

Selectmen's Meeting

Monday,

February 9, 2015, 5PM

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, February 9, 2015
5:00 PM**

Location: Earle Mountain Room

REVISED FEB 5, 2015 (Many items originally posted for February 2, 2015 which was cancelled due to weather)

I. PUBLIC/SELECTMEN INFORMATION

II. PUBLIC HEARING

5:00 P.M. Aquaculture License – New License Boat Meadow – Matt Campbell, Orleans Ma
License Extension – Nauset Marsh – John Milliken, Eastham Ma
Transfer of License from Luther Eldredge to Jeffrey Valle in Town Cove

III. APPOINTMENTS

5:15 p.m. Nauset Regional School District Budget and Eastham Elementary School Budget – Dr. Richard Hoffman, Superintendent

5:45 p.m. Update on Rock Harbor Dredging – Neil Andres DPW Superintendent & Jacqui Beebe Assistant Town Administrator

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

IV. ADMINISTRATIVE MATTERS

1. Action/Discussion

- a) Approval of Library Solar Panels- Letter of Interest to CEVC - Deb Dejonker, Library Director
- b) Accept Resignation from Board of Health - Beverly Knox
- c) Accept Resignation from: Planning Board, Olde Town Center Historic District and Historical Commission – Leon Verrone
- d) Appointment from Alternate to Regular Planning Board Member – Arthur Autorino
- e) Sign Acceptance of Deed/Release of Deed for Land Swap Erickson/Town of Eastham -640 Bridge Road
- f) Letter of Support for CBDG FY15 Grant
- g) Discussion/Acceptance of Extension of IMA for Tri Town Operations
- h) Authorization to Deficit Spend “Snow & Ice Budget” – Neil Andres, DPW Superintendent
- i) Vote FY16 Draft Budget to Finance Committee

V. OTHER BUSINESS/CORRESPONDENCE/MINUTES

Confirmation of Declaration of Emergency

VI. TOWN ADMINISTRATOR’S REPORT

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

Upcoming Meetings

<i>Tuesday, February 17, 2015</i>	<i>5:00 PM</i>	<i>Regular Meeting – Municipal Water Update</i>
<i>Wednesday, February 18, 2015</i>	<i>2:30 PM</i>	<i>Work Session</i>
<i>Monday, March 2, 2015</i>	<i>5:00 PM</i>	<i>Regular Meeting</i>

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

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

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

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

Pursuant to M.G.L. Ch 130 s 57 and 60, the Eastham Board of Selectmen will hold a public hearing on Monday, February 2, 2015 at 5:00p.m., in the Eastham Town Hall, Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, concerning the following aquaculture licenses:

New Aquaculture License- Boat Meadow

Mr. Matt Campbell 42 Lowell Drive Orleans, MA 02653 Site# B10E 1/2 Acre
Application filed: 11/7/2014

License- Site Extension- Nauset Marsh

Mr. John Milliken 2085 Bridge Road Eastham, MA 02642 Site# N39 1/2 Acre
Application filed: 11/7/2014

Published in Friday, January 16, 2015 Cape Codder

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

Town of Eastham

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



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

TO: Eastham Board of Selectmen

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

RE: **Aquaculture License**

DATE: November 7, 2014

Matt Campbell
42 Lowell Drive
Orleans, MA 02653

Site# B10E 1/2 Acre
Boat Meadow

Matt Campbell has applied for an Eastham aquaculture license. I met with Mr. Campbell and we visited the Boat Meadow Aquaculture Development Area and chose site B10E. Mr. Campbell is familiar with the site and the Town of Eastham Aquaculture Regulations. He has held an Eastham Commercial Shellfish License for many years and currently holds a valid one. This site was previously licensed to Leo Weikert. Mr. Weikert gave up the site several years ago and the license doesn't expire until 2017 so this will be a license transfer to Mr. Campbell. The site does **not** need to be surveyed by the Massachusetts Division of Marine Fisheries because the license is still valid. If approved the license can be issued immediately to Mr. Campbell.



TOWN OF EASTHAM
SHELLFISH AQUACULTURE MANAGEMENT PLAN

FORM -A

NAME: MATT CAMPBELL DATE: 10/21/2014
RESIDENCE ADDRESS: ORIENTS MASS 02043
42 Lowell Dr
MAIL ADDRESS: _____
(if different) _____
PHONE: 1508 246 1028 EMAIL ADDRESS: _____

AREA: ☒ Boat Meadow ☐ Nauset Marsh ☐ Other

SITE # 10 E

EXISTING CONDITIONS

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

GROWOUT METHODS

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

	QUAHOGS	OYSTERS	SOFTSHELL	MUSSELS	SEED	OTHER
BOTTOM BOX						
RAFTS						
NET WITH LEAD LINE						
LANTERN NET						
OTHER		<input checked="" type="checkbox"/>				
NO PROTECTION						
EXPLAIN						

Are you familiar with business management practices and marketing?
If Yes, please explain your experience.

____ Yes ☒ No

Do you have a business plan for this operation?

☒ Yes ☐ No

Are you, or have you been engaged in any aspect of commercial fishing?

☒ Yes ☐ No

If Yes, please explain briefly.

SCOLLAPS

OYSTER GRAB - WELL FLEET

How many hours per week do you anticipate will be required at this site?

30-40

Please list any factors which you feel will be helpful in making this a successful venture.

I certify that the information supplied above is correct to the best of my knowledge and belief. I understand that this constitutes an application for shellfish aquaculture license under the statutes of the Commonwealth and regulations of the Town and attempt to accomplish the goals to the best of my ability.



Signature

10/21/2014

Date

for office use only

Date Received

Issuance Date

Date Reviewed

Expiration Date

Site Number

Local Permit #

Seed Permit #

State Permit #

Are you planning to use spat collection?

☐ Yes ☒ No

What type?

☐ Loose Cultch

☐ Cultch Bags

Material?

☐ Shell

☐ Cement

☐ Netting

Where will they be located? _____

SEED SOURCE

Do you plan to purchase hatchery seed?

☒ Yes ☐ No

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

HATCHERY SEED				
TYPE	QUAHOGS	OYSTERS	SOFTSHELL	OTHER
1 - 3 mm		<input checked="" type="checkbox"/>		
3 - 5 mm		<input checked="" type="checkbox"/>		
5 mm or larger				

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

☐ Yes ☒ No

What quantity do you expect to buy?

SPECIES 1

SPECIES 2

Year 1

2500

Year 2

5000

HARVEST METHODS

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

(Place an X in the appropriate box or boxes)

METHOD						
	QUAHOGS	OYSTERS	SOFTSHELL	MUSSELS	SEA CLAM	OTHER
HAND DIG		<input checked="" type="checkbox"/>				
HYDRAULIC						
SCREEN						

Is there a partnership associated with this project?

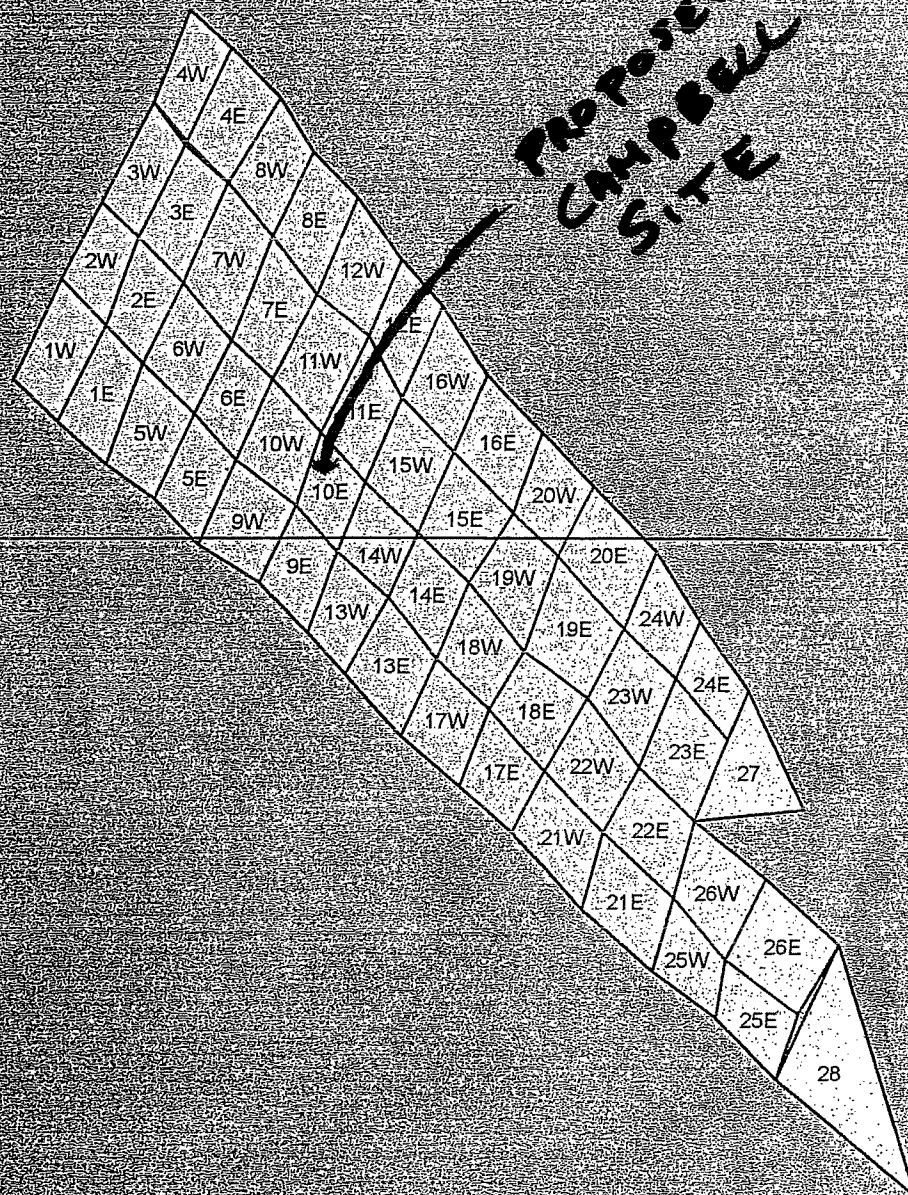
☒ Yes ☐ No

Are you familiar with the site and general conditions?

☒ Yes ☐ No

BOAT MEADOW ADA

PROPOSED
CAMPBELL
SITE



Town of Eastham

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



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

TO: Eastham Board of Selectmen

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

RE: **Aquaculture License**

DATE: November 7, 2014

John Milliken
2085 Bridge Road
Eastham, MA 02642

Site# N39 1 Acre
Nauset Marsh

John Milliken has requested expanding his shellfish grant from his current 1 acre to 2 acres. Mr. Milliken has been working his current site for many years and with success. He is looking to grow some other species of shellfish along with the oysters he has been focusing on this far. Mr. Milliken has held a Eastham Commercial Shellfish Permit for many years and currently holds a valid one. The new proposed expansion site is adjacent to his existing one and will need to be surveyed by the Massachusetts Division of Marine Fisheries if approved. The National Park Service has reviewed and approved of this request.



United States Department of the Interior

NATIONAL PARK SERVICE

Cape Cod National Seashore

99 Marconi Site Road

Wellfleet, MA 02667

508.771.2144

508.349.9052 Fax

N1619

November 6, 2014

Michael J. O'Connor, Natural Resource Officer
Natural Resources Department
Town of Eastham
555 Old Orchard Road
Eastham, MA 02642

Dear Mr. O'Connor:

We have reviewed Mr. John Milliken's request to expand his shellfish grant site N39 from 1 acre to 2 acres. The proposed extension area is to the east of his existing site, borders his current site, and is a currently unproductive, sandy substrate.

Cape Cod National Seashore's goals for shellfish aquaculture in the park, as stated in the Seashore's *General Management Plan* are: "Shellfish aquaculture uses of tidal flats within the seashore boundaries will be supported if the customary low technology and dispersed character of small shellfishing grants for individuals and families are maintained, and if cultural patterns of use and enjoyment are sustained, as long as marine biodiversity is safeguarded". Several members of the national seashore staff discussed expansion of particular grants in Nauset Marsh with you in April 2014, and mutually agreed that this was one that could be expanded due to consistency with the above objectives. We support proposed expansion of site N39 with inclusion of a new condition that any accompanying dogs be leashed at all times.

If you have any questions or would like to discuss this further, please contact Jason J. Taylor, Chief of Natural Resource Management and Science, at (508) 957-0737.

Sincerely,

George E. Price, Jr.
Superintendent

cc: John Milliken

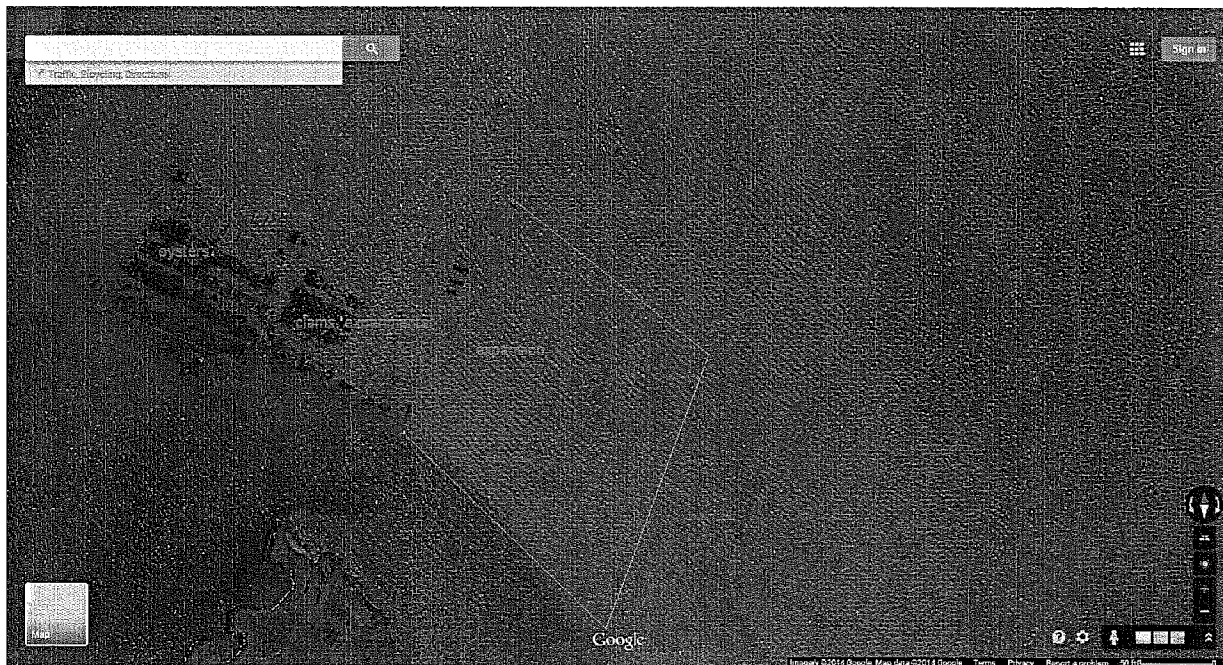
Michael J. O'Connor, Natural Resource Officer
Natural Resources Department
Town of Eastham
555 Old Orchard Road
Eastham, MA 02642

November 6, 2014

Hi Mike,

As we had discussed, I'd like to expand my shellfish grant (Eastham Grant Number N39) from one acre to two. The principal reason is to grow clams of several species: hard clams (*M. mercenaria*), razor clams (*Ensis directus*), surf clams (as butter clams) and blood arks. An experimental planting of hard clams did very well as regards both growth rates and survival rates, even in soft mud. .

Not only will this require more growing area, the clams will do even better in a sandy bottom as is found to the southeast of my present location than they do in the silt mud in the present area. I intend to continue growing oysters and very possibly mussels there.



Above is an aerial photo of the grant, with some very approximate boundary lines. Ideally, the expansion would border the existing channel, both to make it easier to work and so that I don't do any damage to the banking.

Please don't hesitate to let me know if you have any questions or comments.

Thanks again

John F. Milliken





TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

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

www.eastham-ma.gov

Commonwealth of Massachusetts

Barnstable, ss.

N 39

THIS IS TO CERTIFY that the Board of Selectmen of the Town of Eastham does hereby GRANT an EXPANSION to **John Milliken** of 2085 Bridge Road, Eastham, Massachusetts 02642, to plant, grow, dig and take shellfish, and to plant shells for the purpose of catching shellfish seed on a parcel of shore flats in the Nauset Marsh described as follows:

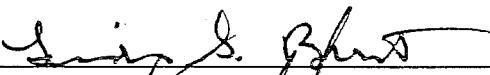
Beginning at a point found to be located at 41 degrees 49 minutes 45.5 seconds North Latitude, 69 degrees, 58 minutes, 6.2 seconds West longitude; said point serves as the northeast corner of previously established Shellfish Aquaculture license site # 39; thence northeasterly a distance of one hundred fifty (150) feet to a point found to be located at 41 degrees 49 minutes 47.3 seconds North Latitude, 69 degrees, 58 minutes, 05.3 seconds West longitude; thence southeasterly a distance of one hundred (100) feet to a point 41 degrees 49 minutes 46.9 sec North Latitude, 69 degrees, 58 minutes, 4.0 sec West longitude; thence southwesterly a distance of one hundred fifty (150) feet to a point found to be located at 41 degrees 49 minutes 45.1 seconds North Latitude, 69 degrees, 58 minutes, 5.1 seconds West longitude; thence northwesterly a distance of one hundred feet to the first mentioned bound.

Site N 39 Computed to have an area of one acre.


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

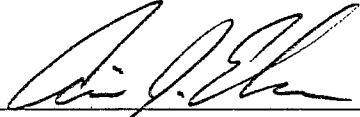
This license shall expire one hour after sunset on the first day of April, 2018 unless sooner suspended or revoked. The Board of Selectmen granted the expansion on April 5, 2010.

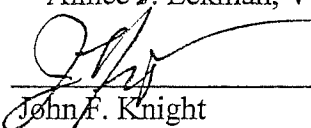
WITNESS the hands of the Selectmen of the Town of Eastham, at Eastham, this 2nd day of May, Two Thousand Twelve.


Linda S. Burt, Chair


Martin F. McDonald, Clerk


Wallace F. Adams, II


Aimee J. Eckman, Vice Chair


John F. Knight

BOARD OF SELECTMEN



PAID \$5.00
CK# 526

Town of Eastham

ANNUAL AQUACULTURE LEASEHOLDER REPORT

NAME: John Milliken DATE: _____
RESIDENCE ADDRESS: 2085 Bridge Road
Eastham, MA 02642
MAIL ADDRESS (if different): 2085 Bridge Road
Eastham, MA 02642

PHONE: 508-514-4417 508-246-5780 EMAIL ADDRESS: jfmill@comcast.net

AREA: Boat Meadow Nauset Marsh Site #: N39

EXISTING CONDITIONS

TYPES OF SHELLFISH GROWN:

☒ Quahog
☒ Mussel

☒ Oyster
☐ Sea Clam

☐ Softshell
☒ Other

METHODS USED:

☐ Bag & Rack

☒ Nets

☒ Other (describe)

HATCHERY SEED PURCHASED

TYPE	QUANTITY	VENDOR	SIZE
SOFT OYST, R ^{3/4}	50K	FISHER'S ISL	3/4"
OYST	10K	PRL	1/2 inch

WAS ANY SHELLFISH MARKETED?

IF YES, COMPLETE BELOW

SEE ATTACHED

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

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE: SEE ATTACHED

ISSUES

WHAT LOGISTICAL PROBLEMS DID YOU ENCOUNTER ? _____

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

LOOKING AHEAD

WHAT DO YOU ANTICIPATE DOING WITH THIS SITE NEXT YEAR ? _____

WILL YOU BE INCREASING SEED PURCHASES ? _____

TRYING DIFFERENT METHODS ? _____

COLLABORATING WITH NEIGHBORING GROWERS ? _____

ANY OTHER THOUGHTS ? _____

use other side if necessary for additional comment

[illegible]

PAID C# 105 \$5

DEC 13 2013

ANNUAL AQUACULTURE LEASEHOLDER REPORT

NAME: John Milliken DATE: Dec 13, 2013
 RESIDENCE ADDRESS: 2085 Bridge Road
Eastham, MA 02642
 MAIL ADDRESS (if different): 2085 Bridge Road
Eastham, MA 02642

PHONE: 508-246-5780 EMAIL ADDRESS: jfmill@comcast.net

AREA: Boat Meadow X Nauset Marsh Site #: N39

EXISTING CONDITIONS

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

METHODS USED: Bag & Rack X Nets X Other
 (describe)

HATCHERY SEED PURCHASED

TYPE	QUANTITY	VENDOR	SIZE
oyster	100000	Chatham Shellfish Co	R 3/8" and 1/2"
oyster	50,000	Fishers Island	R 3/4"

WAS ANY SHELLFISH MARKETED? IF YES, COMPLETE BELOW

TYPE	QUANTITY	UNITS (bushels, pieces)	SIZE (neck, cherry, etc)
Oyster	~7000*	pieces	3"+

- Between 20-40,000 pieces still on the grant which I expect to grind out between now and Red Tide time.

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE:

Please see appendix 1 attached

ISSUES

WHAT LOGISTICAL PROBLEMS DID YOU ENCOUNTER ?

ANNUAL AQUACULTURE LEASEHOLDER REPORT

NAME: John Milliken DATE: 2012 17

RESIDENCE ADDRESS: 2085 Bridge Road
Eastham, MA 02642

MAIL ADDRESS (if different): 2085 Bridge Road
Eastham, MA 02642

PHONE: 508-514-4417 EMAIL ADDRESS
jfmill@comcast.net

AREA: Boat Meadow X Nauset Marsh Site #: N39

EXISTING CONDITIONS

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

METHODS USED: Bag & Rack Nets X Other
(describe)

HATCHERY SEED PURCHASED

TYPE	QUANTITY	VENDOR	SIZE
oyster	200000	ARC	R4
oyster	10,000	Fishers Island	R 3/4"

WAS ANY SHELLFISH MARKETED? IF YES, COMPLETE BELOW

TYPE	QUANTITY	UNITS (bushels, pieces)	SIZE (neck, cherry, etc)
Oyster	17000*	pieces	3"+

- Still ~2000 ready on the grant which I'm hoping to sell before spring, once the price comes back up.

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE:

Please see appendix 1 attached

ISSUES



PAID

Town of Eastham

ANNUAL AQUACULTURE LEASEHOLDER REPORT

DEC 02 2011

NAME: John Milliken DATE: PAID \$10.00 #191

RESIDENCE ADDRESS: 2085 Bridge Road
Eastham, MA 02642MAIL ADDRESS (if different): 2085 Bridge Road
Eastham, MA 02642

PHONE: 508-514-4417 / 508-246-0356 EMAIL ADDRESS: jfmill@comcast.net

AREA: Boat Meadow ☒ Nauset Marsh Site #: N39

EXISTING CONDITIONS

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

HATCHERY SEED PURCHASED

TYPE	QUANTITY	VENDOR	SIZE
R2 TRIALOID OYSTER	100,000	ARL	R2
HARD CLAM	100,000	ARL	R8

WAS ANY SHELLFISH MARKETED? IF YES, COMPLETE BELOW

TYPE	QUANTITY	UNITS (bushels, pieces)	SIZE (neck, cherry, etc)
OYSTER	8,800	PIECES	N/A

PLEASE DESCRIBE IN GENERAL WHAT YOU DID ON THIS SITE: PLEASE SEE ATTACHED

ISSUES

WHAT LOGISTICAL PROBLEMS DID YOU ENCOUNTER? SEE ATTACHED

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

SEE ATTACHED

LOOKING AHEAD

WHAT DO YOU ANTICIPATE DOING WITH THIS SITE NEXT YEAR?

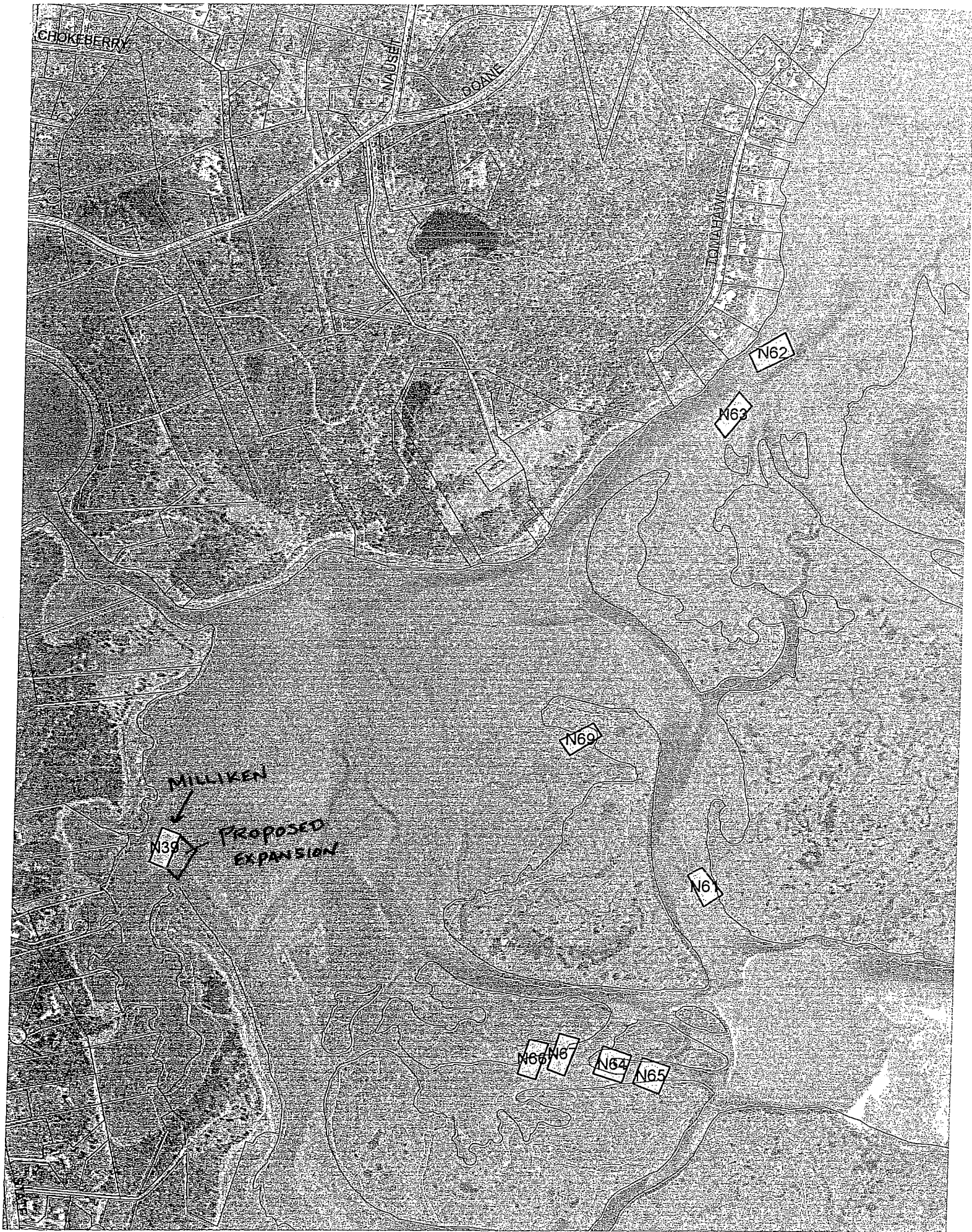
WILL YOU BE INCREASING SEED PURCHASES? YES

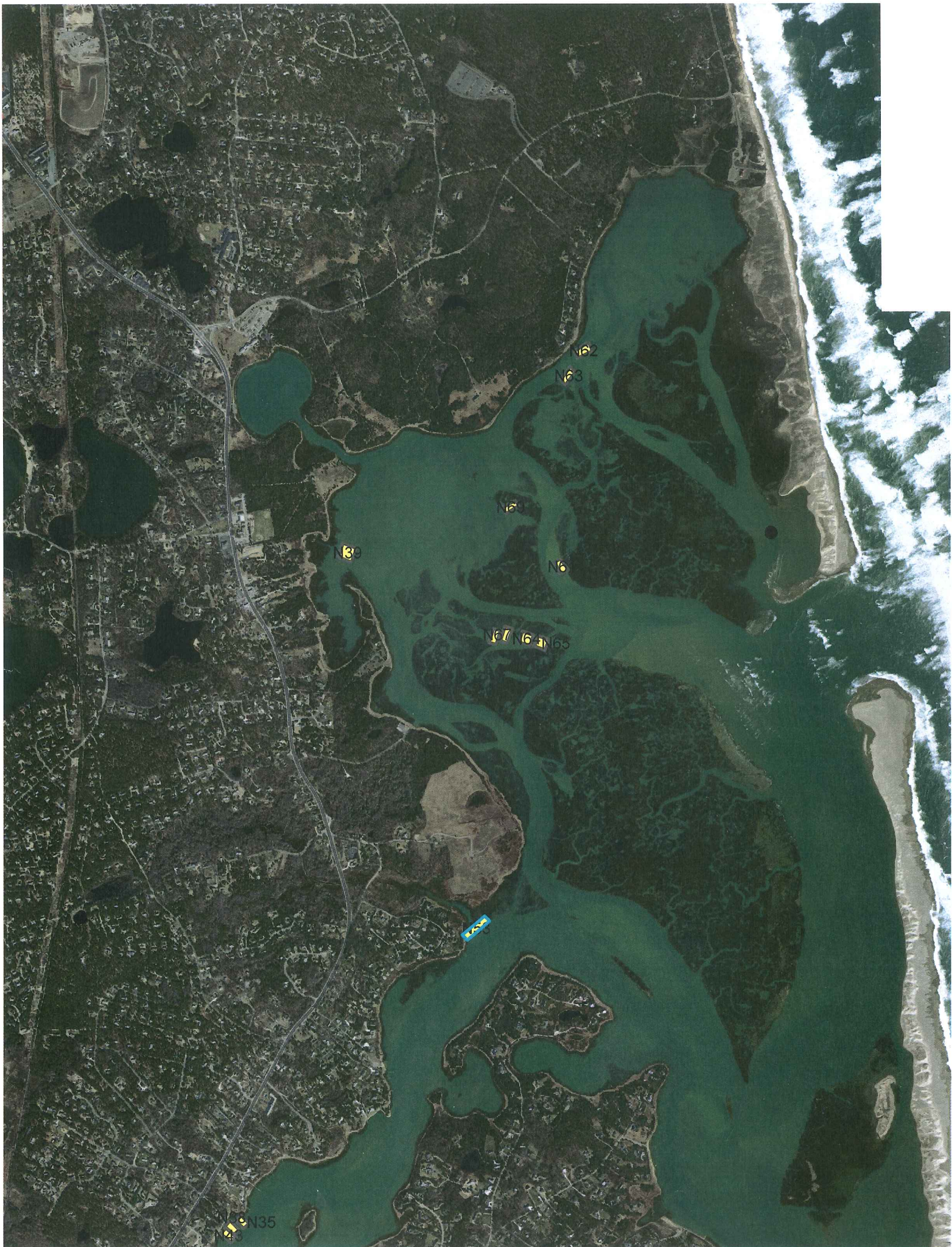
TRYING DIFFERENT METHODS? YES, SEE ATTACHED

COLLABORATING WITH NEIGHBORING GROWERS? DEFINITELY

ANY OTHER THOUGHTS? MAYBE, PLEASE SEE ATTACHED

use other side if necessary for additional comment







TOWN OF EASTHAM

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

Date: February 6, 2015

Memo To: Eastham Board of Selectmen

Memo From: Sheila Vanderhoef, Town Administrator

Re: Letter of Intent Regarding Purchase Power Agreement for Eastham Public Library

The Library Trustees have asked the Town to sign a non-binding Letter of Intent for a Power Purchase Agreement with Cape & Vineyard Electric Cooperative for solar panels at the new Eastham Public Library. This letter may be withdrawn based on future information as it may become available.

SV/lg



TOWN OF EASTHAM

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

February 9, 2015

Cape & Vineyard Electric Cooperative, Inc.
Attn: Liz Argo, Special Projects Coordinator
P.O. Box 427/SCH
Barnstable, MA 02630

RE: Eastham Public Library

Dear Ms. Argo:

I am writing to inform you of the Town of Eastham's interest in working with you on a Net Metering Power Sales Agreement, whereby the Town, a member of the Cape & Vineyard Electric Cooperative, Inc. (CVEC), will purchase from CVEC a percentage of production from upcoming Distributed Generation Projects.

We understand that the purpose of a Letter Of Intent does not constitute a binding obligation of any kind by the Town or CVEC to execute a CVEC-Town Power Sales Agreement.

Please keep us informed as the process develops and if you need anything further from the Town.

Respectfully,

Eastham Board of Selectmen

Linda Burt, Chair

Wallace Adams

John Knight, Vice Chair

Elizabeth Gawron

Martin McDonald, Clerk

beverly anne knox

TV
18

January 25, 2015.

To The Eastham Board of Selectmen,

Due to personal reasons, I find it
necessary to resign from the Eastham Board
of Health. It has been rewarding to work
with my colleagues on this Board in
service to the citizens of Eastham.

ADMINISTRATION

JAN 30 2015

RECEIVED

Sincerely,

Beverly A. Knox

January 14, 2015

Leon W. Verrone
5 Sandy Meadow Way
Eastham, MA 02642

Daniel Coppelman, Chairman
Eastham Planning Board
PO Box 384
Eastham, MA 02651

ADMINISTRATION

JAN 20 2015

RECEIVED

Dan,

It is with the utmost regret that I inform you of my need to resign from the Planning Board due to serious health concerns effective immediately.

During my tenure on the Board I learned a great deal from you. Your leadership has been instrumental in putting Eastham on the right track and it has been my pleasure to be a small part of that.

I hope we will have the opportunity to work together again sometime in the future.

Sincerely,
Lee

Lee Verrone

Cc:

Sheila Vanderhoef, Town Administrator

January 14, 2015

Leon W. Verrone
5 Sandy Meadow Way
Eastham, MA 02642

ADMINISTRATION

JAN 20 2015

RECEIVED

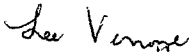
Jane Fisher, Chairwoman
Old Town Centre Historic District Commission
225 Deacon Paine Road
Eastham, MA 02642

Dear Jane,

It is with the utmost regret that I inform you of my need to resign from the Old Town Centre Historic District Commission due to serious health concerns effective immediately

It has been my pleasure to work with you and I hope we will have the opportunity to work together again sometime in the future.

Sincerely,
Lee



Cc:

Sheila Vanderhoef, Town Administrator

January 14, 2015

Leon W. Verrone
5 Sandy Meadow Way
Eastham, MA 02642

Josiah Holden Camp, Jr.
Historical Commission Chairman
10 Drake Circle
PO Box 791
Eastham, MA 02642

ADMINISTRATION

JAN 20 2015

RECEIVED

Jay

IT is with the utmost regret that I inform you of my need to resign from the Historical Commission due to serious health concerns effective immediately.

During my four years of tenure on the Commission, I learned how we must be vigilant in our efforts to preserve our natural resources for all generations to enjoy.

It has been my pleasure to work with you and I hope we will have the opportunity to work together again sometime in the future.

Sincerely,
Lee



Cc:

Sheila Vanderhoef Town Administrator

January 27, 2015

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: **Committee Appointment**

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

Arthur A. Autorino

The Planning Board recommends the appointment of Arthur A. Autorino to the Planning Board as a regular member. Mr. Autorino currently serves as an alternate member on this Board.

If the Board appoints him, his first term would commence January 27, 2015 and expire June 30, 2017. He seeks to replace Leon Verrone who has resigned.

IV
1e
✓

ACCEPTANCE OF DEED

We, the undersigned Board of Selectmen of the Town of Eastham, hereby accept the foregoing deed of land from Robert J. Erickson pursuant to the authority granted to us by the vote under Article 7 of the May 5, 2003 Annual Town Meeting, a certified copy of which is attached hereto.

Executed under seal this ____ day of _____, 2014.

TOWN OF EASTHAM
BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

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

Notary Public
My Commission Expires: _____

TV
1e

RELEASE DEED

The Town of Eastham, a Massachusetts municipal corporation duly organized, acting by and through its Board of Selectmen (the "Grantor") having its address at Eastham Town Hall, 2500 State Highway, Eastham, Massachusetts for consideration paid of One (\$1.00) Dollar and in further consideration of the conveyance by Deed to the Grantor of a certain parcel of land located at 640 Bridge Road, Eastham, Massachusetts by the Grantee to be recorded with the Barnstable County Registry of Deeds, pursuant to the authority of Article 7 of the Annual Town Meeting held May 5, 2003, a certified copy of which is recorded herewith, releases all of its right, title and interest to **Robert J. Erickson**, having a mailing address of PO Box 1900, North Eastham, Massachusetts 02651 (the "Grantee") in three certain parcels of land located off the Old County Road and off the Cape Cod Bike Path in Eastham, Massachusetts more particularly described as follows:

Said Land is shown as Lots 5, 6 and 7 on Assessors' Map 5.

Said Premises is conveyed subject to the restriction that it is to be used as wood lots only. By accepting and recording this Deed, the Grantee expressly agrees to the Grantor's restriction on the use of the Premises. This restriction shall be enforceable for a term of 200 years from the date hereof, and the restriction contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, Section 26, such that the restriction contained herein shall be enforceable for a term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of this restriction, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

For the Grantor's title, see Tax Takings recorded with Barnstable County Registry of Deeds in Book 5954, Pages 344, 345 and 346 and Final Judgments in Tax Lien Cases recorded with said Deeds in Book 12322, Page 324, Book 12550, Page 124, and Book 12731, Page 233.

No deed excise stamps are due pursuant to G.L. c. 64D, Section 1.

The parties certify that there has been full compliance with the provisions of G.L. c. 44, Section 63A, in connection with this conveyance.

Executed as a sealed instrument this _____ day of _____, 2014.

TOWN OF EASTHAM
BOARD OF SELECTMEN

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of _____, 2014, before me the undersigned Notary Public personally appeared the above-named _____, a member of the Town of Eastham Board of Selectmen 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 signed it voluntarily for its stated purpose, on behalf of the Town of Eastham Board of Selectmen

Notary Public
My Commission Expires:

Letter of
Support
SAMPLE

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February 3, 2015

Chrystal Kornegay, Undersecretary
Mass DHCD
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: DHCD Housing Rehabilitation Application for FY15

Dear Ms. Kornegay:

I am writing in support of the applications for three regional FY15 Community Development Block Grants (CDBG) applications to the MA Department of Housing and Community Development (DHCD) from the Towns of Dennis, Eastham and Truro. These grants will allow these towns to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of Cape Cod communities. The grants for the Town of Dennis will provide funds for approximately 21 units to be rehabbed and childcare vouchers for 35 families. The grant for the Eastham Regional Grant will benefit the Towns of Eastham and Harwich and provide funds for 21 units to be rehabbed and childcare vouchers for 35 families collectively. The Outer Cape grant will benefit the towns of Truro, Provincetown, and Wellfleet and provide funds for approximately 21 units to be rehabbed and childcare vouchers for 24 families.

As you know the communities of Cape Cod continue to face many challenges and the CDBG funding is an excellent source to maintain the stability of existing homes in our region. This essential need is exemplified by the addition of a CDBG grant application solely for the town of Dennis and the addition of the town of Eastham as the lead community partnering with the town of Harwich. The housing rehab programs have allowed our homeowners earning less than 80% of the area median income an opportunity to address the safety and energy issues of their homes. Currently, the Community Development Partnership (CDP), is working on 40 rehab projects for the Dennis Regional Grant serving Dennis and Harwich and the Truro Regional grant serving Wellfleet, Truro and Provincetown. In addition, the childcare component of the grants provide financial assistance in the cost of childcare for our LMI families who rely on our local licensed childcare providers to care for their children with they are at work. The FY14 program are already filling up and will be at full capacity early in 2015. Both of these programs are playing a vital role in stabilizing the year-round families living in these towns.

I urge you to provide the funds requested, so these Cape towns can continue their work with LMI home owners in need of critical home repairs and working families with young children in need of safe and affordable childcare. I thank you for your assistance in this matter.

Sincerely,

Linda S. Burt, Chair

John F. Knight, Vice-Chair

Wallace F. Adams II, Clerk

Martin F. McDonald

Elizabeth Gawron

BOARD OF SELECTMEN

IV
1.9



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3703
<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

February 4, 2015

Charles Sumner, Town Administrator
Town of Brewster
2198 Main Street
Brewster, MA 01631

Dear Charlie:

Enclosed are three original copies of the Intermunicipal Agreement signed by the Orleans Board of Selectmen for the continued operation of the Septage Treatment Facility through December 31, 2016.

Please ask your Board of Selectmen to sign all three copies and return them to my attention. Upon receipt, I will forward the originals to Sheila Vanderhoef for execution by the Eastham Board of Selectmen. An original copy will be sent to each town once it has been fully executed.

Please give me a call if you have any questions.

Very truly yours,

John F. Kelly
Town Administrator

Cc: Sheila Vanderhoef, Eastham Town Administrator
Jay Burgess, Tri-Town

**AMENDMENT TO THE INTERMUNICIPAL AGREEMENT
BETWEEN THE TOWNS OF ORLEANS, BREWSTER AND EASTHAM FOR
THE CONSTRUCTION, MANAGEMENT AND OPERATION OF A SEPTAGE
TREATMENT FACILITY**

Whereas, the Towns of Orleans, Brewster and Eastham (collectively the "Towns"), are parties to an Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility, as amended, (the "IMA");

Whereas, as originally adopted the IMA had a term of twenty (20) years and was due to expire on May 30, 2005;

Whereas, the Towns amended the IMA and extended its term for an additional ten (10) years, until May 30, 2015;

Whereas, paragraph 1 of the amended IMA states, in part, that: "[u]nless Orleans by vote of its Board of Selectmen, determines that it does not intend to further extend the term of the IMA, and notice of such vote is provided in writing to Eastham and Brewster prior to May 30, 2013, then the term of the IMA shall be extended for an additional ten (10) years until May 30, 2025";

Whereas, Orleans by vote of its Board of Selectmen determined that it did not intend to further extend the term of the IMA and notice of such vote was provided in writing to Eastham and Brewster prior to May 30, 2013 and as a result the IMA will expire on May 30, 2015;

Whereas, the Towns are desirous of extending the term of the IMA until December 31, 2016;

Whereas, this amendment has been duly approved by the Towns pursuant to the provisions of M.G.L. c. 40, §4A;

Now, therefore, the Towns, in consideration of the mutual covenants set forth herein, the provisions of the IMA and the authority set forth in General Laws chapter 40, §4A, and every other power, hereby agree to amend the IMA as follows:

1. The term of the IMA shall be extended until December 31, 2016.
2. SECTION XIV of the IMA shall be revised to read as follows:

Unless sooner terminated, as provided in MGL C. 40, §4A, this agreement shall expire on December 31, 2016.

3. Other than as set forth in this amendment, the provisions of the IMA are hereby ratified and confirmed by all member Towns.

Executed as a sealed instrument this ____ day of _____, 2014.

TOWN OF BREWSTER

TOWN OF EASTHAM

BY:

BY:

Approved as to form:

Approved as to form:

Brewster Town Counsel

Eastham Town Counsel

TOWN OF ORLEANS

BY:

Harold R. ...

Jim R. Kelly

Alan McLaughlin

James M. ...

Approved as to form:

Mark ...

Orleans Town Counsel

TV
/ h

Town of Eastham

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



508 240-5973
Fax 508 240-6687

To: Sheila Vanderhoef, Town Administrator

From: Neil Andres, Superintendent DPW

Date: February 3, 2015

RE: Ice and Snow

In accordance with MGL Chapter 44, Section 31D, I am requesting authorization to expend in excess of available appropriation for the removal of snow and ice. The current status of the Account is as follows:

	<u>FY14 Budget</u>	<u>Current expenditures</u>
Snow and Sand Salaries	\$32,160.00	\$ 1,023.04
Snow and Sand Expenses	\$16,500.00	\$16,963.03
Total	\$48,660.00	\$17,986.07

As can be seen above, the DPW has reached the limit of the line item for expenses. Given the major storm events we have recently experienced, we will incur additional expenses to maintain Eastham's roadways in safe condition. Please let me know if additional information is required.

Ch. 44 Sec. 31 Expenditures in Excess of Appropriation

Emergencies

Under the provisions of G.L. c. 44, § 31

(originally St. 1913, c. 719, § 16), city or town departments may incur a liability in excess of appropriation in extreme situations posing an immediate threat to the health or safety of persons or property. Authorization by vote in a city of two-thirds of the members of the city council, and in a town by a majority vote of all the selectmen is required. The G.L. c. 44 § 31 stated criteria is "major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise". The city council or selectmen must declare a local emergency before authorizing departments to incur liability in excess of appropriation.

Payments of liabilities incurred may be made with the written approval of the Director of Accounts from any available funds (cash flow) in the treasury. These payments must be reported to the assessors for inclusion in the next subsequent annual tax rate unless otherwise provided for by appropriation or transfer, or by borrowing under G.L. c. 44 § 8(9), as amended by St. 2012, c. 36, § 13 and/or G.L. c. 44 § 8(9A).

See Division of Local Services Bulletin 2011-12B and the Municipal Emergency Timeline diagram.

By way of example, G.L. c. 44 § 31 emergency payments made in FY13 after the setting of the tax rate up through June 30th must be reported to the assessors for inclusion in the FY14 tax rate unless otherwise provided for. G.L. c. 44 § 31 emergency payments made in FY14 prior to the setting of the tax rate may be included in the FY14 tax rate but must be included in the FY15 tax rate unless otherwise provided for.

Judgments

Under the provisions of G.L. c. 44 § 31, payments of final judgments and awards or orders of payment approved by the industrial accident board rendered after the fixing of the tax rate for the current fiscal year may be made from any available funds (cash flow) in the treasury. If the judgment or award is over ten thousand dollars the approval of the Director of Accounts is required. Payments must be reported to the assessors for inclusion in the next subsequent annual tax rate unless otherwise provided for.

Payments of final judgments and awards or orders of payment approved by the industrial accident board rendered before the fixing of the tax rate may be made from any available funds (cash flow) in the treasury and must be reported to the assessors for inclusion in the next subsequent annual tax rate unless otherwise provided for. Director of Accounts approval is not required. Cities and towns may borrow for the payment of final judgments under G.L. c. 44, § 7(11).

By way of example, G.L. c. 44 § 31 payments in FY13 of final judgments and awards or orders of payment approved by the industrial accident board rendered after the setting of the tax rate up through June 30th must be reported to the assessors for inclusion in the FY14 tax rate unless otherwise provided for. Payments of final judgments and awards made in FY14 prior to the setting of the tax rate may be included in the FY14 tax rate but must be included in the FY15 tax rate unless otherwise provided for.