24 Let me just tell you how this works. The task

LINDA M.

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1 staffers, entomologist Larry Dapsis, whom some of you  
2 may have heard because he's out and about giving talks  
3 in different towns, and the public health nurse who's  
4 under the Department of Health and Environment. So the  
5 two county agencies who hold this program together are  
6 Cooperative Extension, which Bill Clark is the director,  
7 and the Department of Health and Environment, which  
8 George Heufelder is the director. And you'll see all  
9 those names on these sheets somewhere, I think.

10 So if I just run through this real quickly, then I  
11 can stand by to answer questions as much as the chairman  
12 will permit. Just throw the rubber clam when you want  
13 me to sit down.

14 (Laughter.)

15 MR. DELANEY: So far you're safe.

16 MS. BOLEYN: Okay, just as background information,  
17 probably most of us in the room are familiar with the  
18 two ticks that are listed at the top there. One is what  
19 we usually call a deer tick, and it's preferred name is  
20 the black-legged tick. It's found throughout the  
21 country. And then you see its scientific name there.  
22 Then the American dog tick or, what we always called  
23 when I was a kid, the wood tick. And now we have a new  
24 one that has made its way to the Cape, and in fact, it

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1 was first found in the National Seashore about ten or  
2 twelve years ago, the Lone Star tick. We don't see too  
3 many of them yet, but our entomologist has discovered  
4 recently that there is what we call an established  
5 population on Sandy Neck. So it's really there,  
6 completing its entire life cycle from larva to adult.  
7 So that tick is here.

8 The report overall in this country regarding ticks  
9 is not a rosy one because they seem to be increasing in  
10 numbers and in geographic distribution, generally  
11 speaking. There are also a couple of new illnesses  
12 associated with ticks that you may have read about  
13 because they did make headlines last winter and last  
14 spring. We'll come to those in a minute.

15 The Lone Star tick -- and it's pictured on one of  
16 the handouts there -- the female has a very white dot on  
17 its back, so you can spot that one pretty easily.  
18 There's a lot of information on these particular ticks  
19 on the Internet now, so you can easily find  
20 illustrations for these.

21 The three most common diseases carried by ticks on  
22 the Cape are listed there. Lyme disease is in vogue  
23 because that's still the really big dominant tick  
24 illness. Probably everyone here has some connection to

LINDA M.

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1 somebody who's had Lyme disease. And if you look at the  
2 numbers, it's roughly ten times -- the incidence of Lyme  
3 disease is roughly ten times the incidence of the other  
4 two, anaplasmosis and babesiosis. But the data  
5 gathering is fairly recent, and you can't trust the  
6 numbers. That's one of the things we've learned. So  
7 Lyme disease we know is in the thousands, and the other  
8 two are in the hundreds by DPH epidemiological data  
9 gathering, but as I say, you can't trust the numbers,  
10 and it is generally agreed that the numbers are really  
11 underreported. So they're out there.

12 Uncommon, thankfully -- uncommon on the Cape are  
13 Rocky Mountain spotted fever and tularemia. Tularemia  
14 is still found primarily on Martha's Vineyard, and so  
15 I've indicated what tick carries these things. Also,  
16 the threats, if it has a B, it's a bacterium. The P  
17 stands for protozoan. Babesiosis is very different from  
18 the other two and requires different treatment. Then  
19 the new one -- the new one that's arrived recently is  
20 another bacteria related to those Lyme bacteria, the  
21 same genus that's called miyamotoi. And there have been  
22 several incidents of that treated at Cape Cod Hospital  
23 this summer. So it's here. And then not yet here but  
24 not far away -- it's in New York -- is this virus called

LINDA M.

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1 the Powassan encephalitis, and that's a worrisome one.  
2 There is no treatment for that yet, and it's very  
3 serious. So let's hope it doesn't get here, but we have  
4 to face reality and expect that it probably will. Many  
5 of these illnesses carry a name associated where it was  
6 first discovered or came from. So Powassan apparently  
7 hails from a community in Ontario.

8 I'd like to go back just for a moment to the  
9 babesiosis because babesiosis formerly was associated  
10 with Nantucket, and it's made its way here certainly a  
11 few years ago. And now it's a very serious illness,  
12 especially for the elderly and for anyone who's had to  
13 give up a spleen for one reason or another. So there  
14 have been fatalities associated with all of these  
15 illnesses. Not common but it's out there, so we need to  
16 pay attention.

17 One of my pitches sort of is when every time I see  
18 somebody at the Department of Public Health, I say, "Why  
19 aren't you paying as much attention to these tickborne  
20 diseases as you are to the mosquito-borne diseases?"  
21 One person gets EEE and the headlines go on for three or  
22 four days, but we have people dying of babesiosis in the  
23 hospital and it never gets a mention. So this is why  
24 the political scene is important. Even if we're not

LINDA M.

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1 making great progress, just to have it in the newspaper  
2 and report it brings it to the fore and gets people  
3 thinking about it. And I do believe that the Department  
4 of Public Health, the State Department of Public Health  
5 is trying to deal better with this, but they are so  
6 overwhelmed right now with all the things that bear down  
7 on them that we can't really expect it to go to the top  
8 of the heap for them.

9 So I think I will stop there but invite you to look  
10 over some of this. I put my e-mail address up there at  
11 the top under my name. I'm very happy to respond to any  
12 questions or to find a source for you. If you need some  
13 information, I can usually find someone; obviously Larry  
14 Dapsis, who has a very, very good handle on what's  
15 happening here, and he is doing what we call  
16 surveillance, checking where the ticks are located in  
17 greatest concentrations and where the problems might be.  
18 And the county has wonderful outreach with the schools.  
19 The public health nurse always sends a letter out to  
20 every school on the Cape offering to come and visit, and  
21 she has reached thousands of schoolkids here. This  
22 never happened 20 years ago. None of this ever happened  
23 20 years ago. So progress is happening even though the  
24 report is not rosy.

LINDA M.



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1 These animals are on the move, and they get  
2 delivered around the country by birds primarily, is what  
3 the --

4 MS. LYONS: I was going to ask you that.

5 MS. BOLEYN: And the villain is not the deer. The  
6 villain that holds on to these bacterias primarily, as I  
7 say, here -- the primary reservoirs for pathogens is  
8 believed to be small woodland mammals, especially the  
9 mouse. And the chipmunk is number two. So those are  
10 the two big problems.

11 Yes?

12 MS. LYONS: I was in Vermont this summer. And I  
13 was with friends, and we were talking about different  
14 things. They were originally from Provincetown. And  
15 they were saying that the moose is in terrible shape up  
16 there because they have become very infected with ticks,  
17 and the ticks are decimating the populations. And when  
18 you do see them -- it's something to do with they're  
19 able to -- it really has to do with their survival,  
20 their being able to -- their winter coat, their molting,  
21 and also their nutrition. They can't keep the  
22 nutrition. So when you do encounter a moose, which is  
23 more rare than it was because they're dying, they look  
24 emaciated. They say it's like a very frightening thing

LINDA M.

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1 was found by one of our Nickerson fellows. So we have a  
2 history here at the Seashore of contributing to the  
3 information bank.

4 So thank you.

5 MR. PRICE: I just wanted to mention, you can  
6 imagine our staff is out in the field every day,  
7 especially the maintenance staff, the science staff, and  
8 to a lesser extent some of the rest of us, so tick  
9 checks are really a big deal. I'd like to introduce  
10 Nicole Taylor, who's our safety environmental officer  
11 and regularly works with the staff on ticks, and we  
12 really try to institute an SOP of tick checks, which is  
13 the only way that we know to keep our employees safe, is  
14 check, you know, before you go in the field and when  
15 you're home at night.

16 And our standard is, Nicole, right, that basically  
17 a tick needs to be embedded for -- what? -- 24 hours?

18 MS. BOLEYN: Don't go by that.

19 MR. PRICE: Don't go by that?

20 MS. BOLEYN: No, some ticks are faster than others.

21 MR. PRICE: Nicole?

22 MS. TAYLOR: This is what CDC says, the Center for  
23 Disease Control.

24 MS. BOLEYN: I know. Very conservative, CDC.

LINDA M.

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1 to see.

2 MS. BOLEYN: What happens is -- it's a different  
3 tick, first of all.

4 MS. LYONS: Yes, it is.

5 MS. BOLEYN: Cattle have different ticks from the  
6 kind of ticks that have plagued us, generally speaking.  
7 It's called a winter tick. And the reason they look so  
8 bad is because, of course, you can imagine, they get  
9 thousands of ticks on them and they try to rub them off  
10 on the trees.

11 MS. LYONS: That's what it is.

12 MS. BOLEYN: And when they rub them off, it creates  
13 raw -- it takes the fur off and so forth. But indeed  
14 they actually become exsanguinated by these ticks. They  
15 become anemic and sick.

16 MS. LYONS: Right.

17 MS. BOLEYN: So, yeah, we're not the only ones  
18 plagued by the ticks. The moose are.

19 MS. LYONS: They said they weren't even going to go  
20 hunting this year.

21 MS. BOLEYN: I did want to say something about the  
22 Lone Star tick found here. The one that really  
23 confirmed that we have Lone Star ticks on the Cape was  
24 found right here in Wellfleet out on Bound Brook, and it

LINDA M.

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1 Okay, very important group. However -- first of all,  
2 I've yet to find anyone who knows exactly how long that  
3 tick was in there. And if you knew it was there,  
4 wouldn't you take it out right away? You wouldn't wait  
5 24 hours. So the thing is, as soon as you spot a tick,  
6 you remove it and then you watch for the expanding rash.  
7 And if you see -- those who have an expanding rash are  
8 the lucky ones because that's tantamount to a positive  
9 test, and most doctors on the Cape now will recognize  
10 that rash and institute immediate treatment.

11 But these absolute statements -- the other thing is  
12 Anaplasma can be transmitted in six hours. This  
13 Powassan virus can be transmitted in 15 minutes. So  
14 when you say there's no problem because you haven't had  
15 that tick on there for more than a day, watch for it.

16 MR. PRICE: So is it only the Lyme disease that  
17 gets the rash?

18 MS. BOLEYN: Yes.

19 MR. CLARK: Yes.

20 MS. TAYLOR: Only in about 70 percent of people.

21 MS. BOLEYN: Not everybody exhibits the rash.

22 There are a lot of different estimates of percentage.

23 MS. LYONS: How long does it take for symptoms to  
24 arise? I know that there are some immediate for some

LINDA M.

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1 people who get kind of feverish and achy, but is there  
2 something where it lays dormant in you and can raise its  
3 little ugly germ head in you years later?

4 MS. BOLEYN: Yeah, well, that's true. Here's the  
5 thing. When you're first being infected with the bug  
6 that causes Lyme disease, generally speaking you start  
7 feeling sick within the first week or two, but it varies  
8 like it does for other people. Some people seem to have  
9 an immune system, and they toss it off and never have  
10 any symptoms. Some people get Lyme disease once, and  
11 then they get bitten again; they might get the rash and  
12 no symptoms. So it varies among individuals.

13 Now, if you have Lyme disease and it goes  
14 untreated, it is true that you might get over the  
15 initial symptoms and then it may come back later. And  
16 there's a lot of controversy about long-term Lyme  
17 disease and what to call it and is it real. That's a  
18 real -- it's polarized the medical community.

19 MS. LYONS: Because you don't know. Someone will  
20 say, "I had a tick bite ten years ago." So some people  
21 might say this might happen to somebody to do with that,  
22 especially if they're having difficulty diagnosing it.

23 MS. BOLEYN: It's tough. You know, you have to  
24 really sympathize too with the physicians when they get

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1 all of these overlapping, similar symptoms among people  
2 trying to figure out what it is. And unfortunately, the  
3 testing is not definitive. It has a lot of  
4 shortcomings. It misses a lot of cases. And that's one  
5 of the things we want -- we're hoping that at some point  
6 the Feds will come up with funding which will provide  
7 the support for scientists to design a really, really  
8 good test. Right now we don't have a really, really  
9 good test. It's pretty good. It catches many cases,  
10 and in fact, most people who are diagnosed and treated  
11 properly are treated successfully and effectively. It's  
12 the ones that slip through the cracks, the ones that  
13 don't get the treatment right away that can run into  
14 problems.

15 I'm well over my time, right?

16 MR. DELANEY: No, that's fine. This is an  
17 important topic.

18 Other questions? Yes, Mark?

19 MR. ROBINSON: Brenda and Bill, the county has done  
20 a tremendous job getting the word out about this stuff.  
21 I visit a lot of conservation areas around the Cape, but  
22 the ones that have trailhead kiosks, sometimes they have  
23 no other sign, not even a welcome sign, just a tick  
24 sign. So you're very good about posting town

LINDA M.

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1 conservation regions, posting those signs at the kiosks.

2 MS. BOLEYN: Well, some of you remember Larry  
3 Dapsis' predecessor was a fellow named David Simser, and  
4 he was equally enthusiastic and effective in outreach.  
5 So when we lost Dave Simser, it was a crushing blow, but  
6 we are so lucky to have a second enthusiastic  
7 entomologist. I think they must share the same genes.  
8 I don't know. But he's always out there trying to do  
9 something better. And this is an example of the new  
10 sign. So anyway.

11 MR. ROBINSON: Could I ask about the testing,  
12 though, the free tests? Have there been any results  
13 collected yet and published?

14 MS. BOLEYN: Oh, yes, yeah.

15 MR. CLARK: The free testing that Mark's referring  
16 to, there's a green brochure that's circulating.  
17 Through a grant from the state, we're able to test 100  
18 ticks per town for free. So far this year we've done  
19 about 750, so they'll still have an opportunity. The  
20 ticks are tested at the UMass lab, and they test for all  
21 four diseases. Typically I think it's \$140. So this is  
22 a \$140 free testing that's available. And we know that  
23 some towns are much larger than others, and we won't  
24 make our 100 mark in, for example, probably not

LINDA M.

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1 Provincetown since they don't have a lot of open space  
2 outside of the Park. But a town like Barnstable has  
3 much more opportunity, so we end up doing more in some  
4 towns than others by the time we're done. We've  
5 reapplied for this grant for next year. Next year we'll  
6 have to pay \$10, which is a nominal fee to have your  
7 ticks tested.

8 MR. ROBINSON: Do they have any results yet?

9 MR. CLARK: Oh, yeah, we have results. Off the top  
10 of my head, I can't tell you. I know there are quite a  
11 few co-infections, which means if you are bit by a tick,  
12 you could have just Lyme, but it's possible that a tick  
13 is carrying two, three, maybe four different diseases.  
14 So I think about 3 percent had two -- no, I'm sorry --  
15 had all three diseases before we started testing for  
16 miyamotoi. There was a significant number -- I think in  
17 the high teens, if I remember correctly -- that had at  
18 least two diseases. So Brenda mentioned 50 percent of  
19 the adult female deer ticks had Lyme -- carry Lyme.  
20 About 17 or so percent were carrying two diseases.

21 Do you have the exact numbers, Brenda?

22 MS. BOLEYN: Well, you know, it varies, but I can  
23 tell you -- first of all, let me just back up a minute  
24 because I'm glad this came up as I meant to mention it.

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1 The University of Massachusetts now has the only lab in  
2 the world of its kind. It's headed up by a fellow named  
3 Stephen Rich. He's a microbiologist. He happens to be  
4 spending this year on sabbatical in Barnstable, so he's  
5 working in our lab right up in the county. But he can  
6 test these ticks for all these diseases. I've got a  
7 whole list of them here. And one of the most valuable  
8 things is, yes, he can report back and tell you if your  
9 tick carried a certain disease. But he's gathering such  
10 a database. It's an extraordinarily valuable database.  
11 And he spoke at our last physician's forum, and the  
12 doctors really were wowed by what he's able to do in  
13 that lab.

14 So if you go to the website that's here, his  
15 website, you can find out which ticks have been  
16 delivered from your town and get the rundown of the  
17 infections that he's detected so far. So it's a  
18 website, and it's being worked on, but it already has a  
19 fantastic volume of data available to us if you want to  
20 go fish it out. This is one we -- what was the date on  
21 this? This was last April. I can just hand this  
22 around. But these are not data that he can really use.  
23 It's just sort of a running tally of what he's finding.

24 MR. PRICE: Actually, Brenda, it might be useful.

LINDA M.

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1 Could we make copies of that?

2 MS. BOLEYN: Sure.

3 MR. PRICE: Because I think that would be valuable  
4 for the commissioners to have that.

5 MS. LYONS: And they're doing all this testing at  
6 the UMass lab?

7 MR. CLARK: Yes.

8 MS. BOLEYN: Yes, it's called the Lab of Medical  
9 Zoology, LMZ.

10 MS. LYONS: Oh, okay.

11 MS. BOLEYN: And when you mention the dollar,  
12 that's for the four ticks, right, the \$140? Because  
13 even outside of this program, any one of us can send a  
14 tick to his lab and he would do it. And I think it's  
15 less than that if you just have it tested for Lyme  
16 disease, for instance.

17 MR. CLARK: Yes. If you just want Lyme, it's I  
18 think around \$50.

19 MS. LYONS: But they're actually collecting data by  
20 offering this service.

21 MR. CLARK: Yes.

22 MS. LYONS: That can test for all of them and get  
23 sort of a -- I mean, it's huge.

24 MR. CLARK: And others given to the Cape Cod

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1 physicians so they can better diagnose patients.

2 MS. LYONS: Right.

3 MR. CLARK: One thing I'd like to add too, if I  
4 could, Brenda has enclosed or included in her handouts  
5 how to keep the ticks away, and there's a mention of  
6 permethrin. And my staff is out in the field all the  
7 time. And we work with the AmeriCorps of Cape Cod, and  
8 their people are out in the field all the time. And we  
9 strongly recommend they spray their clothing with  
10 permethrin. It works. You can buy it at most garden  
11 centers now. Spray your pant legs, shoes, whatever with  
12 permethrin, and ticks actually -- we've tested this.  
13 The tick will crawl up your pant leg or right around a  
14 piece of cloth that's just been treated, and they'll die  
15 in about eight seconds from the permethrin. It has a  
16 very low mammalian toxicity.

17 MS. BOLEYN: Yeah, you spray it and let it dry. It  
18 really is remarkable.

19 MR. CLARK: It will go through six washes too when  
20 you wash your clothing and still be effective. Most of  
21 the big sporting goods stores now sell permethrin-  
22 treated clothing, and they'll go through 100 washings.

23 MS. BOLEYN: Yes. Another thing is a place like  
24 the Seashore where you have uniforms, you can send your

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1 trousers and so forth off to the company, and they'll  
2 treat it, and then it's good for more than 100 washes.

3 I'm trying to remember who did that, but it's  
4 really -- it's very effective. So surveyors, gardeners,  
5 certainly the rangers out here who are tromping through  
6 tick country. Ticks do very well on the Cape, and they  
7 love the Outer Cape. Why? Generally there's moisture  
8 in the ground. The leaf litter provides moisture. So  
9 you all know that anyway.

10 Thanks.

11 MR. CLARK: I'll add one more thing, if I could,  
12 Mr. Chair. Brenda mentioned the established Lone Star  
13 population that we're finding on the backside of Sandy  
14 Neck Beach in Barnstable. And it's well-established.  
15 We found quite a population there within a three-mile  
16 area. And you can think, well, gee, it's up in  
17 Barnstable, but when you think about how coyotes and  
18 turkeys and all have quite a -- maybe a 30-mile range,  
19 it doesn't take long for them to be spread from one town  
20 to the next. In subsequent years, they'll be  
21 everywhere.

22 So they've been found down on the Lower Cape. We  
23 haven't found a real established population here, but  
24 we've found them in Wellfleet and Truro.

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MR. DELANEY: Okay, thank you, Brenda. We have our reading assignments for this evening. Good information.

MS. LYONS: Yes, thank you, Brenda.

MS. BOLEYN: You're welcome.

MR. DELANEY: Thank you very much for coming down. It was good to see you again.

MS. BOLEYN: Thank you. I share that view.

MR. DELANEY: Okay, back to continuation of the Superintendent's Report.

#### SHOREBIRD MANAGEMENT PLANNING

MR. PRICE: I just really wanted to mention one thing specifically on shorebird management. I've mentioned publicly at a couple of these meetings dealing with the Nauset Spit that it's currently undergoing a rather large shorebird research program. I think Mary Hake mentioned it in June, for instance, that it was coming up. It's collaborative between the Park Service, U.S. Fish and Wildlife Service, and Mass. Audubon, and I think the state is involved.

They've actively been going out, especially on the barrier beaches, actually collecting birds, collecting red knots. They've actually been using cannon nets in order to tag them so that we'll be able to learn a lot more about what's going on with these animals between

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MR. DELANEY: A big announcement in October.

MS. LYONS: Say that again.

MR. DELANEY: The 14th. I don't know what the announcement is going to be, but presumably it's good news for the Herring River project.

MR. ROBINSON: We're not having a press conference. We're not giving you anything.

MR. REINHART: Is this state?

MR. PRICE: State.

MR. DELANEY: State, yeah.

Highlands Center update?

(No response.)

MR. DELANEY: Ocean stewardship topics?

(No response.)

MR. DELANEY: Climate Friendly Parks?

(No response.)

MR. DELANEY: Okay, let's go to the web -- oh, yes.

MR. REINHART: What's the improved properties about? What would you be commenting on that?

MR. PRICE: That's us hoping that Truro will see the light at some point.

MR. REINHART: All right.

#### NATIONAL SEASHORE WEBSITE UPDATE

MR. PRICE: One of the topics that we talked about

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the red knots, the roseate terns, and the piping plovers. None of them are doing particularly well. So they're really trying to get an understanding, especially with starting during the staging/migration period at this point.

#### MISCELLANEOUS TOPICS

MR. PRICE: I think just in the interest of time because I would like us to spend a little bit of time on the website discussion, I was really going to pass over the rest of the other topics unless anybody had a particular question.

MR. DELANEY: So that would be National Park Service Centennial?

MR. PRICE: The Centennial, the bylaws.

MR. DELANEY: Any particular questions from any town on the bylaws or improved properties?

(No response.)

MR. DELANEY: Herring River restoration?

MR. PRICE: I just have general updates for all those things. So nothing...

MR. DELANEY: Continuing. And I know the Secretary will be visiting there next month.

MR. PRICE: Yes, on Herring River for an announcement.

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a little bit has been all the work that we've been doing with our website and with social media. And what I wanted to do was to really take a couple of minutes and share with you some of the highlights of what's actually happening on our website right now. I'll have to say, from my experience at least, the National Park Service official website isn't necessarily as user-friendly as some of the other websites that are out there, but it's the one that we're required to go through.

What I did was I asked Nancy to specifically give us just a little bit of a tour.

Actually, Nancy, the lens itself will focus. There you go.

Just give us a little bit of a tour of a couple of the highlights, including some new Park profiles that we just received or will be receiving through the generous donation of Kinlin Grover, which are three different Park profiles about Park individuals on our YouTube site.

Nancy?

MS. DOUCETTE: So I'd like to start with our website. The web address is www.nps -- National Park Service -- .gov/caco for Cape Cod National Seashore. And I'll show you how to find the Commission's page

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1 first. It's a little blurry at the bottom of the screen  
2 there, so I'll try to scroll.

3 You're going to go to the left-hand column from our  
4 homepage and choose Management. And the Advisory  
5 Commission page is in kind of the center of the page.  
6 We have a little background on the Commission, some of  
7 the guidance, a list of the Commission members, and then  
8 links to all of the meeting minutes. We'll put up June  
9 9 minutes now that they've been approved. We'll put  
10 them up after this meeting. And then there are some  
11 subcommittee documents at the bottom.

12 So this is a one-stop shop for everything about the  
13 Advisory Commission that members of the public can get  
14 to as well as yourselves.

15 We have a lot of different pages, but I pulled up a  
16 few that you might be interested in. The Atlantic  
17 Research and Learning Center has a lot of great  
18 information. You can see in the left-hand column here  
19 how to navigate to that page. You can see that there's  
20 a lot more under it. When I work pages, we try to put  
21 on photos, paragraph, text, and with embedded links,  
22 including the things like documents, like this brochure.

23 We have some interpretive stuff. This one is  
24 housed underneath the history and culture. Some

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1 MR. PRICE: That was basically the result of the  
2 equivalent -- they did three-part profiles. So Kinlin  
3 Grover is doing their own on their own website, and then  
4 we'll be able to have access for our website as well.  
5 It's the equivalent of a \$5,000 donation. Paul Freehauf  
6 just did an amazing job on it.

7 MS. LYONS: Yeah, very good.

8 MS. DOUCETTE: Does anybody have any other  
9 questions about the website?

10 MS. LYONS: So if we have spectacular pictures of  
11 Cape Cod, can we just send them to you and you can pick  
12 up on your Facebook, or is that how it works?

13 MS. DOUCETTE: Sue Moynihan, our chief of interp.  
14 is the one who coordinates all that content, and so she  
15 does usually solicit from our rangers as well as if you  
16 all have something and insert some text into it.

17 MR. PRICE: Nancy, were you going to show the  
18 beginning of the ARC one too?

19 MS. DOUCETTE: Oh, I can do that.

20 (Pause.)

21 MS. DOUCETTE: So this is a teaser trailer that's  
22 two minutes long. The full video is about 20 minutes  
23 long. It's about the Atlantic Research and Learning  
24 Center.

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1 information about our lighthouses. Trying to keep it at  
2 the attention span of a web reader, short and sweet. We  
3 have great information on our webpage about Climate  
4 Friendly Parks and the program here at the National  
5 Seashore, and there are some great links in this section  
6 as well.

7 We've been expanding our page about bicycling at  
8 the National Seashore. We had a bike safety intern this  
9 summer who's been updating some of the materials and  
10 putting it on here. Information about the bike shuttle.

11 We also have our Facebook page, which is updated  
12 daily with different posts, and we get reports on what  
13 gets the most engagement, and we use that to improve the  
14 content that we're putting out on social media. You can  
15 see things like shares or likes, 70 people or 70 had  
16 liked this update.

17 And then I can share several videos. This is the  
18 one that George just mentioned from Kinlin Grover, the  
19 partnership.

20 (Video is shown.)

21 MS. BOLBYN: It chose that animal because it  
22 carries its own house.

23 (Video is shown.)

24 MS. LYONS: It's good. Very good.

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1 (Video is shown.)

2 MR. PRICE: Okay. The objective is just to give  
3 you an idea, and they're doing a library of different  
4 types of videos about individual topics that I think  
5 peak people's interests.

6 Does anybody have any questions?

7 MR. DELANEY: Nicely done.

8 MS. LYONS: Real nice.

9 MR. DELANEY: Good quality. Moves along. I like  
10 that. Very YouTube.

11 The last fellow's comment about 100 years from now  
12 maybe this data will be valuable, I think I probably  
13 shared with you the story of the coastal geologist named  
14 Marindin who back in 1880 did 220 transects from Chatham  
15 all the way up around on the outer beach, transects, you  
16 know, like a survey of transects out into the ocean,  
17 using relatively primitive equipment at that time, but  
18 he documented his data incredibly well, you know,  
19 quality controlled it, quality checked it, put it aside,  
20 and he actually put a little preface on top of his  
21 database that said, "I don't know who's ever going to  
22 use this information. Maybe someone in the future will  
23 find it useful, but here it is. I did the best I could.  
24 Good luck," and he signed off. It was in the library

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1 here for about 60, 70, 80 years. Mark Adams, who's the  
2 coastal geologist here, and Dr. Graham Giese, who works  
3 for me, came along and discovered it. They have now  
4 replicated the exact 220 transects 120 years later, and  
5 that database is incredibly important because this outer  
6 shoreline has never really been altered by human  
7 engineering or structures. So it's a natural geological  
8 (inaudible) and all of the shoreline changes and volumes  
9 of sand moving along just perfect.

10 So they're producing papers, new knowledge, and  
11 great understanding for all of us because Mr. Marindin  
12 in 1880 was very careful about his studies and he knew  
13 somebody would use it. Actually, his family has been  
14 around to appreciate it, and we've had a couple of  
15 ceremonies here in the Park where we've thanked him  
16 through them because of his good work.

17 MR. PRICE: They actually gave us his diaries.

18 MS. LYONS: Wow.

19 MR. DELANEY: That's right.

20 MS. LYONS: That's amazing.

21 MR. REINHART: Is that information online?

22 MR. DELANEY: Yeah, the data's on my website and  
23 probably -- I don't know. I'm sure it's part of the --  
24 your site too, Jason?

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1 MR. TAYLOR: I would say it's probably not on the  
2 website.

3 MR. DELANEY: Not yet? It's a work in progress.  
4 It's still going on.

5 MS. LYONS: Yeah, I would like to see it  
6 (inaudible) the difference.

7 MR. DELANEY: Graham has some -- has completed two  
8 of the three years of study that's ongoing, so you will  
9 be seeing that shortly.

10 MR. PRICE: Maybe that would be a topic for a  
11 future meeting. It really is quite something.

12 MS. LYONS: Sounds great.

#### KITEBOARDING

14 MR. PRICE: Finally, just to wrap up my report in  
15 general, we'll be hearing a little bit later about  
16 kiteboarding, but you might recall in the spring at the  
17 Superintendent's Compendium there were two really  
18 prohibitions that I put in place. One was the no  
19 smoking on the guarded beaches, and the other one was  
20 the prohibition of kiteboarding on the Atlantic side  
21 basically from the middle of March till the middle of  
22 October.

23 There has been a number of complaint e-mails  
24 specifically, and several of them asked that those be

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1 passed on to you all. They're included in your packets,  
2 and then I also gave you just a general response to one  
3 of them just to give you an idea of the types of things  
4 that we talk about, but I know we'll be talking about  
5 that later.

6 MR. DELANEY: We have a guest speaker that we'll  
7 hear more about that shortly.

8 MR. PRICE: Mr. Chairman, that's it. Thank you.

9 MR. DELANEY: Thank you.

10 Fellow Commission, any other questions of the  
11 superintendent or any thoughts of his report at this  
12 time?

13 (No response.)

#### OLD BUSINESS

15 MR. DELANEY: Okay, then I'd like to move to Old  
16 Business.

#### CONTINUE DISCUSSION OF NSTAR SPRAYING PLANS, CLEARING ALTERNATIVES, AND UTILITY RIGHT-OF-WAYS

19 MR. DELANEY: We have had this topic on our agenda  
20 for the last several meetings. This is the NSTar  
21 spraying plans, clearing alternatives, and utility  
22 right-of-ways.

23 Is that something that we want to discuss further  
24 or be updated on? Mark?

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1 MR. ROBINSON: I don't have anything new. I just  
2 think it would be good to keep this on the agenda so  
3 that maybe every year we can find out to announce here  
4 which towns and which parts of which towns are going to  
5 be sprayed each year because every year it's different.  
6 So I don't know -- I know Harwich just got done. I  
7 think part of other towns, but I'm not sure.

8 MR. DELANEY: I think they just started last week  
9 again.

10 Lauren?

11 MS. MCKEAN: I have a report for Wellfleet from the  
12 Eastham line to just south of Blackfish Creek, that  
13 portion of the right-of-way within the National Seashore  
14 boundary, and they did the mechanical vegetation  
15 removal. So they did the cutting, but they did not do  
16 the spraying. They had talked about coming back to  
17 Jason and his crew about doing some spraying, but we  
18 never heard back from them. We were going to do that  
19 this fall, but the work that they just completed now was  
20 going to be last spring. So they could be just off  
21 schedule by six months.

22 Jason, did you hear anything from them recently?

23 MR. TAYLOR: Me? No, we've had no communication.

24 MR. ROBINSON: Unless they're continuing it with

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1 (inaudible).  
 2 MS. McKEAN: Yeah.  
 3 MR. ROBINSON: But what I'm saying is, if we could  
 4 just use this as a forum to give a heads-up to people in  
 5 the six towns when and where, we might be able to learn  
 6 things are going to be sprayed. I mean, there is an  
 7 operating plan for each year, but it changes every year.  
 8 It's hard to keep track of. So this could be a forum  
 9 for announcing.  
 10 MR. DELANEY: Oh, yeah, we will do that.  
 11 And just to follow-up, Lauren, I understand NStar  
 12 did the mechanical clearing, not the Park service.  
 13 MS. McKEAN: Right. NStar's contractors did it,  
 14 yes.  
 15 MR. DELANEY: Contractors, okay.  
 16 MR. REINHART: I have a question about that. So  
 17 they did the mechanical clearing. Are they going to  
 18 spray on top of that?  
 19 MS. McKEAN: No.  
 20 MR. REINHART: Then why --  
 21 MS. McKEAN: They were talking about spraying in a  
 22 different section, but they did not come back to us  
 23 about that proposal. We told them what was going to be  
 24 needed in order to get our approval and to go through  
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1 Jason on that, and they have not gotten back to him yet.  
 2 And that was to go through the whole integrated pest  
 3 management procedure in order to get approvals.  
 4 MR. REINHART: Well, what made them do the  
 5 mechanical clearing when they've been talking about  
 6 spraying for so long?  
 7 MS. McKEAN: That was what their proposal was all  
 8 the way up through Eastham.  
 9 MR. REINHART: Oh, it was?  
 10 MS. McKEAN: So when you hit the Eastham town line  
 11 to Blackfish Creek, this is an area within the Seashore  
 12 boundary NPS owns where they were doing vegetative  
 13 removal. Beyond, which is outside the boundary of the  
 14 National Seashore, somewhere around Gull Pond/Gross Hill  
 15 Road area, that's where they were going to potentially  
 16 switch over to using herbicides. We have not had a  
 17 proposal yet on pesticide application from Old Hay Road  
 18 in North Wellfleet to Collins Road in Truro, the next  
 19 area NPS owns.  
 20 MR. DELANEY: They did not propose or the Park did  
 21 not give permission to do this?  
 22 MS. McKEAN: They never proposed in writing what  
 23 they wanted to do.  
 24 MR. DELANEY: Okay.  
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1 MR. PRICE: If you'll just recall and I'll remind  
 2 everybody, in the past when they have requested  
 3 permission through us, we've gone through our integrated  
 4 pest management program and have received permission  
 5 from the National Park Service with certain stipulations  
 6 that's generally following the directions of that  
 7 particular chemical. And your predecessors were  
 8 surprised about that, but, in fact, we went back a  
 9 couple of times, and that was the verdict from the  
 10 National Park Service.  
 11 MR. ROBINSON: I don't think we need to revive  
 12 those discussions. I'm just saying that this is another  
 13 place where it does get some public media attention that  
 14 we could keep people aware of when and where these  
 15 sprayings are going because most of the people out here  
 16 are on private wells. The power lines aren't right by  
 17 your land.  
 18 So that's all. That was my comment.  
 19 MR. DELANEY: No, we will do that. Good.  
 20 Thank you, Lauren.  
 21 LIVE LIGHTLY CAMPAIGN  
 22 MR. DELANEY: And the other topic or campaign that  
 23 we've been tracking -- and again, it's back to maybe  
 24 Mark updating us a little bit on the Live Lightly  
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1 Campaign.  
 2 Any good news on that front?  
 3 MR. ROBINSON: Yeah. For those who don't know,  
 4 this winter the superintendent and the Friends of the  
 5 Cape Cod National Seashore helped to -- the land trusts  
 6 of the Cape to kick off this Live Lightly Campaign,  
 7 which is intended to provide information to landowners  
 8 within the Park but also throughout the Lower Cape on  
 9 various tax advantages associated with conservation  
 10 options for their land.  
 11 And I did a lot of public speaking this summer with  
 12 so many groups, I think I mentioned last time I was  
 13 here. And we've had some good response not in terms of  
 14 numbers but in terms of projects that are very  
 15 gratifying. So there's some of the pipeline that I'll  
 16 tell you about as they come to fruition. I don't like  
 17 to jinx things. But just, for example, this past week  
 18 we had an e-mail from a woman. She has a summer cottage  
 19 on three acres near one of the Wellfleet ponds, and she  
 20 said, "Could I put some of my land into conservation?"  
 21 She's only got three acres. That's kind of small, but  
 22 because the house is in one corner, she's got two acres  
 23 of woods near the pond that could be placed under a  
 24 conservation restriction.  
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1 We told her, "Well, you know, happy to work with  
2 you on that. It's not going to generate much tax  
3 deduction because you're kind of maxed out with your  
4 house on three acres."

5 She said, "I don't care. I want to preserve the  
6 land." So that's the kind of spirit we're looking for.

7 MS. LYONS: That's the spirit, right.

8 MR. ROBINSON: People who are motivated not just by  
9 tax incentives but also just to keep the land preserved  
10 because they enjoy it.

11 MS. LYONS: And that keeps another house from being  
12 built there.

13 MR. ROBINSON: Well, or at least keeps that from  
14 being clear-cut and putting in all sorts of other  
15 things.

16 So I'll keep you updated as we have more news.

17 MR. DELANEY: Okay, great, thank you.

18 NEW BUSINESS

19 MR. DELANEY: So now I'm going to move to New  
20 Business.

21 KITEBOARDING

22 MR. DELANEY: And I know one topic the  
23 superintendent really did already, kiteboarding. And  
24 Luke Hinkle has requested some time to discuss some of

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1 meeting so we can report on the progress.

2 I'll get you home for dinner. Don't worry.

3 Very quickly. We had our first discussion on this  
4 topic after the Superintendent's Compendium came out. I  
5 think it was in July in this room. And the good news  
6 about all of these discussions, there was as much  
7 listening on both sides as there was talking, and if our  
8 U.S. Congress could do the same, I think we'd all be in  
9 better shape. I learned a lot. I think we cleared up  
10 some misperceptions and misconceptions on both sides. I  
11 think that's a good start to having further  
12 conversations.

13 I'm also looking forward, going on to the next  
14 point, of having conversations with Jason and maybe some  
15 others about how our sport can be regulated, if  
16 possible, on the ocean side during a wider calendar time  
17 of year. Now, my expectations are not high. I wasn't  
18 given any hopes, and I'm going into that with that  
19 attitude that we're going to sit down, learn more about  
20 the other side of this I'd say disagreement, although in  
21 my case it's not adversarial, and we hope to make some  
22 progress in the next few months.

23 In terms of the calendar, two and half weeks from  
24 now, October 15 is going to be the day when the ocean

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1 his and some of his colleagues' perspectives on this.

2 So, Luke, would you like to introduce yourself a  
3 little further or anyone else you have with you --

4 AUDIENCE MEMBER (LUKE HINKLE): Sure.

5 MR. DELANEY: -- and talk to us a little bit about  
6 your interest in kiteboarding.

7 AUDIENCE MEMBER (MR. HINKLE): Thanks, Rich, and  
8 thanks for letting me come to the meeting. And also I  
9 want to thank George for his participation in allowing  
10 us to speak here.

11 I'll introduce Eric. Eric Gustafson is a Wellfleet  
12 resident who also -- you can correct me if I'm wrong --  
13 has a teaching company who is a concession within the  
14 National Park here.

15 So first of all, I wanted to leave you with three  
16 main messages, so I'll do that classic technique  
17 (inaudible). The three messages are, first of all, I am  
18 grateful and appreciative of George and his staff for  
19 having an open mind, sitting with us, and having  
20 discussions about this topic the last several months.  
21 The second point I want to make is I'd like that to  
22 continue. Those are two easy points. The third point  
23 is something I'm going to ask of you. I'm going to ask  
24 that I be invited back in two months for the next

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1 opens up by regulation to this activity again. So I'm  
2 not expecting any quick results. There won't be any  
3 quick results necessary.

4 And finally, I would hope that we can come back in  
5 a couple months to the next meeting and have a progress  
6 update. We're all back in town, and the summer's over  
7 so that there is more time for us to focus on this  
8 issue.

9 I'm going to conclude there but certainly would be  
10 happy to answer questions and offer the same.

11 MR. DELANEY: Couple questions? George?

12 MR. PRICE: Just as a point of information, so the  
13 prohibition goes until October 15, which is generally  
14 the end of the staging area, but I have received some  
15 correspondence saying, "Well, the plovers are long gone  
16 with the fledging. Why is there still a prohibition?"  
17 And what you have to remember is we're talking about  
18 when they arrive, when they start to nest, when they  
19 nest, when they fledge. And then the staging area  
20 basically starts the end of July up until the middle of  
21 October, and that's when these birds come to our shores  
22 to feed the rest for their fall migration. So that's  
23 the rationale of the period of time, just so you know.

24 MR. DELANEY: Question, Bill?

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1 MR. CLARK: I guess I'll demonstrate my ignorance.  
2 I'm not really sure what kiteboarding is, so if you  
3 could tell me what it is.

4 AUDIENCE MEMBER (MR. HINKLE): I think that's a  
5 great question because that's part of perhaps some of  
6 the confusion, maybe not on the staff's part but on some  
7 of the general public's perception, of what the sport  
8 is.

9 By the way, I should make a point now. I'm  
10 speaking for myself. There is no organization I'm  
11 representing. Other kiteboarders may have used a  
12 different (inaudible). So that's a disclaimer on  
13 everything I'm saying to you today. However, I think it  
14 is my obligation to turn around and talk with the other  
15 kiteboarders after we're done with these kinds of  
16 discussions and perhaps throughout.

17 MR. PRICE: And he's not alone in asking these  
18 questions, just so you know.

19 AUDIENCE MEMBER (MR. HINKLE): So kitesurfing  
20 involves some sort of board. It can be generally two  
21 varieties. One looks like a snowboard of sorts, and  
22 another type looks more like a surfboard. And there are  
23 two terms for it, kiteboarding and kitesurfing. And  
24 often they're used synonymously, but to be technical,

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1 kitesurfing is typically the kind where the surfboard-  
2 type boards are used versus the snowboard-type board.  
3 In both cases, there is a kite, of course. The kite's  
4 typically somewhere between the size of one of these  
5 tables and the size of both tables, just to be sort of  
6 in general terms. The kite is located at the end of 25  
7 meter lines, and for those of us in the U.S., that's  
8 just under 100 feet. That kite flies generally above in  
9 an arc to either side of the person kitesurfing, and  
10 depending on the wind direction, that arc can be in  
11 different directions on the compass.

12 So the whole point is in terms of kitesurfing is to  
13 be in waves and use the kite to rappel you into the wave  
14 and essentially ride the wave.

15 MR. CLARK: Okay, got it.

16 AUDIENCE MEMBER (MR. HINKLE): Most of us who  
17 participate in the sport are also surfers.

18 MR. CLARK: Is this prohibition a National Park  
19 prohibition or did this commission -- I don't remember  
20 where this evolved or why it evolved. I'm just curious.

21 MR. DELANEY: George?

22 MR. PRICE: It was a determination I made to be put  
23 in the Superintendent's Compendium this year as a result  
24 of our staff's observation of kiteboarding on the

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1 Atlantic Ocean near both the nesting and the staging  
2 areas.

3 MR. CLARK: So it adversely affects --

4 MR. PRICE: Yes.

5 MR. CLARK: -- the (inaudible) birds?

6 MR. PRICE: Well, the issue is that the kite -- a  
7 lot of kiteboarders believe that they go pretty far out  
8 when, in fact, most of the ones that we've observed are  
9 pretty close in because part of the -- I believe the  
10 sport is really riding just outside of where the waves  
11 are. They go a distance and then turn around and do it  
12 again. You can see them in Wellfleet Harbor. You see  
13 them a lot in Hyannis.

14 You know that one beach whose name I can never  
15 remember?

16 MS. LYONS: Kalmus? Is it Kalmus Beach?

17 MR. PRICE: Kalmus Beach, yes. There are often  
18 numerous kiteboarders that are very colorful so they're  
19 easy to see.

20 The issue that we observed is that when a kite is  
21 near the bird area, the birds perceive this as a  
22 predator and therefore they either flush or they stop  
23 whatever they're doing. So that's the impact that we're  
24 concerned about.

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1 So no, this was specifically a National Park  
2 Service directive here. There are other national parks  
3 that have put in prohibition. Padre Island, they have a  
4 prohibition year round as well as some other activities  
5 that involve kites down there. But it was our  
6 determination that we did this. We already had a  
7 prohibition on the bay side with one exception where you  
8 could go straight out at Duck Harbor if you were going  
9 to go out to the outer bay. That's where basically the  
10 town landing, so even though the Park Service manages  
11 the water service there, it's in the boundary of the  
12 National Seashore, we believe that that was something  
13 that we could allow.

14 MR. CLARK: Has there been any scientific research  
15 on this just out of curiosity? Peer reviewed or  
16 anything like that so we know that there is a direct  
17 correlation as opposed to an observation?

18 MR. PRICE: Well, you have to realize how many  
19 people we have out here to interpret monitoring. So we  
20 have a staff that's out there every day in the North  
21 District and the South District making these  
22 observations. And in this particular instance, I also  
23 personally saw four kitesurfers at Coast Guard Beach  
24 last year zipping right along the coastline where some

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1 of this involved fencing. There's also other  
2 photographs they have of kiteboarders getting involved  
3 with other things. So it's a real direct experiential-  
4 type recognition.

5 AUDIENCE MEMBER (MR. HINKLE): I would add to that  
6 that when you go from unregulated activity, I would  
7 assume that there are going to be problems. And then I  
8 might have done exactly the same thing, say, "Look,  
9 until we figure out what we're doing here, let's just  
10 stop it for a little while, sit down and figure out how  
11 to do it the right way." So that's why I say it's not  
12 adversarial per se even if we might have disagreements  
13 about how we go forward.

14 MR. PRICE: The alleged requirements on the bay  
15 side is that they would be 200 meters out. So if  
16 they're 200 meters out, the Park Service's boundary is a  
17 quarter-mile off of the beach. Our bird monitors  
18 believe that 200 meters out would be acceptable. I  
19 understand from some people I've talked to that enjoy  
20 the kiteboarding that it's actually better if they're  
21 closer in because of -- for different reasons.

22 There's also the issue with the variety of  
23 experiences. If someone is very experienced, obviously  
24 they have a lot of control, but we know that a lot of

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1 them -- all experience is not the same. So we actually  
2 have seen people basically laying with their kites right  
3 in the middle of someone's spot or area.

4 I will be honest with you. There's also a  
5 tangential issue having to do with other safety issues,  
6 which other parks have experienced. That is not the  
7 primary motivation for my decision. After the decision,  
8 I thought it was interesting that we got a number of  
9 calls congratulating us on the decision because the  
10 people that have observed conflicts either with swimmers  
11 and/or with surf fishermen. I've shared that with  
12 everybody too because obviously when that's your sport  
13 and that's your passion. And I believe they are very  
14 passionate about it, and I'm sure it's very exciting.  
15 And I'm not saying that in anything other than a sincere  
16 way. And it was not certainly universally loved by all  
17 users of the Seashore.

18 MR. DELANEY: So, George, are there other non-  
19 plover nesting areas within the Park where kiteboarding  
20 can happen year round or without the seasonal  
21 restriction?

22 MR. PRICE: Actually, just on the bay side 200  
23 meters out. You can go through the Park Service  
24 corridor, but at this point we've restricted all of the

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1 Atlantic side of the coast during that period of time.

2 AUDIENCE MEMBER (MR. HINKLE): I think we do want  
3 to explore ideas like that. That's all I'm asking.

4 MR. DELANEY: Yeah.

5 AUDIENCE MEMBER (MR. HINKLE): If we could sit down  
6 and look at opportunities.

7 MR. DELANEY: I understand the nexus between the  
8 plovers obviously and the activity.

9 MR. PRICE: Well, it's plovers. It's terns. It's  
10 roseates. It's red knots. And it's the rest of the  
11 shorebirds that use the beaches.

12 MR. DELANEY: The entire shoreline.

13 Tom?

14 MR. REINHART: On the outer beach, I haven't seen  
15 many -- and I might be uninformed, but I haven't seen  
16 too many nesting areas that are protected out there, so  
17 where is the problem, say, in Wellfleet? I don't know  
18 that there's any shorebird nesting in the Ocean Drive  
19 kind of area. Is that a problem?

20 MS. LYONS: I just walked the beach, but even  
21 though you can walk the entire beach, you have to --  
22 there are little signs. You don't realize what they're  
23 telling you, but you have to walk around that section.  
24 So there are these big sections off the usual -- like

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1 when you come down from, say, Newcomb Hollow -- this is  
2 we're I'm talking -- come down Newcomb Hollow, so to  
3 your right and your left, you know, there are people,  
4 but not everybody's going to walk out half a mile out of  
5 their way, and that's when you start encountering a lot  
6 of the restrictions. I mean, in the beginning of the  
7 season, we all see them pretty close to where people  
8 are, but it is -- I was surprised at how big it is  
9 because I was like, "How am I going to get through  
10 here?" and then I was like, "Oh, I can't go over there."

11 MR. DELANEY: Mark?

12 MR. ROBINSON: So the kitesurfing likes to be on  
13 the big beach because of the same reason regular surfers  
14 want to be there? You need the waves to do the  
15 activity?

16 AUDIENCE MEMBER (MR. HINKLE): I'll say yes. It is  
17 done other places.

18 MR. ROBINSON: I think of Kalmus Beach near where I  
19 live. You don't go there for waves. So it can be done  
20 at places without waves?

21 MS. LYONS: There's wind there. That's why. It's  
22 a lot like windsurfing only you're kind of (inaudible).

23 AUDIENCE MEMBER (MR. HINKLE): To your point,  
24 really the only wave version of kitesurfing available to

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1 us unless we drive a long way is on the outer beach.

2 MR. DELANEY: Maureen?

3 MS. BURGESS: So your mechanism of control is your  
4 body and the way that you move your body? An  
5 experienced person would have more control? Could you  
6 explain a little bit because, like Mr. Clark, I'm not  
7 familiar with the sport?

8 AUDIENCE MEMBER (MR. HINKLE): So the answer is yes  
9 because there is no other motor or mechanism involved.

10 MS. BURGESS: So you're using --

11 AUDIENCE MEMBER (MR. HINKLE): You're using your  
12 hands to control the kite, and you're using your feet to  
13 control the board.

14 AUDIENCE MEMBER (MR. GUSTAFSON): And you're  
15 attached to a harness. It holds most of the weight.

16 AUDIENCE MEMBER (MR. HINKLE): And it has been  
17 compared to operating a helicopter where you have to be  
18 able to think about four different things at the same  
19 time, which is why when you're a beginner -- and Eric  
20 has taught at least half the beginners on the Cape --  
21 there's a lot to think about that first day. And maybe  
22 I should let Eric describe how many beginners he would  
23 take to the ocean side. I think the answer is going to  
24 be zero.

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1 shouldn't have done because there was no regulation.

2 MS. BURGESS: Thank you.

3 MS. LYONS: If I could just say, I want to thank  
4 you personally just, maybe not for the board but on a  
5 personal note, for coming in and being more in the  
6 spirit of cooperation, which is sort of rare. You're  
7 one of the first people that have come in with a  
8 disagreement that wasn't really determined to be  
9 adversarial, so for that I appreciate it. And I do  
10 understand your situation, and I also understand yours.  
11 And I also understand the beginner because I've seen the  
12 beginner. I actually saw a beginner almost kill himself  
13 being dragged across a parking lot because the wind kept  
14 pulling him and he didn't know how to do it. So there's  
15 a big risk when you're learning, and to learn without  
16 parking lots around is what I thought to myself. So I  
17 appreciate both sides of this, but I actually thank you  
18 for that.

19 MR. PRICE: One of the things, you know, we take no  
20 satisfaction in limiting someone's access, and obviously  
21 this is a, quote, new form of recreation that didn't  
22 exist when the Seashore was established. I'm not sure  
23 if this ever came up, Brenda, during your tenure on the  
24 Advisory Commission. So it's certainly a new activity.

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1 AUDIENCE MEMBER (MR. GUSTAFSON): The ocean is just  
2 for the advanced people, and it's sort of self-limiting  
3 because you're dealing with waves. You know your  
4 limits. And there are very few days that it actually  
5 works there, but it's the days that we sort of prepare  
6 to do it for. The wind has to be blowing onshore or  
7 from the side to make it safe. So you wouldn't go out  
8 at White Crest on a westerly wind because Portugal would  
9 be your next stop if something went wrong. So there's a  
10 safety mechanism of the wind direction. So, for example  
11 -- I mean, I kept track this year between July and  
12 August. There would be like a total of ten days that  
13 probably would work good, but again, we would want to be  
14 -- we'd be excited for those days. So it's sort of  
15 self-limiting by the direction of the wind. And then if  
16 there are no waves, we're not really excited to go  
17 there. It's just as good to go to Duck Harbor or First  
18 Encounter or Harding's Beach, which we have good  
19 relationships there with all the towns. It's working  
20 well and safe.

21 AUDIENCE MEMBER (MR. HINKLE): And to circle back  
22 on the idea of no regulation, I think we had people who  
23 shouldn't have been there because there was no  
24 regulation. We've had people who were doing things they

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1 And one of the common threads that I hear from almost  
2 every person, whether it was the phone calls or the  
3 letters or the e-mails, they're all self-described  
4 outdoor enthusiasts and environmentalists.

5 MS. LYONS: I do too.

6 MR. PRICE: And they believe that this is a  
7 nonconsumable, nonpolluting activity to enjoy the great  
8 outdoors. So I take absolutely no pleasure in putting  
9 this restriction on them that we did at this point.

10 I certainly appreciate Luke's approach in wanting  
11 to sit down further, and I've asked Jason to do that  
12 with us, but as he said, I certainly wasn't putting up a  
13 ray of hope out there, just the fact that we would  
14 continue the dialogue just to see if there were any  
15 other opportunities. I'm not sure where we'll be at the  
16 end of this particular time.

17 I also remind you that there are all kinds of other  
18 activities that happen all the time. Eric's out here  
19 with a surfboard. We have numerous surf schools. We  
20 have other activities. Somebody said -- what's the  
21 right term when you just have to sail on the board?

22 AUDIENCE MEMBER (MR. HINKLE): Windsurfing.

23 MS. LYONS: Windsurfing.

24 MR. PRICE: We're not talking about windsurfing. I

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1 mean, we're not talking about paddleboarding. We're not  
2 talking about any of those other activities. The issue  
3 here is the kite in proximity to the nesting and staging  
4 areas. So that's our issue right now.

5 MR. DELANEY: Tom, did you have a question?

6 MR. REINHART: Well, just sort of an obvious one.  
7 If there's an area like -- even a small area that you  
8 guys could find on the back shore that might be  
9 available. Maybe it's in a few hundred yards or so  
10 where there aren't birds. Maybe it wouldn't have to be  
11 -- you know, just sort of specific to these folks  
12 because I think what you said about using the wind for  
13 locomotion and environmentalists, you know, it's really  
14 about (inaudible) exercises. It's a form of exercise.

15 MR. PRICE: But it's not benign when it affects the  
16 shorebirds.

17 MR. REINHART: I understand. I understand.

18 MR. PRICE: The shorebird nesting changes  
19 everything.

20 (Mr. Goddard leaves the room.)

21 MR. DELANEY: Well, I'm encouraged to hear there  
22 will be some more discussions, and it never hurts to  
23 explore other opportunities that may not be evident  
24 right now, but who knows what comes of it. We would

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1 outside the Park, which is why we thought it was very  
2 important to bring in the Cape Cod Commission. They can  
3 help us with it. They've been doing data collection all  
4 summer, and now we're ready to have a fall workshop.  
5 And the fall workshop has been set for Thursday, October  
6 30, from 3:30 to 5:30 at the Truro Community Center.

7 Each of the three Outer Cape towns has a Park staff  
8 person and a -- excuse me -- a town staff person and a  
9 bicycle or walkways -- and/or walkways committee person,  
10 a steering committee. And they came up with the meeting  
11 time with us, and they're going to help us host it. So  
12 please come on Thursday, October 30.

13 MS. LYONS: The time again?

14 MS. McKEAN: 3:30 to 5:30.

15 MR. DELANEY: Good. And I'll add one other bit of  
16 information. The regional administrator of EPA did a  
17 tour just last week looking to see if he could learn  
18 more about how Cape Cod towns and entities like the  
19 Park, National Park were adjusting to, adapting to  
20 climate change, sea level rise, building resilience,  
21 seeing into our future developments. So he was duly  
22 impressed by the project that Lauren presented to him of  
23 Herring Cove Beach parking lot, which, as you've heard  
24 from the past, is a retreat of the hard structures from

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1 welcome you back at any time to give us an update.  
2 We'll track this issue along with some other issues that  
3 the superintendent has to deal with as you heard from  
4 today's meeting. And we'll see how it goes, but thanks  
5 for coming in. I appreciate it.

6 AUDIENCE MEMBER (MR. HINKLE): Thank you.

7 OUTER CAPE BICYCLE AND PEDESTRIAN MASTER PLAN UPDATE

8 MR. DELANEY: George?

9 MR. PRICE: Under New Business, there is one item  
10 that came up that Lauren reminded me that I think you  
11 all would appreciate hearing about it a little bit, and  
12 that's the update about the Outer Cape Bicycle and  
13 Pedestrian Master Plan.

14 Lauren, do you want to just say a couple of things?

15 MS. McKEAN: Sure.

16 It took us a while to get that particular project  
17 launched. It was funded several years ago by the Paul  
18 Sarbanes Transit in the Parks Program, and we finally  
19 were able to secure contracts with the Cape Cod  
20 Commission, and the Denver Service Center helped us get  
21 a contract with VHB. And they are contracted for doing  
22 an environmental assessment. So we're reinitiating the  
23 project. The area that's going to be affected is  
24 Wellfleet, Truro, and Provincetown both within and

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1 the high intensity zone, but it also restores the  
2 natural ecosystem in that zone, which affords  
3 protection, and then it still affords the citizens of,  
4 the visitors to Cape Cod National Seashore and residents  
5 of Provincetown in this case the use of that parking  
6 lot, set back 125 feet but still easily accessible,  
7 visible all year round. I know he went away impressed  
8 and thinking this is an excellent example of how you  
9 deal with resilience, adaptation, all those words that  
10 are out there right now that people are saying, "What do  
11 they mean? How can we build resilience into our  
12 coastline?"

13 And then, of course, you hear the other side of the  
14 story, which is sea level is rising. So Graham Giese  
15 talked about the science. Lauren mentioned the plan  
16 we've come up with. So I think he'll be talking about  
17 that to his colleagues at EPA and citing as an example  
18 of a very creative way to deal with it.

19 MR. PRICE: And the next one out of the box will be  
20 Nauset Light Beach where we have already last week  
21 removed the boardwalk closest to the bluff area that was  
22 getting too close to the bluff for comfort. And in  
23 order to safely get out there with the equipment to  
24 remove it, we did that while we have a staff, and we're

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1 starting to engage our Denver Service Center planning  
2 people on actually relocating the entire bathhouse  
3 closer to Ocean View Drive, anticipating rolling that  
4 back. So a number of us from the Seashore met with the  
5 Eastham Board of Selectmen at a meeting and then also at  
6 a public information session at the Salt Pond Visitors  
7 Center on that topic.

8 MR. DELANEY: Okay, any other new business?  
9 Sheila?

10 MS. LYONS: Well, not new business. I just --

11 MR. DELANEY: Just reporting?

12 MS. LYONS: Yeah, just reporting. Is that okay?

13 MR. DELANEY: Yeah, sure.

14 MS. LYONS: I did want to just mention that the 208  
15 water plan, you know, regional water plan that's being  
16 spearheaded through the Cape Cod Commission has been --  
17 it's in draft form. It is online. There is a series of  
18 public hearings right now, and we'll take that and sort  
19 of put it in its proper place or perspective and work  
20 with federal and state governments as to how -- if  
21 everybody accepts everything and any changes that have  
22 been made. But it's a very robust report, and it is  
23 very comprehensive. And it is looking at all our water  
24 resources, coastals and embayments, in a comprehensive

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1 house there. And I have great pictures, and I'll be  
2 happy to share some. I'll put them online. You can see  
3 them. But the one thing that we did do is -- number  
4 one, my daughter was ready to become a National Park  
5 ranger by the end of our stay there. She loved it and  
6 met a lot of great young rangers. But we were up at  
7 Avalanche -- Avalanche Lake, which is this beautiful  
8 little walk going up through cedar trees. So it has  
9 these pictures of -- once you get up there, there are  
10 all these streams coming down from these mountains into  
11 this lake -- and the snow cover of that same particular  
12 month over the years, you can see in each of these  
13 pictures the snow cover changes.

14 And the sad news, which actually had me burst out  
15 in tears, is that the glaciers I was looking at right  
16 then they predict will be gone by 2022, which is eight  
17 years away. So Glacier Park will not have glaciers  
18 unless things dramatically -- if we have a lot of cold  
19 winters and that, it might put it off another five,  
20 eight years, but if all things go -- so that really  
21 upset me that day, as it did my daughter, but it was  
22 something to really take home and think about as we are  
23 here. Some people really don't want to face the fact  
24 that we are in a bad time with our climate, and we

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1 regional approach and how do we fix this problem  
2 regionally so that we don't have to do 15 plans or do 15  
3 different solutions in 15 towns and cost ourselves 15  
4 times more money.

5 And it's been embraced by -- and it really has been  
6 created by citizens. It was just really the Cape Cod  
7 Commission available as far as technical assistance and  
8 advice, and it was facilitated by an independent  
9 facilitator. So it was really citizens on both sides of  
10 the issue and had many, many opinions came together and  
11 basically drafted this, sort of a summation of their  
12 comments and decisions. So it's a citizen-driven  
13 report, and it's something that we all need to know  
14 about and realize that the time has come that we have to  
15 hold some hands and some people are going to have to  
16 give up some things and some people are going to have to  
17 give up other things in the years going forward because  
18 the conditions are almost at the right -- the stars are  
19 almost lining up and it would be hard to miss.

20 My other thing I just wanted to state is that I had  
21 the great pleasure of visiting another national park  
22 while I was away over the summer, which was Glacier  
23 National Park, which I got to see briefly the last time  
24 I was there. I'm very fortunate that my brother has a

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1 haven't served it well.

2 Anyway, but it was really a very wonderful trip,  
3 and I was on a high. I too want to become a ranger.

4 MR. PRICE: Me too.

5 (Laughter.)

6 MR. DELANEY: I'm wondering if -- is the Centennial  
7 campaign that the National Park Service is putting  
8 together -- would that address this theme that the parks  
9 that have been here for 100 years are not going to be  
10 the same parks even eight to ten? Twenty?

11 MS. LYONS: Yeah.

12 MR. DELANEY: Is that part of the theme, George?

13 MR. PRICE: I actually think the theme has to do  
14 more with frankly trying to engage the youth and new  
15 audiences. That's the overwhelming push. We're feeling  
16 such a disconnect with a lot of young people and  
17 especially minority populations that there is a feeling  
18 that, what's the next generation or two going to do when  
19 it involves the national parks? With that has to come  
20 obviously understanding and information and the fact  
21 that a place like Glacier is like the canary in the coal  
22 mine. And our people here have picked up indicators  
23 here on the Seashore about what these changes are all  
24 about. So the environmental changes are all over the

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1 place. And actually what got me even more than Glacier  
2 National Park was the glaciers in the Andes that are  
3 disappearing. Entire native civilizations rely on that  
4 as their primary water source, and if there are not  
5 glaciers, there's not going to be water.

6 MR. REINHART: It's everywhere.

7 MS. LYONS: Right.

8 MR. PRICE: So the implication of the destruction  
9 of populations and demographics is just going to be  
10 absolutely --

11 MR. REINHART: Phoenix.

12 MR. PRICE: Pardon me?

13 MR. REINHART: Phoenix.

14 MR. PRICE: It's going to be tough. So I think  
15 there's a lot of things having to do with the  
16 Centennial, but we'll be talking about them maybe at the  
17 very next meeting frankly to figure out because I had  
18 mentioned it before to see if there are some  
19 commissioners that might want to get involved and what  
20 we'll do for the Seashore specifically. And there are  
21 things like Find Your Park, outreach to young people,  
22 outreach to the milleniums, outreach to what is called  
23 nontraditional audiences. I'm particularly interested  
24 in the Healthy Parks, Healthy People theme.

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1 MR. ROBINSON: December?

2 MR. PRICE: November.

3 MR. DELANEY: Oh, no, November. We would be backed  
4 up.

5 MS. LYONS: That would be the alternative.

6 MR. DELANEY: If we do November 17, then we  
7 wouldn't do anything in December and we'd be back in --

8 MR. PRICE: January.

9 MR. DELANEY: -- January.

10 Let's just go with that. That sounds like --

11 MR. PRICE: You want to go the 17th?

12 MR. DELANEY: Yeah. So is the 17th fine with  
13 everybody, especially the Park schedule?

14 Okay, so let's do November 17.

15 Does that give us time enough to advertise?

16 MS. DOUCETTE: Uh-huh.

17 MR. DELANEY: Yeah, it should. Two months.

18 MR. PRICE: Okay.

19 MR. DELANEY: And items for the agenda? Maybe,  
20 George, just your last point, the Healthy Parks concept  
21 that you've been talking about a little bit. That might  
22 be the time to talk about that in a little bit more  
23 detail.

24 MR. PRICE: Okay.

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1 Kathy's been working with our construction  
2 submissions to spruce up the Park, our signage, our  
3 indicators, and other things. So that's the direction  
4 we're heading in frankly, Rich.

5 MR. DELANEY: Okay, good. Thank you.

6 Hearing no other comments or reporting back --  
7 Mark?

8 MR. ROBINSON: No.

9 MR. DELANEY: Not yet. Not yet.

10 DATE AND AGENDA FOR NEXT MEETING

11 MR. DELANEY: I'm going to move to the next-to-last  
12 item, which is to set a date and the agenda for the next  
13 meeting.

14 MR. PRICE: Looking at the dates all the way into  
15 November because we're now meeting the end of September,  
16 we might want to take a look at a December meeting, is  
17 what I'm going to take a look at, potentially the 8th or  
18 the 15th.

19 MR. DELANEY: And go a little bit longer than two  
20 months in between?

21 MR. PRICE: The other option would be the 17th of  
22 November, which might be close.

23 MS. LYONS: It's a Monday?

24 MR. PRICE: It's a Monday.

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1 MR. DELANEY: We have some continuing updates on  
2 Live Lightly and on the NStar issue, the  
3 Superintendent's Report. I don't know if the  
4 kiteboarding discussions will have progressed in two  
5 months, but if they have, you could let us know and be  
6 here for public comment.

7 What else, guys? Anything else in your minds?

8 MS. LYONS: Would you want to put the commission on  
9 the agenda? Not necessarily that month, but you might  
10 want to ask if they could come down either this meeting  
11 or the next one to discuss and kind of roll out --

12 MR. DELANEY: Yeah, let's do it.

13 MS. LYONS: -- their procedure and maybe even if  
14 they don't have a lot of comments to report --

15 MR. PRICE: On the 208?

16 MS. LYONS: On the 208. So that could be at either  
17 the next meeting or the meeting after, but it would be  
18 good for this group to hear the whole --

19 MR. DELANEY: Oh, yeah, I think that's a great  
20 idea.

21 All right, so let's -- Sheila, how does that fit  
22 into the 208? That would be during the official comment  
23 period that's going on.

24 MS. LYONS: Yeah, it might be still through the 90

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1 period. So they could look at this -- I don't know if  
2 they want to do that.  
3 MR. DELANEY: We might want to make a comment.  
4 MS. McKEAN: There are --  
5 MS. LYONS: Are there restrictions around --  
6 MS. McKEAN: There are recommendations per -- by  
7 watershed and there were Outer Cape planning groups and  
8 Lower Cape, so there are numerous watersheds in  
9 Provincetown and Hatches Harbor. Then there's Pamet  
10 River. There's Wellfleet Harbor. There's Nauset Marsh.  
11 MS. LYONS: So it has a big impact.  
12 MR. DELANEY: Yeah, and you've been involved in all  
13 of this, Lauren.  
14 MS. McKEAN: Yeah.  
15 MR. DELANEY: So I think that's a good topic, and I  
16 think November is an appropriate time to have it.  
17 MS. LYONS: Okay.  
18 MR. PRICE: Lauren, are there any more specifics on  
19 the bike master plan by then or no?  
20 MS. McKEAN: There could be a report out from the  
21 workshop, sure.  
22 MS. LYONS: Is the regional workshop going to be  
23 held on that date?  
24 MS. McKEAN: At the Truro Community Center.  
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1 MS. LYONS: At the Truro. I didn't hear which  
2 town. I got community center.  
3 MS. McKEAN: Yeah, yeah.  
4 MR. DELANEY: Maureen?  
5 MS. BURGESS: Is that also pulling in the  
6 Saltonstall Bikeway?  
7 MS. McKEAN: Yes, it is.  
8 MS. BURGESS: All the way from Boston?  
9 MS. McKEAN: Well, yeah, really just looking at  
10 Wellfleet, Truro, and Provincetown. We're looking at  
11 inside the Park, outside the Park, connections to the  
12 facilities, connections to town centers.  
13 MS. BURGESS: And I know the Truro Bike Committee  
14 has prepared recommendations to Massachusetts Department  
15 of Transportation.  
16 MS. McKEAN: Yes. We've started talking about  
17 this. We'll be looking at Route 6 down.  
18 MR. DELANEY: Okay, we will, of course, add some  
19 items as we always do, but that's an agenda and it's a  
20 date.  
21 PUBLIC COMMENT  
22 MR. DELANEY: Public Comment now.  
23 And all the public who wanted to comment has  
24 already had a chance to comment, so that's fine.  
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1 AUDIENCE MEMBER (MR. GUSTAFSON): I would like to.  
2 MR. DELANEY: Oh, Eric, sure.  
3 AUDIENCE MEMBER (MR. GUSTAFSON): I'm here for the  
4 meeting, but I'm very curious on the NStar because I  
5 live right on the power lines, and that seemed to kind  
6 of get brushed right over. Am I understanding that all  
7 the towns voted against this? Is that true? And  
8 they're still doing it?  
9 MR. DELANEY: That's true.  
10 AUDIENCE MEMBER (MR. GUSTAFSON): How does that  
11 happen?  
12 MR. DELANEY: There's been an incredible campaign  
13 educationally and -- oppositional campaign. Every town  
14 that I -- I believe every town has signed a petition  
15 saying they don't want spraying. Our state senator has  
16 led the charge in many ways to oppose it. There has  
17 been a lot of information developed by some  
18 environmental groups that suggest there are true  
19 environmental impacts from the chemicals and from the  
20 poisons. There is some other science that says cutting  
21 down habitat is another kind of negative impact to our  
22 environment. And NStar took a -- it paused a little bit  
23 for the last couple of years.  
24 MS. LYONS: Yeah, we were able to -- the county was  
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1 able to do that.  
2 MR. DELANEY: And I should let Sheila -- yeah,  
3 because the county has been very active.  
4 MS. LYONS: We were very active, and we try to  
5 remain active within -- you know, we had some leverage  
6 because we could pull and we could threaten permits  
7 basically, but you don't have that much control over  
8 eminent domain of a federal utility, you know, utility  
9 transmission lines. So we went as far as we could go.  
10 My understanding is that they do not spray at all  
11 in Eastham, and they try not to spray on this part of  
12 the Cape because of the uproar and they do get the  
13 soils. So the argument really starts from Orleans and  
14 maybe parts of Provincetown. And I'm not even sure -- I  
15 think that they tried to incorporate Truro in this kind  
16 of benign way of just "We'll just do the cut then."  
17 MS. BURGESS: I'm not sure about that.  
18 MS. LYONS: Yeah, but Eastham was very adamant, and  
19 I know that they've gotten -- it got passed through  
20 every time, so there is a way to be able to do that and  
21 to mandate. But on the other side, there is -- the  
22 reason they came up with the plan that they had, which  
23 was developed by the National Division of Wildlife, they  
24 were being taken in -- you know, the government was  
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1 saying to them, "You're destroying box turtles and the  
2 little white-haired rabbit, you know, the bunny," when  
3 they'd just go off and do these things. So they had  
4 them do this strategic plan of clearcutting -- tell me  
5 if I'm wrong here. Then they would spray. They would  
6 have to do some kind of -- go back and trim again and  
7 spray, and their spraying is very -- according to them.  
8 I'm not defending them. I'm just giving you their story  
9 and how they do it. It's very targeted. It's very --  
10 it's on the cut. They put drops on the cut that seeps  
11 in. So within about five years, over those five years,  
12 you reduce, reduce, reduce whatever spraying you do, and  
13 now you've got something you can just kind of mow. And  
14 you've seen these under power lines where there's sort  
15 of like an open meadow. That was what they were trying  
16 to get to so that they wouldn't have to spray at all,  
17 but because the plan has never been given the five years  
18 to see if it actually works, it seems like the spraying  
19 is always -- and this was something that I was always  
20 trying to state, but of course, I was -- and again, I'm  
21 not defending NSTar, but what I was trying to say is I'm  
22 -- this is one of those places where they've got to do,  
23 you know -- and they used to -- therefore, what they  
24 told me is they used to allow people -- say they were

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1 going to go by your home and you said, "You know what?  
2 I'm going to take care of those branches myself." They  
3 used to allow that. But there was a person who didn't  
4 do what he was supposed to do somewhere in Connecticut,  
5 and that's when we had the big blackout all over New  
6 England. And the federal (inaudible). Now they can't  
7 allow that. So that's why we are where we are. Again,  
8 everybody has their reasons, and they're all justified.  
9 Nobody wants to hear the other person and kind of come  
10 to a place.

11 AUDIENCE MEMBER (MR. GUSTAFSON): So from my  
12 understanding, this cut they're doing now is in  
13 preparation to spray.

14 MS. LYONS: Right, and that was the original plan.  
15 Cut, spray, and then each year it reduces, and then you  
16 can just manage it by trimming and cutting, but I've yet  
17 to see that plan. It's never been allowed to -- am I  
18 correct in that? You've been to those with me. Is that  
19 your recollection?

20 MS. MCKEAN: Yeah, it had gotten much too tall out  
21 here to try to --

22 MS. LYONS: Yes, to cut through.

23 MS. MCKEAN: That's why they did it mechanically,  
24 and that's why it was on that vegetation management.

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1 MS. LYONS: Even they, the Department of Wildlife  
2 and Fisheries -- they acknowledge that they don't want  
3 this, but there are times that, you know -- like he  
4 tried everything in this one area off the pike, and it  
5 was the Phragmites. He said there was nothing that was  
6 going to -- it was such a sensitive area. They tried to  
7 do everything, but they had to do it just because it was  
8 invading all the other species.

9 So there are all these things that we just --

10 MR. REINHART: Nothing is simple.

11 MS. LYONS: Nothing is simple.

12 AUDIENCE MEMBER (MR. GUSTAFSON): May I ask the  
13 biologist's opinion?

14 MR. TAYLOR: I'm the wrong kind of biologist to ask  
15 that opinion.

16 AUDIENCE MEMBER (MR. GUSTAFSON): Do they say by  
17 the time it filters through the sand, "Oh, it's no  
18 problem"? Do you have any opinions on that?

19 MR. TAYLOR: No. I'd have to ask my physical  
20 scientist, and she's not in the room.

21 MS. LYONS: Yeah, those are geologists.

22 MR. DELANEY: But, Eric, as a general matter, we've  
23 raised this issue with our questions to the  
24 superintendent, and he and Jason and the others have the

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1 integrated pesticide board that has evaluated all of the  
2 supposed chemicals and have given, I guess, most of --  
3 or given all that are proposed to be used the green  
4 light. I think some of us were -- and that kind of ties  
5 the superintendent's hands a little bit. I think some  
6 of us also were asking the next question: Did the  
7 pesticide board understand that this is a sole source  
8 aquifer? It's not like Glacier and the other parks  
9 around the country. And the answer was yes. The next  
10 question was: Have they updated their analysis?  
11 Because there are some new chemicals that people are  
12 saying are incredibly dangerous, kills oyster beds in  
13 one part per billion. And I don't know if that's been  
14 answered yet. So we've had a lot of discussion on this  
15 issue.

16 And then the other tangent -- and I don't want to  
17 get this going full tilt. I'm going to go for a motion  
18 to adjourn in a minute, but as Sheila has said in her  
19 commentary over at the commission, you know, there are  
20 99 -- 98 percent of the rest of the pesticides that go  
21 into our aquifers are put on by us in our backyards.

22 MS. LYONS: Right.

23 MR. REINHART: It's a big percentage.

24 MR. DELANEY: And by landscape companies who are

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1 not --  
 2 MS. LYONS: We did all the analysis. They bear  
 3 responsibility for a percentage.  
 4 MR. REINHART: It is hypocritical.  
 5 MS. LYONS: It is.  
 6 MS. BURGESS: It is hypocritical.  
 7 MS. LYONS: And the other thing that I did not  
 8 realize is that the federal government, it takes like  
 9 ten years to do testing on these to see how badly  
 10 they'll kill us or how quickly they will.  
 11 Off the record.  
 12 (Off the record discussion.)  
 13 MS. LYONS: But then the state does a review, and  
 14 half the ones that are on the federal list get knocked  
 15 off. I mean, they do their own, but that takes about  
 16 seven years as well because Massachusetts actually has  
 17 the most stringent laws on these pesticides. Probably  
 18 because of our water and --  
 19 MR. REINHART: They're actually herbicides.  
 20 MS. LYONS: Or herbicides. Well, they call them  
 21 herbicides, and that's a nice word.  
 22 So that's just another --  
 23 AUDIENCE MEMBER (MR. GUSTAFSON): Well, thank you  
 24 for taking the time. I'm sure you've all heard this.  
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REPORTER'S CERTIFICATE

PLYMOUTH, SS

I, Linda M. Corcoran, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 98 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, September 29, 2014, commencing at 1:20 p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 3rd day of November, 2014.

Linda M. Corcoran - Court Reporter  
 My commission expires:  
 August 28, 2020

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1 MR. DELANEY: No, that's perfectly --  
 2 MS. LYONS: The person we can call about the travel  
 3 time is Tom --  
 4 MR. DELANEY: Cambareri?  
 5 MS. LYONS: Yeah, Tom Cambareri at the Cape Cod  
 6 Commission. If you called him, he could probably give  
 7 you that like within -- it will take him two seconds to  
 8 retrieve it.  
 9 AUDIENCE MEMBER (MR. GUSTAFSON): All right, thank  
 10 you.  
 11 MR. DELANEY: That's why we're here. Thank you for  
 12 the comment. We enjoy that.  
 13 ADJOURNMENT  
 14 MR. DELANEY: Okay, so hearing or seeing no other  
 15 comments from the audience, a motion to adjourn.  
 16 MR. REINHART: So moved.  
 17 MR. DELANEY: Tom. Second?  
 18 MS. BURGESS: Second.  
 19 MR. DELANEY: All those in favor, signify by saying  
 20 aye.  
 21 BOARD MEMBERS: Aye.  
 22 MR. DELANEY: Thank you, once again.  
 23 (Whereupon, at 3:23 p.m. the proceedings were  
 24 adjourned.)  
 LINDA M.



# CONSERVATION RESTRICTION

Grantor: Town of Eastham, MA

Grantee: Compact of Conservation Trusts

Property Address: 700 Dyer Prince Road, Eastham, MA

Title: Certificate of Title No. 201280

The Town of Eastham, acting by and through its Board of Selectmen and its Conservation Commission, and its successors and assigns ("Grantor"), having an address of 2500 State Highway, Eastham, MA 02642, by authority granted by the votes taken under Article 31 of the May 5, 2014 Annual Town Meeting, certified copies of which are attached hereto as Exhibit A, in consideration of One (\$1.00) Dollar paid, grants the *Compact of Cape Cod Conservation Trusts*, established under a Declaration of Trust dated \_\_\_\_\_ and recorded in the Barnstable County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, with a mailing address of *Box 443, Barnstable, MA 02630*, its successors and permitted assigns ("Grantee"), with quitclaim covenants, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction on the parcel of land containing 3.41 acres, more or less, located at 700 Dyer Prince Road, Map 19 Parcel 43L in the Town of Eastham (the "Premises")

WHEREAS, the Town of Eastham (the "Town"), as a duly called Annual Town Meeting held on May 5, 2014, while acting on Article 31 of the Warrant, voted to authorize the Board of Selectmen to acquire the Premises and to appropriate funds for the purchase of the Premises, and to authorize the Board of Selectmen and the Conservation Commission "to convey to the Compact of Conservation Trusts, for no consideration, a perpetual conservation restriction on said land, allowing conservation and passive recreation uses".

WHEREAS, this Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in its current condition in perpetuity for open space and passive recreation purposes, predominately in a scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values.

WHEREAS, the premises was purchased using Massachusetts Community Preservation Act funds (M.G.L., Chapter 44B). The purposes of this Conservation Restriction are to assure that, while permitting certain acts and uses described in Section II (B), hereof, the Premises will be subject to the prohibitions described in Section II (A) hereof, so that the Premises are retained in perpetuity in their scenic and undeveloped condition for open space and passive recreation, and other conservation uses consistent with and subject to protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of the Premises that will materially impair or interfere with the conservation values thereof.

WHEREAS, the Premises contains outstanding qualities, including beachfront along Cape Cod Bay, heathlands, and wetlands; primarily consisting of coastal beach, marine tidal flats, pitch pine and scrub oak forest, oak-conifer transitional forest, maritime heathland-sandplain grassland, early successional scrubland and emergent freshwater wetland.

**Open Space Preservation.** The protection of the Premises contributes to the protection of the scenic and natural character of the Town as defined in the Open Space and Recreation Plan "to preserve and enhance the availability of open Space in Eastham and provide wildlife habitat, recreation opportunities, and protect the natural resources, scenery and community character."

**Protection of Wildlife Habitat:** Geospatial analysis of the Premises identifies that the premises is within the ACEC (Area of Critical Environmental Concern); is a Protected and Recreational Open Space; on the Natural Heritage Endangered Species Program (NHESP), and within the NHESP Estimated Habitats of Rare Wildlife as shown in the BioMap 2 analysis.

**Furtherance of Government Policy:** Protection of the Premises furthers the Town of Eastham's 2014 Open Space and Recreation Plan goals and objectives;

- (1) Expand the amount of land that is open space for natural resource protection, recreation activities, quality of life and aesthetics.
- (2) Commit unbuildable and suitable property to open space.
- (3) Increase availability of open space areas for community use.
- (4) Increase conservation, protection of environmental resources and rare species, and provide a greenway corridor, wetland and habitat protection.
- (5) Provide recreational opportunities and increase public access of Town-owned land.
- (6) Public access trail for passive recreation.
- (7) Create an area that has is deed restricted for Open Space, Conservation, and passive recreation only.

## **II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES**

### **A. Prohibited Acts and Uses**

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, indoor riding ring, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavation, dredging, or removing from the Premises of soil, load, peat, gravel, sand, rock or other mineral resources or natural deposit or otherwise make topographical changes to the area;
- (3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies, parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain motorized vehicles, trail bikes, and any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties and motorized wheelchairs and other mobility devices and/or assistance vehicles for the disabled, as provided in the Americans with Disabilities Act (ADA) and regulations thereunder;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted, and no portion of the Premises may be used towards building or development requirements on this parcel.
- (8) The use of the Premises for commercial recreation, business, residential or industrial use.
- (9) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair it conservation, open space, and passive recreation values.

## B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation and passive recreational values or purposes of this Conservation Restriction:

- (1) Conservation and outdoor passive recreational uses, such as swimming, sun-bathing, walking, jogging, cross-country skiing, bird watching, hiking, wildlife observation, shellfishing, fishing, nature study, photography, sketching and painting, and such other consistent activities (such as dog-walking within the posted hours of day);
- (2) Motorized wheelchairs and similar equipment reasonably necessary to enable handicapped member of the public to access the Premises are permitted;
- (3) Active measures taken in order to prevent unauthorized dumping, trespass, vandalism and other acts destructive to the Premises;
- (4) Installation of temporary or permanent boundary monuments/bounds;
- (5) The right to erect, maintain, and replace signs by the Grantor and Grantee for the prohibited and permitted uses of the Premises, including but not limited to signs relative to trail access and location, educational/interpretative information; distance and directional signs, property name, ownership, hunting, delineating adjoining private property, and the protected conservation values;
- (6) Minimal pruning or cutting down live trees and other vegetation as necessary to control or prevent an identified disease, insect infestation or other hazard to the health of the trees, such as fire, in conformance with preservation of the Estimated and Priority Habitat and accepted shoreline and forestry management practices; plantings of indigenous vegetation; collecting and removing dead and downed timber from the Premises, as necessary; removing of non-native or invasive species, interplanting of native species, and controlling species along a designated path or trail in a manner that minimizes public discomfort and damage to surrounding, non-target species and preserves open space;
- (7) The marking, clearing, mowing, and/or maintenance of existing unpaved paths and unpaved walking trails, and including a raised boardwalks to the beach for ADA accessibility as may be allowed by the Conservation Commission Order of Conditions.
- (8) The erection and maintenance of wooden split rail or comparable sight-pervious fences designed to allow for the passage of wildlife in connection with the creation and maintenance of foot trails and paths for public access and private property demarcation;
- (9) Subject to the approval of the Grantee as described in Section II (C) below, measures designed to restore native biotic communities, or to maintain, enhance, or restore wildlife, wildlife habitat, including stockpiling and composing of stumps, trees, brush limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composition is in locations where the presence of such activities will not have a deleterious impact on the purposes (including scenic values), including installation of nest boxes, selective clearing of native trees, shrubs, and plant species;
- (10) Any work undertaken in conjunction with the reserved rights mentioned above shall seek to minimize disturbance of the Premise. Upon completion of any site work performed in conjunction with this Paragraph II (B), any disturbed areas shall be restored substantially to match the conditions with respect to soil material, grad, and vegetated ground cover that existed prior to said work;
- (11) The exercise of any right reserved by Grantor under this Paragraph B or for which approval is granted shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued. All acts and uses not explicitly permitted by Section II, Paragraph B are prohibited unless otherwise approved as described in Section II (C) below.

### C. Notice and Approval

Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor of this Section II, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purpose of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of Grantor's request. Grantee's approval should not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction. Failure of the Grantee to respond in writing within sixty (60) days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this Paragraph C relative to deemed approval after sixty (60) days in the notice.

## III. LEGAL REMEDIES OF THE GRANTEE

### A. Legal and Injunctive Relief

The rights hereby granted to Grantee shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that Grantee will have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee for the enforcement of this Conservation Restriction. Notwithstanding the foregoing, Grantee agrees to provide written notice to Grantor of any violation of this Conservation Restriction and to cooperate for a reasonable period of time, not to exceed sixty (60) days, to allow Grantor to remedy the violation, prior to resorting to legal or equitable means in resolving issues concerning violations provided Grantor has ceased objectionable actions and is making a good faith effort to remedy the violation and Grantee reasonably determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor and the successors and assigns of Grantor covenant and agree, to the extent permitted by law, to reimburse Grantee for all reasonable costs and expenses (including, without limitation, the cost of reasonable counsel and fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.

Grantor and its successors and assigns shall each be liable under this paragraph for only such violations of this Conservation Restriction as may exist during their respective periods of ownership of the Premises. Any new owner may be held responsible for any continuing violations existing during his or her period of ownership.

### B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election or forbearance by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

### C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

### D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantor's control, that if it is desirable that the Premises be restored, the parties will cooperate in attempting to restore the Premises if feasible.

## IV. ACCESS

### A. Rights of Public.

Grantor reserves the right to grant to the public generally the right to enter upon the Premises and does hereby grant said rights of access to the general public as follows: the right to enter upon the Premises for passive recreational purposes, such as walking, bird watching, wildlife observation, nature study, photography, sketching and painting, and other similar activities by the general public as permitted by law and regulation. Horseback riding, bicycling and other non-pedestrian access are not permitted. Hunting is not permitted, owing to the proximity of surrounding dwellings. The terms and conditions of public access shall be determined by Grantor and shall be subject to such rules and regulations as the Grantor may promulgate from time to time. Visitors may be ejected by Grantor for unseemly or loud activities, or failure to abide by the rules and regulations of Grantor.

### B. Rights to Grantee.

Grantor hereby grants Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner, for the purpose of inspecting the Premises to determine compliance with the provisions of this Conservation Restriction. Grantor also grants to Grantee, after notice of a violation and failure of Grantor to cure said violation within a reasonable period of time, not to exceed thirty (30) days, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premise, at Grantor's cost, as may be necessary or appropriate to remedy or abate or enforce any violation hereof, including but not limited to the right to perform a survey of boundary lines.

## V. EXTINGUISHMENT

### A. Extinguishment.

(a) If circumstances arise in the future that render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law and after review and

approval through any process established under Article 97 of the Constitution of the Commonwealth, and after review by the Massachusetts Secretary of Energy & Environmental Affairs. If any occurrence or change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then upon any subsequent sale, exchange or involuntary conversion of the Premises, all proceeds, if any, shall be distributed in accordance with Paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds. After complying with the terms of any gift grant or funding requirements, including M.G.L. c.44B, Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.

(b) Proceeds. Grantor and Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this conservation Restriction bears to the value of the unrestricted Premises at that time. Such proportionate value of the Grantee's property right shall remain constant.

**B. Grantor/Grantee Cooperation Regarding Public Action.**

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Grantor and Grantee under this paragraph shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed to Grantor for deposit in accordance with Section V(A)(b).

**VI. DURATION; ASSIGNABILITY**

**A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Premises in PERPETUITY and shall be enforceable against Grantor and the successors and assigns of Grantor holding any interest in the Premises.

**B. Execution of Instruments**

Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, Grantor and its successors and assigns agree themselves to execute any such instrument upon request.

**C. Running of the Benefit**

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by Grantee, except in the following instances from time to time:

(i) as a condition of any assignment, Grantee requires that the purposes of this Conservation Restriction continues to be carried out, and,

(ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as a donee eligible to receive this Conservation Restriction directly; and,



(iii) Grantee complies with the provisions required by Article 97 of the Amendments to the State Constitution, if applicable.

## **VII. SUBSEQUENT TRANSFERS**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests himself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within twenty (20) days of such transfer. Failure to do either shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after its ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this CR shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **VIII. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantee shall, within twenty (20) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

## **IX. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur.

## **X. AMENDMENT**

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction in writing; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value (the "Permitted Amendments"). All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any such amendment, together with any approvals necessary to enforce its effectiveness, including that of the Massachusetts Secretary of Energy and Environmental Affairs, shall be recorded with the Registry. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall not diminish the conservation values of the Premises, shall not be inconsistent with the Land Bank Act and the Community Preservation Act, and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements.

## **XI. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals and signatures required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Registry. The Grantee shall record this instrument in timely manner in the Registry.

## **XII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Eastham Conservation Commission, 2500 State Highway, Eastham, MA

With a Copy to:

To Grantee: Compact of Conservation Trusts, Inc., POB 443, Barnstable, MA 02630

With Copies to: Vicki S. Marsh, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02100

or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

## **XIII. GENERAL PROVISIONS**

### **A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

### **B. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

### **C. Severability**

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

### **D. Entire Agreement**

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

E. Captions.

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

F. Pre-existing Public Rights.

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

In Witness Whereof, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Town of Eastham acting by and through its Board of Selectmen and the Conservation Commission pursuant to the votes taken under Articles 31 of the May 5, 2014 Annual Town Meeting, certified copies of which are attached hereto as Exhibit A, hereby votes, at a public meeting, and hereby grants the foregoing Conservation Restriction to the Compact of Conservation Trusts and certifies that the Conservation Restriction is in the public interest.

TOWN OF EASTHAM  
BOARD OF SELECTMEN

\_\_\_\_\_  
Linda Burt, Chair

\_\_\_\_\_  
Wallace F. Adams

\_\_\_\_\_  
John F. Knight, Vice-Chair

\_\_\_\_\_  
Elizabeth Gawron

\_\_\_\_\_  
Martin F. McDonald, Clerk

TOWN OF EASTHAM  
CONSERVATION COMMISSION

\_\_\_\_\_  
Stephen Smith, Chair

\_\_\_\_\_  
Steven LaBranche

\_\_\_\_\_  
Michael Harnett

\_\_\_\_\_  
Mary Zdanowicz

\_\_\_\_\_  
Linda Haspel

\_\_\_\_\_  
Steven Kleinberg

\_\_\_\_\_  
James Baughman

COMMONWEALTH OF MASSACHUSETTS

Barnstable, MA

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Town of Eastham Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Eastham.

\_\_\_\_\_  
Notary Public  
My Commission Expires

COMMONWEALTH OF MASSACHUSETTS

Barnstable, MA

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Town of Eastham Conservation Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Eastham.

\_\_\_\_\_  
Notary Public  
My Commission Expires

APPROVAL OF GRANT BY SELECTMEN

At a public meeting duly held on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the Board of Selectmen of the Town of Eastham, Massachusetts votes and hereby grants, pursuant to Chapter 293 of the Acts of 1998, as amended, and Articles 31 of the Annual Town Meeting held on May 5, 2014, and also approves, pursuant to G.L. Chapter 184, Section 32, the foregoing Conservation Restriction to the Compact of Conservation Trusts.

TOWN OF EASTHAM  
By its Board of Selectmen

\_\_\_\_\_  
Linda Burt, Chair

\_\_\_\_\_  
John F. Knight, Vice-Chair

\_\_\_\_\_  
Martin F. McDonald, Clerk

\_\_\_\_\_  
Wallace F. Adams II

\_\_\_\_\_  
Elizabeth Gawron

COMMONWEALTH OF MASSACHUSETTS

Barnstable, MA

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Town of Eastham Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Eastham.

\_\_\_\_\_  
Notary Public  
My Commission Expires

ACCEPTANCE OF GRANT

The above Conservation Restriction from the Town of Eastham is accepted this \_\_\_\_ day of \_\_\_\_\_, 2014 by the Compact of Conservation Trusts.

_____	_____
Trustee/President	
_____	_____
_____	_____
_____	_____
_____	_____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, MA

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared the above-named \_\_\_\_\_, President and Trustee, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged to me that she signed it for its stated purpose as the Compact of Conservation Trusts

\_\_\_\_\_  
Notary Public  
My commission expires:

APPROVAL BY SECRETARY OF ENERGY & ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Energy & Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Compact of Conservation Trusts has been approved in the public interest pursuant to M.G.L. Ch. 184, § 32.

Date: \_\_\_\_\_, 2014.

\_\_\_\_\_  
Richard K. Sullivan, Jr., Secretary  
Executive Office of Energy & Environmental  
Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, MA.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned Notary Public, personally appeared the above-named Richard K. Sullivan, Jr., Secretary, Executive Office of Energy & Environmental Affairs, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged to me that he signed it voluntarily for its stated purpose as Secretary of Energy & Environmental Affairs for the Commonwealth of Massachusetts.

\_\_\_\_\_  
Notary Public  
My commission expires:



**TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 5, 2014**  
**TOWN OF EASTHAM**  
**ANNUAL TOWN MEETING WARRANT**

**ARTICLE 31**

To see if the Town will vote to raise and appropriate or transfer from the Community Preservation Unrestricted Fund Balance and Open Space Reserves or borrow **\$1,462,500**, and to authorize the Treasurer with the approval of the Board of Selectmen pursuant to G.L. c. 44, or any other enabling authority to borrow said sum for the purpose of acquiring for open space and passive recreation purposes, by gift, purchase or eminent domain, a parcel of land containing 3.41 acres, more or less, located at 700 Dyer Prince Road, Map Parcel and shown as Lot 15, on Land Court Plan 28883-D (pending) on File at the Barnstable County Land Registry District and described in Certificate of Title No. 201280 , and further that said land be under the care, custody and control of the Conservation Commission; and further to authorize the Board of Selectmen to grant a perpetual conservation restriction in accordance with the provisions of G.L. Chapter 184, Section 31-34, to the Commonwealth of Massachusetts Department of Environmental Protection or such other public or private nonprofit or governmental agency, as the Selectmen and the Conservation Commission deem appropriate; and further to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on the part of the Town to effect such acquisition; and provided, however, that the funds appropriated shall not be expended unless the annual debt servicing cost of the amount borrowed shall not exceed \$350,000; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

**Summary:**

This parcel of land was identified by the town as an important parcel for acquisition due to its unique location adjacent to Rock Harbor, owned and operated by the town, and its proximity to the beach area used by all citizens year round including dog walkers. Parking in the main rock harbor parking lot is restricted to vehicles with boat trailers and those with a boat slip at the marina. The use of the harbor parking lot is limited to boat owners or those launching boats. A small parking lot is controlled seasonally and available for town resident sticker holders only during the daylight hours. The ability of the town to find and purchase other waterfront parcels adjacent to other town owned parcels is very limited. This acquisition has just become available and a potential buyer has paid a deposit and signed a Purchase and Sale agreement. It is being offered first to the town consistent with the "First Right of Refusal" provisions of Chapter 61B, Section 9 and will be sold for the above price if the Town fails to purchase. If acquired privately, the use will be a single family home consistent with others in this nine-lot subdivision.

**BOARD OF SELECTMEN RECOMMENDATION: 5-0**

**FINANCE COMMITTEE RECOMMENDATION: 5-0**

**COMMUNITY PRESERVATION COMMITTEE RECOMMENDATION: 9-0**

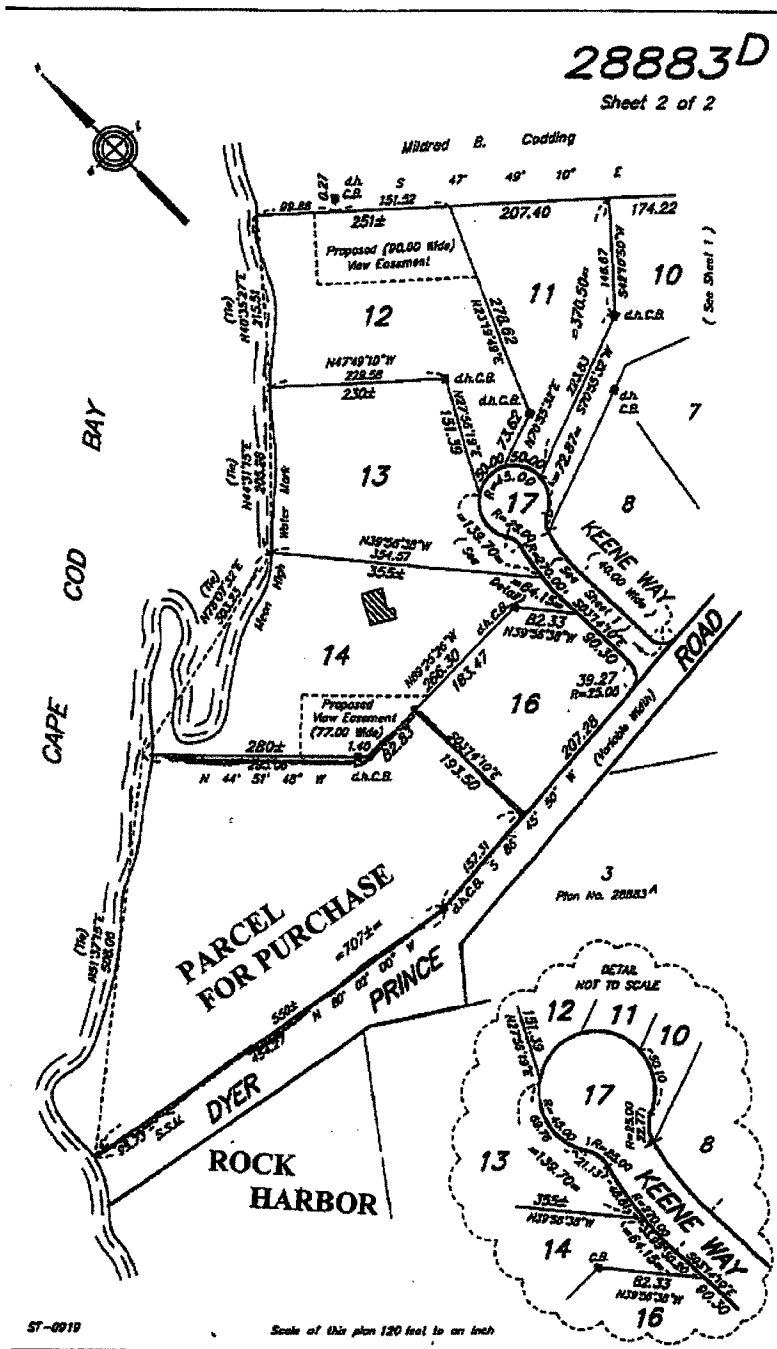
**OPEN SPACE COMMITTEE RECOMMENDATION: 6-0**

*(2/3 rds Majority vote required)*

Motion passed necessary 2/3rds vote declared by Moderator

Count: 307 Yes 36 No

**ARTICLE 31**  
**SUBJECT PROPERTY**





IV 5

BOS  
correspondence

**Sheila Vanderhoef**

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**From:** Tom and Noreen Thompsen <backtonature@capecod.net>  
**Sent:** Tuesday, November 25, 2014 12:31 PM  
**To:** Jim Russo; Jim Russo  
**Subject:** Objection to Proposed Fee Hikes for National Seashore beaches 2015  
**Attachments:** Cape Cod National Seashore.docx

Hi Jim,

Here is the letter that I will be delivering to George Price today. The deadline for comments on the fee hikes is December 5th I believe so please forward this on to our Board of Directors and any other Chambers of Commerce and Boards of Selectmen hosting National Seashore beaches as soon as possible. I have attached the letter as a link below as well and have cc'd John Knight and Sheila Vanderhoef. I believe that the P'town Board of Selectmen is planning to formally oppose the fee hikes.

Thanks for anything you can do to help urge Superintendent Price reconsider at least some of the proposed fee hikes for next season.

Noreen Thompsen

Cape Cod National Seashore

Superintendent George Price

Eastham, MA 02642

Dear Superintendent Price,

I have just been made aware of the proposed fee hikes for visitors to the Cape Cod National Seashore and wish to register my disagreement with two of the proposed hikes in particular.

For pedestrians and bicyclists the proposed fee hike is from \$3 to \$10 per person. I was not aware that there was a fee for walk-ins/cyclists and feel that the current fee of \$3 should not be increased at all. As a long time small business owner catering to the tourist trade we have watched the traffic increase to near intolerable levels particularly in late June, July, August and Early September for three months of clogged roads, fender benders, and worse. The National Seashore beaches that Eastham gave up years ago for the common good often have full parking lots by mid-day or earlier thus giving those tourists providing our livelihood the inconvenience of hoping they can get to Nauset Beach or Coast Guard Beach early enough to get a space. Those that have brought or rented bikes or whose motel or vacation rental is within walking distance should not be charged \$10 for the privilege of a little sand space. Consider that a couple arriving by bike will pay \$20 while a van full of 8 or more people will pay the same \$20 under the proposed 2015 fee structure.

When my kids were young teens they often packed a picnic lunch and took their bikes to the beach since their father and I were tied up with our small family run motel. While Eastham residents do receive beach stickers the fact remains that many of us involved in the tourist trade do not have time to enjoy a day at the beach and there is no provision for family members who have the free time to have a pedestrian/cyclist pass for free entry. Charging \$10 each for our family members to park their bike or walk in is unfair and excessive.

I have checked with our counterparts in Gloucester on Cape Ann where I grew up—while the fee structure for cars is in keeping with your proposed increase to \$20 they ***do not charge anything for walk-ins or bicyclists.***

I also disagree with the proposed increase for motorcycles from \$5 to \$15. Motorcycles leave a smaller carbon footprint, contribute less to traffic snarls, can carry at the most two riders and take up far less parking space and yet your proposed fee is nearly the same as for a minivan full of beachgoers.

It is incumbent upon those of us who cater to the tourist trade (our primary livelihood on Cape Cod) ***to encourage rather than discourage*** more environmentally friendly modes of transportation.

Please reconsider these fee hikes and help us keep as many cars as possible off the road and lessen the impact on the environment at the same time.

Sincerely,

Noreen A. Thompson

15 Seaview Road

Eastham, MA 02642

link to letter:

Back To Nature Rentals  
P.O. Box 186  
Eastham, MA 02642  
508 240-6178  
[www.backtonaturerentals.com](http://www.backtonaturerentals.com)

Cape Cod National Seashore  
Superintendent George Price  
Eastham, MA 02642

Dear Superintendent Price,

I have just been made aware of the proposed fee hikes for visitors to the Cape Cod National Seashore and wish to register my disagreement with two of the proposed hikes in particular.

For pedestrians and bicyclists the proposed fee hike is from \$3 to \$10 per person. I was not aware that there was a fee for walk-ins/cyclists and feel that the current fee of \$3 should not be increased at all. As a long time small business owner catering to the tourist trade we have watched the traffic increase to near intolerable levels particularly in late June, July, August and Early September for three months of clogged roads, fender benders, and worse. The National Seashore beaches that Eastham gave up years ago for the common good often have full parking lots by mid-day or earlier thus giving those tourists providing our livelihood the inconvenience of hoping they can get to Nauset Beach or Coast Guard Beach early enough to get a space. Those that have brought or rented bikes or whose motel or vacation rental is within walking distance should not be charged \$10 for the privilege of a little sand space. Consider that a couple arriving by bike will pay \$20 while a van full of 8 or more people will pay the same \$20 under the proposed 2015 fee structure.

When my kids were young teens they often packed a picnic lunch and took their bikes to the beach since their father and I were tied up with our small family run motel. While Eastham residents do receive beach stickers the fact remains that many of us involved in the tourist trade do not have time to enjoy a day at the beach and there is no provision for family members who have the free time to have a pedestrian/cyclist pass for free entry. Charging \$10 each for our family members to park their bike or walk in is unfair and excessive.

I have checked with our counterparts in Gloucester on Cape Ann where I grew up—while the fee structure for cars is in keeping with your proposed increase to \$20 they ***do not charge anything for walk-ins or bicyclists.***

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It is incumbent upon those of us who cater to the tourist trade (our primary livelihood on Cape Cod) ***to encourage rather than discourage*** more environmentally friendly modes of transportation.

Please reconsider these fee hikes and help us keep as many cars as possible off the road and lessen the impact on the environment at the same time.

Sincerely,

Noreen A. Thompsen  
15 Seaview Road  
Eastham, MA 02642

# INFORMATION

**BENEFICIAL INTEREST DISCLOSURE STATEMENT  
ACQUISITION OF REAL PROPERTY**

For acquisition of Real Property by the Town of Eastham the undersigned does hereby state, for the purposes of disclosure pursuant to Massachusetts General Laws, Chapter 7C, Section 38, of a transaction relating to real property as follows:

- (1) REAL PROPERTY DESCRIPTION: A certain parcel of land situated at Lot 15, Dyer Prince Road, Eastham, Massachusetts and shown as Lot 15 on Land Court Plan 28883-D filed with the Barnstable Registry District of the Land Court.
- (2) TYPE OF TRANSACTION: Acquisition of Real Property
- (3) SELLER: Carl W. Harris, Jr. and Lydia H. Harris, Trustees of the Harris Family Realty Trust under a Declaration of Trust dated July 27, 2013 pursuant to the Abstract of Trust under G.L. c.184, §35 filed with Barnstable Registry District of the Land Court as Document No. 1248363, of 5 Miles Road, Hingham, MA.
- (4) BUYER: Town of Eastham
- (5) Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above:

NAME

RESIDENCE

*See list attached*

- (6) None of the above mentioned persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth except as listed below.
- (7) This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency named above. If this form is signed on behalf of a corporation or other legal entity, it must be signed by a duly authorized officer of that corporation or legal entity. The undersigned acknowledges that any changes or additions to items 3 and or 4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Asset Management and Maintenance within thirty (30) days following the change or addition.

The undersigned swears under the pains and penalties of perjury that this form is complete and accurate in all respects.

HARRIS FAMILY REALTY TRUST

Signature: *Carl W. Harris Jr. Trustee*  
*attorney in fact*

Printed Name: Carl W. Harris, Jr., Trustee

Signature: *Lydia H. Harris Trustee*  
*in fact*

Printed Name: Lydia H. Harris, Trustee



The beneficiaries of the Harris Family Realty Trust, dated July 27, 2013 are:

Julia H. Porter, 174 Ann Avenue, Mystic CT 06355,

Carl W. Harris, 5 Miles Road, Hingham, MA 02043,

Lydia H. Harris, 43 Governor Long Road, Hingham, MA 02043, and

Declaration of Trust Susan H. Larson, dated June 24, 2004,

Beneficiary: Susan K. Meyers, 2204 Rio Vista Court, Rockford, IL 61107

*Carl W Harris Jr. trustee of the Trust*  
*Lydia H Harris trustee of the Trust*

info

From the Cape Cod Times 11/18/14 – Proposed settlement of CLF lawsuits concerning water quality on Cape Cod

### **Agreement would require stricter monitoring of plan**

A New England based environmental group and the U.S. Environmental Protection Agency have proposed to settle two lawsuits over Cape Cod's wastewater management plans. The settlement agreement signed Monday, which must still be approved by a federal judge, would provide stricter monitoring of a regional water quality plan being developed by the Cape Cod Commission.

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#### Crowdynews

**By Patrick Cassidy**

Posted Nov. 18, 2014 @ 9:55 am

Updated at 9:59 AM

BOSTON — A New England based environmental group and the U.S. Environmental Protection Agency have proposed to settle two lawsuits over Cape Cod's wastewater management plans. The settlement agreement signed Monday, which must still be approved by a federal judge, would provide stricter monitoring of a regional water quality plan being developed by the Cape Cod Commission.

The Conservation Law Foundation and Buzzards Bay Coalition sued the EPA in 2010 and again in 2011, challenging water quality standards approved by the agency and claiming it had failed to meet its obligations under the Clean Water Act to review, update and enforce the now 36-year-old plan to stop the flow of nutrients into the region's bays and ponds.

The threat of legal action has been cited repeatedly by those who want to move more quickly to construct sewers and other infrastructure to manage the Cape's wastewater. The total cost to manage the Cape's wastewater had been estimated at between \$3 billion and \$8 billion, although that figure has been reduced to less than \$4 billion as alternative approaches to the problem have gained acceptance.

According to the settlement filed in U.S. District Court in Boston, the lawsuits will be dismissed if the EPA approves the updated water quality plan for the Cape and performs other actions by Sept. 15. Under the settlement, the foundation agrees not to sue the EPA over the same claims through at least that date and to hold off on the claims related to water quality standards for at least four years. The EPA also agrees to pay about \$40,000 in legal bills for the environmental group.

Christopher Kilian, vice president of the foundation's clean water and healthy forests program, said the amount is far less than what the group spent on the case and was negotiated after a judge made it clear last year that he believed the wastewater plan's ongoing update is a result of the lawsuit.

The foundation pushed to include in the settlement the requirement that an entity be designated to implement the plan, Kilian said, adding that the Clean Water Act already requires as much.

"We just wanted it to be very clear between us and EPA that we fully expect that at the time the plan is approved that there will be identified management framework," he said. "What we don't want is another plan that sits on a shelf and collects dust."

Kilian said it's still unclear what the management structure may be, but his group and the EPA are cognizant of pushback on the Cape to the concept of a regional wastewater authority.

In a statement emailed to the Times, EPA spokesman David Deegan also touched on the management requirement.

"The settlement provides a framework for EPA's engagement in the plan-update process, and signals its resolve to ensure timely delivery by the Commonwealth of a high-quality plan to EPA, and as importantly, the selection of an effective designated management structure to ensure its implementation," he wrote.

Cape Cod Commission Executive Director Paul Niedzwiecki said his agency cannot fill the management role outlined in the Clean Water Act and the settlement agreement because, among other reasons, it cannot issue bonds.

"The (Clean Water Act) in Section 208 calls out for the designation of a waste management authority," he said. "To me, that simply means a responsible party."

In the draft regional plan, the commission outlined the entities that could fill the role, including individual towns, water districts and fire districts, he said. The trick will be establishing agreements for municipalities that share a watershed, setting responsibility for the nutrient load, he said. In January 2013, state officials awarded the commission \$3.35 million to update the regional water quality plan. The commission released a draft version of the document in August. The final plan is expected to be released in the first quarter of next year, although the commission was hoping to offer stakeholders another opportunity to review it before it is finalized, Niedzwiecki said.

"That settlement establishes an aggressive timeline," he said about the Sept. 15 deadline for EPA approval.

**By Patrick Cassidy**

Posted Nov. 18, 2014 @ 9:55 am

Updated at 9:59 AM