

AGENDA

Monday

November 2, 2015

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, November 2, 2015
5:00 p.m.**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEN INFORMATION

II. APPOINTMENTS

5:05 p.m.	Plymouth County OPEB Trust (PCOT) - Joan Plante, Treasurer/Collector
5:15 p.m.	Update – Permission to Maintain and Plow Hay Road and Recent Developments
5:30 p.m.	CVEC Request for Supplemental Funding FY17 – Joe Bayne, Eastham Representative and Liz Argo, Administrator

(Note: All times are approximate and items may be taken out of order.)

III. ADMINISTRATIVE MATTERS

A. Action/Discussion

1. Final Review of Municipal Water Project OPM Request for Proposals (RFP)
2. Parker's Shipwreck Tavern Liquor License
3. Consideration of Request for Special Municipal Employee Status – Zoning Board of Appeals – Robert Sheldon Chair
4. Transient Vendor Licenses
5. Eastham Conservation Foundation, Inc. Easement Agreement
6. Acceptance of Easement – Eastham Conservation Foundation Trust

IV. TOWN ADMINISTRATOR'S REPORT

V. OTHER BUSINESS

Discussion of topics not reasonably anticipated by the Chair 48 hours before the meeting

Upcoming Meetings

Wednesday, November 4, 2015	3:00 p.m.	Work Session
Monday, November 16, 2015	5:00 p.m.	Regular Session
Wednesday, November 18, 2015	3:00 p.m.	Work Session

The listing of matters includes those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 508-240-5900 x207

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

A VOTE OF THE BOARD OF SELECTMEN
OF THE TOWN OF EASTHAM
AUTHORIZING PARTICIPATION IN THE
PLYMOUTH COUNTY OPEB TRUST PROGRAM (PCOT)

II. 5:05
pm

WHEREAS the Town of Eastham (the "Town") has accepted the provisions of M.G.L. c.32B, §20; and

WHEREAS Plymouth County sponsors the Plymouth County OPEB Trust Program (PCOT); and

WHEREAS the Town is eligible to participate in PCOT, a program designed to fund post-employment benefits for its employees as specified in the Town's policies and/or applicable collective bargaining agreements; and

WHEREAS it is determined to be in the best interest of the Town to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the Commonwealth of Massachusetts; and

WHEREAS the Town's adoption and operation of the program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the program; and

WHEREAS the Town's funding of the program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS the Town reserves the right to make contributions, if any, to the program.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Board of Selectmen ("Board") hereby approves participating in the Plymouth County OPEB Trust Program (PCOT); and
2. The Board hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective _____, 2015 (the "Trust"); and
3. The Board hereby appoints the Treasurer or his/her successor or his/her designee as the Town's Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the Town in all matters relating to the Town's participation in the Trust, including, but not limited to, authorizing the investment of assets in PCOT's investment pool, providing directions to the Trustee and/or the Trust Administrator, and authorizing contributions and disbursements from the Town's trust assets; and
4. The Board hereby appoints the PCOT Investment Committee for the oversight of investments; and

5. The Town's Plan Administrator is hereby authorized to execute the legal and administrative documents on behalf of the Town and to take whatever additional actions are necessary to maintain the Town's participation in the Trust and to maintain compliance of any relevant regulations issued or as may be issued.

EASTHAM BOARD OF SELECTMEN

_____, the Town Clerk hereby certifies that the above foregoing vote was duly and regularly adopted by said Town at a regular meeting thereof held on the _____, 2015.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____, 2015.

Town Clerk



Program Investment Policy Statement
Plymouth County OPEB Trust Program (PCOT)

I. OVERVIEW OF PROGRAM

The objective of the Plymouth County OPEB Trust Program ("Program") is to assist public entities (counties, cities, towns, school districts, special districts, and municipal lighting plants) in Plymouth County and neighboring Norfolk, Bristol, and Barnstable counties with pre-funding their obligations for Other Post Employment Benefits (other than pension) or "OPEBs" by investing in a manner in accordance with the Massachusetts Government Code within an IRC Section 115 multiple employer trust. The following serve PCOT:

- Program Sponsor: County of Plymouth
- Program Administrator: Plymouth County Treasurer
- PCOT Investment Committee: Membership identified in this document
- PCOT Trustee and Investment Manager: U.S. Bank
- PCOT Trust Administrator: Public Agency Retirement Services (PARS)
- Employers Participating in PCOT ("Members")

II. LEGAL PRECEDENT

1) Massachusetts Law

Massachusetts General Law Chapter 32B, Section 20, allows a county, city, town, school district, special district, or municipal lighting plant, to set up a special trust fund, the Other Post Employment Benefits (OPEB) Liability Trust Fund. The governmental unit's treasurer is the custodian of the fund, or in the case of a light plant, an officer designated by the board, with the authority to delegate custodial services to an institutional trustee in accordance with the relevant provisions of M.G.L. c. 32B § 20. Investment of fund monies by the custodian must be consistent with the prudent person standard set forth in Massachusetts General Law Chapter 203C for private trust funds. Interest earned on the investment of fund monies belongs to the fund.

2) IRS Law

The trust has an IRS Private Letter Ruling which confirms that income earned within the trust is tax qualified.

III. PURPOSE OF INVESTMENT POLICY

This document defines the investment policy, guidelines and performance objectives ("Policy") applicable to the assets of the PCOT Investment Pool ("Portfolio"). The goal of this Policy is to create an investment framework within which the assets can be actively yet prudently managed. The purpose of this document is threefold:

- 1) First, it will set forth an investment structure for managing the Portfolio assets. This structure is expected to produce an appropriate level of overall diversification and total investment return over the investment time horizon.
- 2) Second, it will serve as to encourage effective communications between the parties involved with investment management decisions.
- 3) Third, these guidelines will provide a framework to measure ongoing investment performance.

Within the constraints imposed by these policies, the Investment Manager is expected to comply with all applicable fiduciary and due diligence requirements under the “prudent investor” rules, which as stated in the Massachusetts Prudent Investor Act include as follows:

Section 3.

- a) A trustee shall invest and manage trust assets as a prudent investor would, considering the purposes, terms, and other circumstances of the trust, including those set forth in subsection (c). In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution.
- b) A trustee’s investment and management decisions respecting individual assets shall be considered in the context of the trust portfolio as a part of an overall investment strategy reasonably suited to the trust.
- c) Among circumstances that a trustee shall consider in investing and managing trust assets are such of the following as are relevant to the trust or its beneficiaries:
 - i. general economic conditions;
 - ii. the possible effect of inflation or deflation;
 - iii. the expected tax consequences of investment decisions or strategies;
 - iv. the role that each investment or course of action plays within the overall trust portfolio;
 - v. the expected total return from income and the appreciation of capital;
 - vi. other resources of the beneficiaries;
 - vii. needs for liquidity, regularity of income, and preservation or appreciation of capital; and
 - viii. an asset’s special relationship or special value, if any, to the purposes of the trust or to one of the beneficiaries.
- d) A trustee shall make a reasonable effort to verify facts relevant to the investment and management of trust assets.
- e) A trustee may invest in any kind of property or type of investment consistent with the standards of this chapter.
- f) A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee’s representation that the trustee has such special skills or expertise, shall have a duty to use such special skills or expertise.

All applicable laws, rules and regulations from various local, state, federal and international political entities that may impact the Portfolio are to be adhered to.

IV. INVESTMENT COMMITTEE ROLES AND RESPONSIBILITIES

The PCOT Investment Committee (“Committee”) will provide oversight, suggestions and recommendations to the Investment Manager as follows:

- Establish, accept, and maintain investment objectives, guidelines, and policies (including this Policy) as may be amended from time to time.
- Appoint Investment Managers who can be reasonably expected to adhere to the investment guidelines and meet the investment objectives as established set forth in this Policy.
- Monitor the investment performance of the Portfolio and compare actual investment performance relative to an appropriate benchmark index given the stated investment guidelines and objectives set forth in this Policy.
- Conduct a formal review of the Portfolio’s asset allocation, investment structure and performance annually or more frequently as the need arises.

V. INVESTMENT COMMITTEE MEMBERSHIP

Membership on the Committee will consist of five (5) persons comprised of a representative sample from participating member units. Aside from the Committee Chair, no other elected member can be from the same member unit. A breakdown of the Committee membership is listed below. The Plymouth County Treasurer will have oversight to make all investment decisions until such time that three (3) members of the committee have been elected.

- 1) **Plymouth County Treasurer** – Committee Chair and PCOT Program Administrator
- 2) **Treasurer and Acting Plan Administrator for a participating member unit** – Elected by fellow treasurers to a 3 year term
(Initial term: July 1, 2015 - June 30, 2018)
- 3) **Town Administrator** – Elected by fellow town administrators to a 3 year term
(Initial term: July 1, 2015 – June 30, 2017)
- 4) **Selectman or Councilor** – Elected by fellow selectmen or councilors to a 3 year term
(Initial term: July 1, 2015 – June 30, 2016)
- 5) **Union Member Employee** – Elected by a majority vote of union members from all member units to a 3 year term (Initial term: July 1, 2015 – June 30, 2018)

The Investment Committee will convene at the direction of the PCOT Program Administrator.

VI. INVESTMENT MANAGER AND TRUSTEE

Investment Manager

The Investment Manager will be responsible for carrying out the activities related to the Portfolio in accordance with the Policy including:

- a) Manage the day-to-day investment of Portfolio assets in accordance with the Policy guidelines and objectives included herein.
- b) Exercise full investment discretion and prudence in the selection and diversification of investments.
- c) Promptly bring to the attention of the Committee any investment that is subsequently downgraded and fails to meet the quality guidelines, along with a recommendation of retention or disposal.
- d) Provide on a quarterly basis to Committee and Member the following investment reporting:
 - i. Year-to-date rate of return
 - ii. Annualized one, three, five, etc. rates of return
- e) Provide annually to Committee a commentary and analysis of investment performance to include an evaluation of the current and future investment environment and potential impact of the investment environment on achievement of investment objectives.

Trustee

The Trustee will be responsible for carrying out the activities related to the Portfolio in accordance with the Policy including:

- a) Maintain the safekeeping of the assets, trade settlements, collection of dividends and interest, assets pricing and proxy reporting.
- b) Monitor the performance of the Investment Managers with regard to compliance with investment guidelines, objectives and performance against benchmark index.
- c) Provide monthly reports to the Committee with the following:
 - i. Statement of market value of assets held in the portfolio at month end
 - ii. Calculation of monthly earnings including realized gains/(losses). Unrealized gains/(losses) and accrued earnings

VII. INVESTMENT OBJECTIVES

1) Asset Allocation Ranges & Targets

The strategic asset allocations ranges and targets for the Portfolio are listed below:

Asset Class	Minimum	Maximum	Target
EQUITY	60%	80%	70%
FIXED INCOME	10%	30%	20%
REAL ESTATE	0%	20%	7.5%
ALTERNATIVES	0%	10%	2.5%
CASH	0%	20%	0%

2) Permitted Investments

Equity Investments:

- Common & Preferred Stocks
- American Depositary Receipts (ADRs)
- Domestic and International Equity Mutual Funds (Open and Closed)
- Emerging Market Equity Funds or Exchange Traded Funds (ETFs)

Fixed Income & Cash Equivalent Investments:

- Domestic Certificates of Deposit (rated A-1/P-1 or better)
- Domestic Commercial Paper (rated A-1/P-1 or better)
- Floating Rate Notes
- Money Market Mutual Funds
- U.S. Treasury Bonds, Bills and Notes
- U.S. Agency (and Instrumentality) Discount Notes, Notes, and Bonds
- Treasury Inflation-Protected Securities (TIPS)
- Structured Notes
- Corporate Bonds
- Mortgage-Backed Bonds (MBS) & Asset-Backed Bonds (ABS)
- High-Yield Bonds (rated B-/B3 or better)
- Dollar denominated Foreign Bonds and Notes
- Bond Mutual Funds

Real Estate

- REIT Investment or Pooled Strategy or Fund of REITs

Alternative Investments:

- Commodities Mutual Funds or Exchange Traded Notes (ETNs)

3) Prohibited Investments

The Investment Manager is prohibited from purchasing or holding any of the following types of investments:

- Partnerships unless investing in Master Limited Partnerships invested in a mutual fund and limited in scope and allocation of Portfolio based on asset class limitations of table above
- Letter stock and other unregistered securities and short sales or margin transactions
- Investments in the equity securities of any company with a record of less than three years continuous operation, including the operation of any predecessor
- Investments for the purpose of exercising control of management
- Explicit derivative transactions

4) Benchmarks

Investment performance will be evaluated based on a weighted average of the applicable market indices relative to the custom asset allocation of the Portfolio (see examples in the table below).

Asset Class	Index
Money Market, Cash Equivalents	Citigroup 3-Month Treasury Bill
Fixed Income - Broad Fixed Income	Barclay's Capital Aggregate Bond
Domestic Large Cap Equity	Russell Top 200
Domestic Mid Cap Equity	Russell Mid Cap
Domestic Small Cap Equity	Russell 2000
International Equity – Developed Markets	MSCI EAFE
International Equity – Emerging Markets	MSCI Emerging Markets
Real Estate	MSCI US REIT
Commodities	Dow Jones – UBS Commodity

5) Portfolio Guidelines

- Firm History: The firm must have been in existence for more than five years
- Firm Assets: The firm must have at least \$250 million in assets under management
- CFA Institute GIPS Compliance: The firm must be GIPS compliant
- Product Assets: The firm must have at least \$100 million managed in this specific investment style
- Manager Tenure: The portfolio manager or team must have managed this product for at least five years

- Alpha 3 years: The product's three-year alpha must be positive
- Alpha 5 years: The product's five-year alpha must be positive
- Risk Adjusted Return 3 years: The product's three-year risk adjusted return must be greater than the benchmark's.
- Risk Adjusted Return 5 years: The product's five-year risk adjusted return must be greater than the benchmark's.
- Risk Adjusted Return 10 years: The product's ten-year risk adjusted return must be greater than the benchmark's
- Standard Deviation 3 years: The product's three-year standard deviation must be less than or equal to 125% of the benchmark's standard deviation.
- Standard Deviation 5 years: The product's five-year standard deviation must be less than or equal to 125% of the benchmark's standard deviation.
- Sharpe Ratio 3 years: The product's 3 year Sharpe Ratio must be greater than or equal to the benchmark
- Sharpe Ratio 5 years: The product's 5 year Sharpe Ratio must be greater than or equal to the benchmark
- Sector Diversification: Must have less than or equal to 65% of all portfolio assets in the three heaviest weighted sectors.
- Sector Weightings: Must have at most two times the weight of the benchmark in any sector that makes up more than 10% of the benchmark.
- r-squared 5 years: The five year r-squared to its benchmark must be greater than a set limit depending upon style.

VIII. EXTERNAL PROVIDERS

The Program may retain trustees, attorneys, actuaries, investment consultants, accounting professionals, and a depository/financial institution(s) to implement its investment program. The trustee(s) will hold all cash and securities. The trustee will be responsible for maintaining fund accounting records on a trade date basis, and other services as defined in the contract, such as performance reporting. A depository/financial institution of the trustee will be utilized to accept and hold cash prior to allocating it to the portfolios and to invest such cash in liquid, interest bearing instruments. The Program may retain accounting professionals to independently audit financial records and review internal controls.

IX. ETHICS AND CONFLICTS OF INTEREST

The trustee, members of the Investment Committee, Program Administrator, and professionals retained by the Program to act as consultants and service providers involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the PCOT investment portfolio(s) or that could impair their ability to make impartial decisions. The trustee, Program Administrator, investment consultants, and members of the Committee shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could materially affect the performance of the investment portfolio(s). The trustee, Program Administrator, investment consultant,

and members of the Committee shall refrain from undertaking personal investment transactions with the same firms or individuals with whom business is conducted on behalf of the Program.

X. PROGRAM INVESTMENT POLICY STATEMENT REVIEW

The PCOT Investment Committee will review this Program Investment Policy Statement at least annually to determine whether stated investment objectives are still relevant and the continued feasibility of achieving the same. It is not expected that the Policy will change frequently. In particular, short-term changes in the financial markets should not require adjustments to the Policy.

If at any time the Investment Manager finds the above Policy too restrictive or possibly injurious to investment performance, the Investment Manager shall communicate that information immediately to the PCOT Investment Committee.

By executing this Program Investment Policy Statement, the Member hereby adopts and accepts this Policy to govern the investment of its assets in connection with the Program. The Member understands and agrees that the documents referred to above may be amended from time-to-time with consent of the Member.

This Investment Policy is hereby executed this ____ day of _____, 2015.

MEMBER:

By _____
Signature

Printed Name: _____

Title: _____

ACKNOWLEDGED AND ACCEPTED:

Plymouth County OPEB Trust Program, Program Administrator

By _____
Signature

Printed Name: Thomas J. O'Brien

Title: Plymouth County Treasurer

**U.S. Bank National Association, Trustee
Institutional Trust & Custody**

By _____
Signature

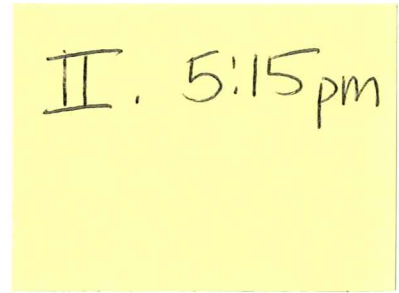
Printed Name: Dennis Mullins

Title: Senior Portfolio Manager



TOWN OF EASTHAM

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

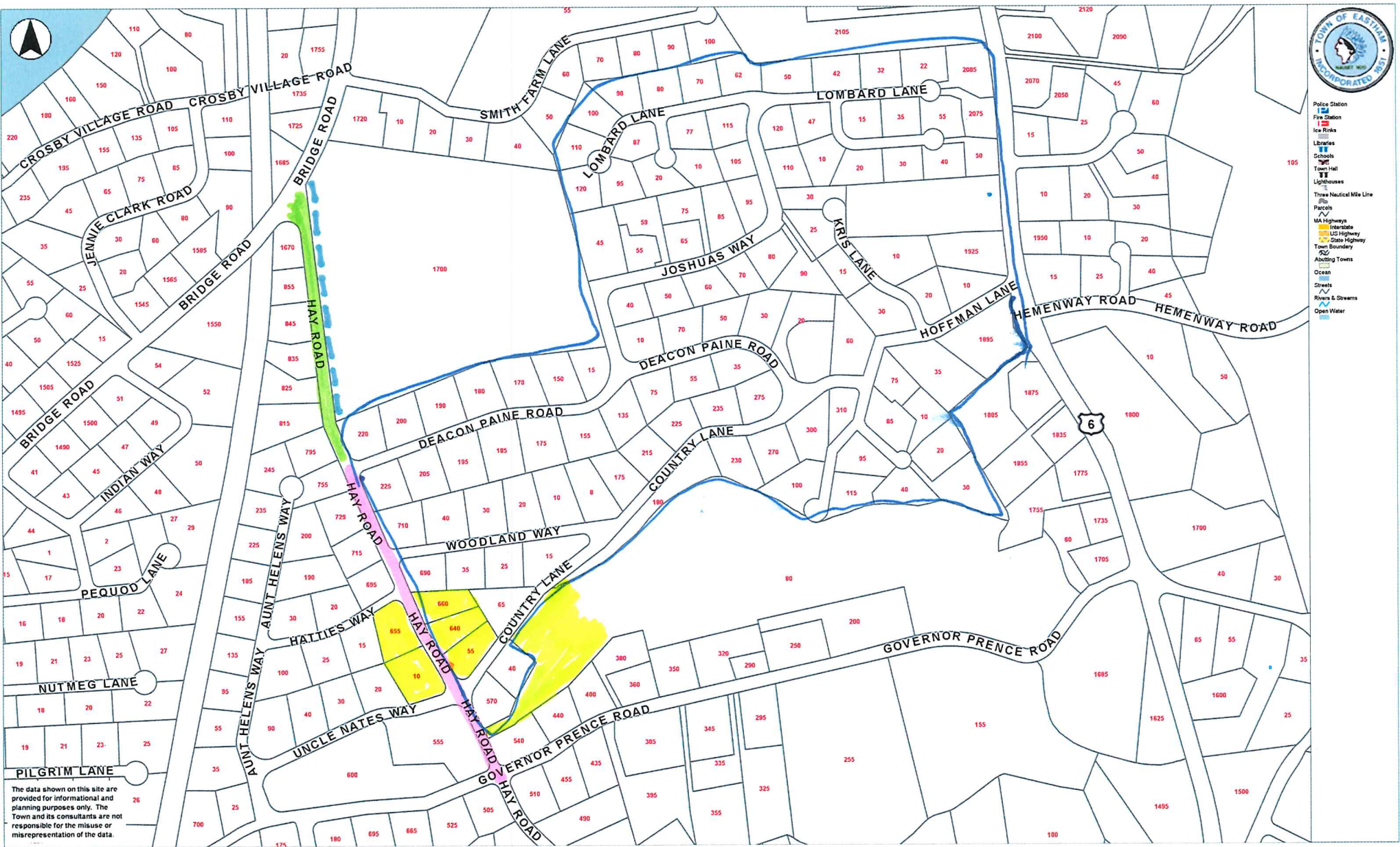


TO: Sheila Vanderhoef
From: Jacqui Beebe
RE: Hay Road Update
Date: 11/2/15

To date, we have received signed licenses from 5 abutters (655, 660 & 640 Hay Rd, 55 Country Lane, 80 Governor Prence, and 10 Uncle Nate's). Unfortunately, the licenses are all in the section of Hay between Country Land and Woodland Way, so do not give us the initial path in from Governor Prence to Country Lane. **This leaves us with no access to improve or plow this winter.**

Several of the residents that have agreed to grant licenses are very frustrated with the lack of progress. Please refer to emails/photos from one of the abutter's that is in the packet.

Another recent development is a guardrail/fence that a property owner has placed along the travel way of the road between Governor Prence and Bridge Road. While the fence is on the edge of private property, it does narrow the passing lane of the already narrow road in this stretch, and is causing tension with neighbors on this part of the street. There are two letters in the packet on this issue that are attached.



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

0 440 880 ft

Printed on 03/17/2015 at 09:59 AM

new fence
signed licenses

path that we requested licenses

easement needed

subdivision

Sheila Vanderhoef

Email
Response —
HAY

From: Sheila Vanderhoef
Sent: Monday, October 26, 2015 11:07 AM
To: 'reiters7002@gmail.com'
Cc: Neil Andres (nandres@eastham-ma.gov); Jacqueline Beebe (jbeebe@eastham-ma.gov); 'Elizabeth Gawron'
Subject: Hay Road

I have spoken with your aunt and fully understand the problem and the frustration. We have been working to try to get owners/abutters to the road to agree to allow the town to make some repairs and plow for this season. You are correct in that we have asked at numerous town meeting to try to get this road accepted as a town way and each time we do not get the required majority. Civil action can be taken by the abutters or others who have rights in the road, and thus standing in the courts. The toll road idea and the gating or closing of the road as you can conclude are not realistic. We have not been able to get agreement to minor repairs and plowing from enough of the abutters to take action. Thus in the spring at the May annual town meeting I believe the Board of Selectmen will request an "eminent domain" town taking of the road. The town is limited in what we can do with private property, whether it is a road of someone's yard or home, so to skip getting agreement and make a taking to undertake necessary action is the only option remaining.

I am sorry that we have no other options here but this is the fact as I understand them.

Sheila Vanderhoef

From: Susan Reiter <reitors7002@gmail.com>
Sent: Sunday, October 25, 2015 1:42 PM
To: Paul Lagg; Tilton, Teena; Sheila Vanderhoef; Sue, Fischer; Neil Andres
Subject: Fwd: Hay Road

I forgot to attach photos of Hay Road in September of 2015. Please note the differences in height between my aunt's driveway and the sunken down sandy road. You can really see the height difference in the picture with my highlander parked in her driveway.

This past year, my aunt had two bad falls and subsequent surgeries. Ambulance rides from her home to the hospital were excruciating due to the condition of Hay Road. At present, she cannot walk out of her house and around the block to her mailbox. She must get in her car to drive around to the mailbox and back home. Friends will no longer come to her house to visit due to concerns of damaging their vehicles. In short, she is isolated on this stretch of Hay Road. Hers is the only house that has no other way to gain access to her home except via Hay Road. Her own vehicle is showing signs of wear and tear due to the condition of the road.

It is well past time for the town to have done something. Why hasn't the town's attorney ever clarified who owns and has access to Hay Road or Hay "Way?" The town seems to be incapable of any forward action except for tabling this item year after year.

Here are some suggestions: We could block off access to the sandy section of Hay Road from Governor Prentice to Woodland Way for any through traffic forcing them to use the paved roads. Gates at each end of that section of Hay Road could allow my aunt, as the only resident facing this section of Hay Road directly, access to this road. Since the town treats this town "Way" as a private road we would make it private and not allow public access. We would then have to find the money to pay the cost to repair and maintain the road.

Another option would be to collect a toll from every vehicle that uses the road in front of her house as a major town thoroughfare. These monies would allow the town to afford repairing and maintaining the road which they should be doing. I am aware that the town of Eastham does seem to maintain some of the private roads...what's up with that?

My husband and I spent half a day trying to level out the road and remove dangerous tree roots popping up. We had to stop frequently to allow traffic through and after all the hours of work and blisters it was just as bad afterwards.

I would like to hear from some town official with a plan of action before the beginning of November. The snowy season is rapidly approaching and the winter weather causes more disruption to the safety of Hay Road. If nothing is done, we may be forced to get legal council ourselves to make some positive action be taken.

Susan Reiter, neice of Maggie Colquhoun
7002 Premonition Drive
Melbourne, FL 32940

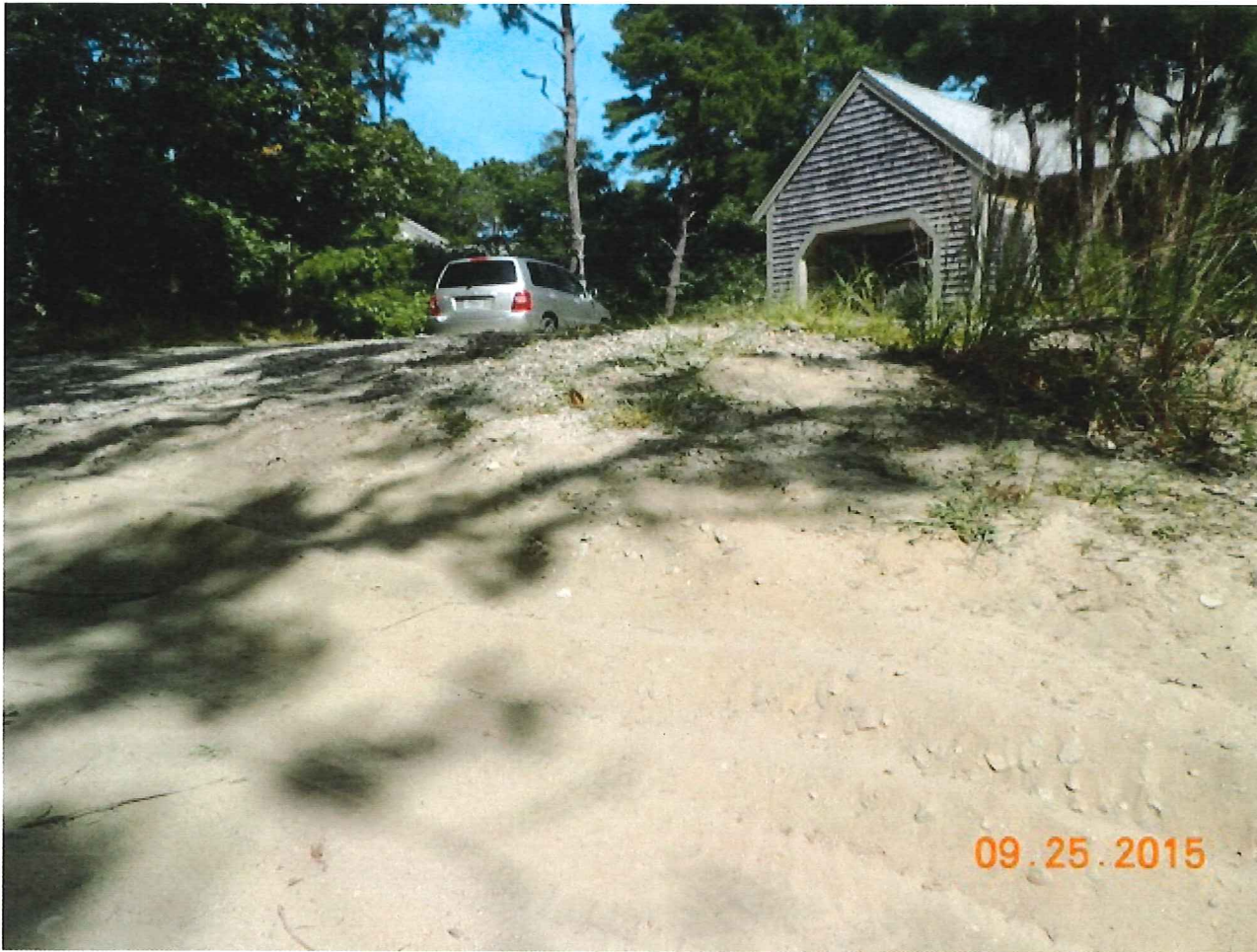












Begin forwarded message:

From: Susan Reiter <reiters7002@gmail.com>

Date: October 24, 2015 at 7:51:26 PM EDT

To: dpw@eastham-ma.gov, svanderhoef@eastham-ma.gov, townclerk@eastham-ma.gov, nandres@eastham-ma.gov, plagg@eastham-ma.gov

Cc: Margaret Colquhoun <maggiec660@gmail.com>

Subject: Re: Hay Road

On Oct 24, 2015, at 12:36 AM, Susan Reiter <reiters7002@gmail.com> wrote:

Dear Eastham Officials,

I am writing on behalf of my 81 year old aunt who lives alone at 660 Hay Road. Previously she resided at 690 Hay Road. As her next of kin I take responsibility to see that she is well cared for. My husband and I visit at least yearly for a number of weeks and have been doing so since 1984. During these past 30 years we have heard over and over that Hay Road is an Eastham Town "Way." Numerous town meetings and surveys have asked for clarification on who is responsible for maintaining the road. It has certainly become a major thoroughfare of anyone wanting to get from Bridge Road out to Route 6. The heavy traffic on this road has caused it to be in the worst shape I have seen. Attached are photos taken in September of 2015 of the condition of Hay Road directly in front of my aunt's property.

Chief Kulhawik

From: David Crary

Hay Rd
ADMINISTRATION

OCT 26 2015

RECEIVED

Hay Road

Hay Road has been a problem for years; I am doing something about it.

You want space for fire trucks or an ambulance to get through. I will not fence the Bridge Road area for a month to allow you time to make space.

David Crary

David Crary
Oct 26

cc/Town Administrator

508-255-1140

Spite Fence

Dave Crary, owner of Hidden Village is in the process of having a spite fence erected on Hay Road. At one point opposite 835 Hay Road he has had the road narrowed to 13' wide even though he has ample room on his side of the road to provide at least an 18' right of way.

Mr. Crary has refused to provide adequate passage to allow vehicles to safely maneuver this narrow unpaved road.

I have contacted Eastham's building department as well as the Fire and Police Departments, none of which has provided any solution.

The fence inhibits safe passage even in dry clear weather, in darkness and with snowbanks, the road will become impassable. With less than the required 14' right of way, we will not be able to hire a private contractor to snow plow nor will the town even consider plowing the road once they sort out the last ballot question regarding the plowing of private roads.

Please join me in contacting the town of Eastham authorities to remedy the blockade created by Mr. Crary.

Call Town Hall: Sheila Vanderhoef Town Adm. 508-240-5900

Call Fire Dept: Mark Foley Chief 508-255-2324

Call Police Dept: Edward Kulhawik Chief 508-255-0551

Thanks for your support.

Larry Perry 835 Hay Road Eastham 508-247-9310



Cape & Vineyard Electric Cooperative, Inc.
Superior Courthouse. P.O. Box 427. Barnstable, MA 02630
508.375.6891. www.cvecinc.org

10.29.15

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

II. 5:30pm

Dear Sheila,

Thank you for the opportunity to discuss the need for an Adder on the CVEC Round 1 Power Purchase cost with the Eastham Board of Selectmen.

At the June 11th 2015 CVEC Board meeting, the CVEC Board voted to authorize CVEC's Manager, Programs and Administration, to approach the towns, counties and school districts currently benefiting from net metering credits associated with CVEC's Round 1 photovoltaic (PV) projects, to inform them of a request for an adjustment to the Round 1 projects' PPAs. This letter is to give some basic background information prior to the full presentation to the Eastham BOS on the PPA adjustment.

CVEC's Round 2 intended to deliver 69 megawatts (MW) of power. The Administrative Operational Adder of \$0.01 (\$0.015 for non-members) on the portfolio of 69 MW of Round 2 projects was to have been ample to support administration of both the Round 1 and Round 2 projects. As it was completed, however, Round 2 is delivering only 12MW because many towns dropped large projects when utility infrastructure upgrade costs became higher than expected or project completion was impossible by the Massachusetts DOER deadline of December 31, 2013.

With significantly lower than expected revenue from the Round 2 Adder, last winter it became clear that CVEC could not continue to provide the services that CVEC hosts and off-takers have come to expect. Management of the revenue sharing program as well as the handling of over \$3M in cash-out dollars for these projects became quite complex, demanding sophisticated accounting and expensive audits. Thus, in spring of 2015, the CVEC Board voted to propose a one cent Adder to be included in the Round 1 PPA costs beginning in FY2017. The impact of this increase from \$.0707 to \$.0807/kWh for the power generated in the first year of the landfill solar operation would have added \$7,612 to Eastham's costs or reduced the benefit received from \$67,634 to \$60,022.

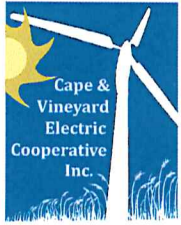
CVEC has now approached all but 4 of the 14 hosts and off-takers involved with Round 1. All participants have thus far voted to support CVEC in its request for a Round 1 Adder.

CVEC looks forward to answering all questions and concerns as we present our request to the Eastham Board of Selectmen on November 2nd.

Yours Truly,

Liz Argo
Manager, Programs & Administration
The Cape & Vineyard Electric Cooperative

CC: Joe Bayne, CVEC Director for Town of Eastham



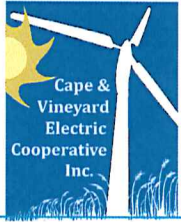
Cape & Vineyard Electric Cooperative, Inc.

Town of Eastham

11.2.15



Joe Bayne, CVEC Director from Eastham
Liz Argo, Manager, Programs & Administration

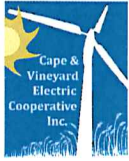


Cape & Vineyard Electric Cooperative, Inc.

Municipal Net Metered Power

Cape & Vineyard Electric Cooperative Past - Present - Future

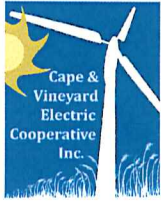
- Three PV Initiatives totaling 28MW are now producing power
(Eastham participates in 2 of the Initiatives)
 - The largest block of Cooperative PV power in New England
 - At end FY15, with projects still in development, distribution of cashed out net metering benefits was **\$2,250,000**
- Potential Future PV Initiatives - based on 3 previous initiatives' successes
- Battery Back-up - CVEC currently awarded a \$1.5 million grant for a battery back-up system at DY Regional Emergency Shelter
- Potential Future Battery Initiatives
- Future Net Metering Credit opportunities for CVEC's Offtakers



Cape & Vineyard Electric Cooperative, Inc.

CVEC PV Benefits Specific to Eastham

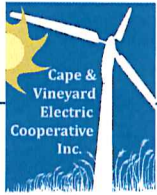
- CVEC provides PV installations at *no capital cost to participating towns.*
- The low PPA costs CVEC negotiated *are fixed for 20 years, which is highly uncommon in other similar contracts.*
- The Cooperative provides a Revenue Sharing program to allow development of projects to capacity with sharing of the Net Metered Credits through the Cooperative. Eastham benefits from this program.
- The Cooperative provides *optimization of PV installation location.*
- The Cooperative provides management services.



Cape & Vineyard Electric Cooperative, Inc.

The “Ask”

- In 2010 the CVEC Board voted to avoid the Administrative Operational Adder on the 8 Round 1 projects
 - In 2011 the Board voted to cover costs for monitoring and billing, etc. with a per kWh Administrative Operations Adder on the Round 2 projects; \$0.01 for members and \$0.015 for non-members added to the PPA cost
-
- Without an Adder on the 8 Round 1 projects, CVEC recognizes it can't maintain its services for all participants at the current level
 - In the interest of fairness and to continue services for all, in 2015 the CVEC Board voted to propose an Adder on the Round 1 projects, similar the Adder on its other projects.

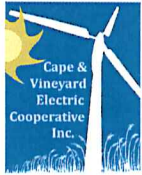


Cape & Vineyard Electric Cooperative, Inc.

CVEC Operations Management Services

in addition to leading further PV and Battery development for Region

- Maintain Schedule Z database for all projects - host & offtaker (needed for accurate distribution of net metering credits)
- Calculate monthly net metering credit activities: Expense, Revenue, Net
- Provide professional third party annual audit reports
- Provide annual reports; showing annual costs and net benefits
- Verify achievement of production expectations (GAO) and assure shortfall compensation
- Interface with Utility and PV system owner to assure proper compensation and proper maintenance and repairs
- Provide annual reports to Mass DOER
- Provide legal services associated with management of systems
- Provide assistance with tax assessment, insurance, emergency response, etc.



Cape & Vineyard Electric Cooperative, Inc.

CVEC Adder to Eastham in dollars and cents (No CVEC-7 Savings included)

	Net Benefit
Year One Net Estimated Benefit from R1 to Eastham as Host with Offtakers	\$67,634
Apply adder of \$0.01 per kWh to R1 (Applied to Eastham Landfill PPA of \$0.0707)	\$7,612
Adjusted Net Estimated Benefit from R1 to Eastham as Host with CVEC Offtakers	\$60,022
Percentage Year One Income Reduced	11.2%

*** The NMC used in calculations will adjust up or down over the life of the projects, with a net rise expected as the cost of electricity is expected to rise.

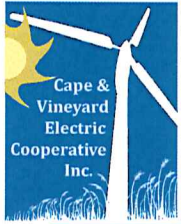


Cape & Vineyard Electric Cooperative, Inc.

The Need in dollars and cents CVEC FY16 Annual Income and Expense

	Annual Income from R2 and FGW adders	Annual Budget	Net Income (Loss)
Projected TOTALS	\$162,348	\$352,815	\$190,466

An adder on all Round 1 projects will provide an approximate annual revenue of **\$197,637**



Cape & Vineyard Electric Cooperative, Inc.

Assurances

- CVEC (the towns) will revisit the adder on Round 1 at year two to determine whether participants recommend that the adder be discontinued, continued, or reduced



**TOWN OF EASTHAM
REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES/ OWNERS PROJECT
MANAGER MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT**

The Town of Eastham is seeking the services of a qualified individual or firm to serve as the Independent Owner's Project Manager in respect to the continuation of a town wide municipal water system project. This a horizontal construction project to provide municipal water to approximately 4000 residential and commercial properties in the Town of Eastham. The Town has begun to install the so-called Phase 1 of this project that will service approximately 2200 residential and commercial properties. The construction for Phase 1 of this project began in March 2015. The first Phase includes the construction of a water tower and two municipal wells to serve the system. The work program for this entire project includes the development of construction plans and management of all elements as necessary to fulfill permitting needs including, a Water Management Act Permit, Cape Cod Commission Development of Regional Impact (DRI) Permit, MEPA and several DEP permits and approvals. The engineering firm selected to design and manage the permit and oversee construction process is Environmental Partners Group of Quincy/Hyannis/Woburn, principals Mark White and Paul Gabriel. The anticipated role of an Independent Owners Project Manager will be similar to the role on vertical construction projects as defined in state statute.

The successful individual or firm will have experience as an Owner's Project Manager as defined by the state statute. The successful individual or firm should also have experience in value engineering, water, or waste water system design and construction management. It is desirable that the successful individual or firms have experience in water or waste water system operation and the ability to participate in and assist in the development and evaluation of long-term operational costs and needs.

All interested individuals and firms interested in replying to this RFP, are directed to the Town website www.eastham-ma.gov for full submission requirements.

All responses shall be received in writing on or before _____ at 2:00 p.m. in a sealed envelope addressed to:

Town of Eastham
Attn: Sheila Vanderhoef,
Chief Procurement Officer
2500 State Highway
Eastham, MA 02642

Late responses will not be considered and will be returned unopened.

TOWN OF EASTHAM
REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES (OWNER'S PROJECT
MANAGER) MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT

I.0 Request for Proposal

The Town of Eastham is seeking the services of a qualified firm or individual to serve as the Owners Project Manager in respect to a two phase project, (Phase 1 \$45.8m and an \$85m extension) horizontal construction project to provide municipal water to all residential and commercial properties in the Town of Eastham.

Specifically, the town is seeking the services of a qualified individual who meets the requirements of an Owner's Project Manager (OPM) as defined by the State of Massachusetts. A degree in or background work history as an engineer, or a firm engaged in engineering practice is desirable. The role in general is to provide to the owner general project oversight and direct reporting and protection of the owner's interest in the budget, schedule, and implementation. The OPM will work with the current engineers to support schedules and budget and monitor compliance with same. The OPM shall also review and comment concerning the performance of the engineers, contractors, and subcontractors, and adherence to the approved schedule.

2.0 General Requirements

Applicants should submit proposals in two sealed envelopes as follows: (1) an original non-price proposal with three (3) copies and (2) an original price proposal with two (2) copies, on or before

at 2:00 p.m.

Town of Eastham
Attn: Sheila Vanderhoef,
Chief Procurement Officer
2500 State Highway
Eastham, MA 02642

At which time and place the RFP will be opened and recorded.

Proposals should be submitted in two separate envelopes and marked as follows:

NON-PRICE PROPOSAL

"MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT OWNERS PROJECT
MANAGER"

PRICE PROPOSAL

"MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT OWNERS PROJECT
MANAGER"

Proposals received after this time will be deemed non-responsive and will not be accepted. Faxed or e-mailed proposals will be deemed non-responsive and will be rejected. Responses to

this Request for Proposal must include all required documents, completed and signed per the instructions and any attached forms included in this RFP packet.

Applicants are cautioned to allow sufficient time for their proposal to be hand-delivered or received by mail. The Town of Eastham reserves the right to reject all proposals or proposals that are incomplete or deemed non-responsive or that are not in the best interest of the Town.

The Town of Eastham has determined that while engineering projects are not strictly regulated by 30B, this Request for Proposals is issued consistent with the Uniform Procurement Act, M.G.L. c30B. Therefore, the provisions of M.G.L. c30B are incorporated herein by reference.

All submissions shall include a statement of interest outlining the individual or firms approach, experience of the Firm/Individual and project manager, and experience of any other staff to be utilized. A resume for each team member shall be attached to each response.

Each Firm/Individual responding shall also complete the Non Collusion and Tax Compliance Statements attached here.

Selected individuals or firms will be interviewed by person or persons selected by the Town for this purpose, and it is expected that the full project team as well as the project manager will attend.

3.0 Project Description

The Town of Eastham is a municipality located on Cape Cod, Massachusetts, with a year-round population of 5,200, with approximately 6,350 parcels, and less than 200 vacant buildable lots. The Town has contracted with an engineering firm, Environmental Partners Group, for the past seven years to develop a town wide water system to be installed in phases, as approved by Town Meeting. Recently, Town Meeting (May 2014) approved Phase 1 of the system which included service to 2200 parcels. Phase 1 also includes the construction of two drinking water wells and well housing, a water storage tower, and is essentially the “backbone” of the new system. One of the wells is located on land owned by the Nauset Regional School District. The other site is on land owned by the Town. The Phase 1 program is divided into eight separate construction contracts to meet stringent timelines, set by the town, and is scheduled for completion in 2017. The engineer is working with state and regional agencies on all aspects of the necessary permitting and simultaneously moving forward on design for Phase 2. A significant portion of the Phase 1 construction will occur on the state highway, Route 6, which runs the full length of the town. The engineering firm has completed the necessary permitting activities with Mass DOT and construction has begun. Construction of the first water tower is underway, as well as 4 of the 6 water main construction contracts.

The Town Meeting also approved and funded Phase 2, which consists largely of a distribution system to provide service opportunities to the remainder of the parcels in town not covered by Phase 1. It is anticipated that Phase 2 will be similarly structured, with multiple water main construction contracts and a second water storage tower, and will be constructed over several years. The total project is expected to be completed by 2026.

4.0 Tasks

The successful proposal will identify staff capable of carrying out all the duties related to this work, including but not limited to:

- 1) Serve as the overall project leader. In this capacity, the Owners Project Manager (OPM) will attend project meetings as the Owner's representative.
- 2) Provide oversight of key segments of the project such as engineering, design and construction.
- 3) Review the project drawings and specifications as they are being prepared, recommending alternative solutions whenever design details affect construction feasibility, cost or schedules.
- 4) Working with the Project Engineer, develop and monitor master project schedule. The OPM will provide Owner with timeline, risk analysis and mitigation strategies as appropriate.
- 5) OPM, in concert with Project Engineer, will develop and monitor the overall project budget.
- 6) Provide oversight for appropriate budget controls for project expenditures to insure the budget controls are adequate and operating in a timely and accurate manner.
- 7) Monitor the ongoing project budget and provide owner with monthly reports detailing actual expenditures versus the project budget, cash flow projections along with an updated project schedule.
- 8) Deliver timely notice to the Owner of the status and financial implications of any project changes.
- 9) Review all project related invoices against the project budget.
- 10) Review project related accounting records on all project expenditures, including Engineers' request for payment and Contractor requisitions.
- 11) Establish procedure for reviews, changes and approvals.
- 12) Oversee the Resident Engineer and field inspection services.
- 13) Monitor the document control system and the collection of all project documentation.
- 14) Work with the Project Engineer to insure that all contractors meet scheduled dates.

- 15) Work with Engineer to oversee and coordinate the project bid process, including attendance at meetings as appropriate.
- 16) Attend Capital Project Committee Meetings and meet with (report to) the Board of Selectmen at least monthly.

5.0 Evaluation Criteria

All proposals will be evaluated and ranked in accordance with stated criteria as:

<i>Highly Responsive:</i>	Meeting and exceeding the requirements or criteria.
<i>Responsive:</i>	Meeting the requirements or criteria.
<i>Unresponsive:</i>	Does not meet the requirements or criteria.

Further, all respondents shall be available for an interview with all primary team members present (if applicable) to discuss the details of their approach, experience, tasks and background.

Specifically, the criteria for evaluating proposals will include the following:

- 5.1 Applicant response conforms to all submission requirements, and is complete;
- 5.2 Each member of Individual/Firm development team has experience in similar work in a specific aspect of the RFP tasks;
- 5.3 Individual/Firm demonstrates and presents evidence of successful project as an Owners Project Manager showing capability to communicate and support the owner's best interest while working collaboratively with the project engineering team;
- 5.4 Individual/Firm has successful experience with federal, state, and/or local grants/loan programs for water/wastewater projects such as State Revolving Loan Funds, USDA Funds or other state and federal grants for specific infrastructure projects, and thereby understands the design and contracting rigors imposed by such regulations;
- 5.5 Individual/Firm has experience in the operation of or in developing specifications for, the operation of water systems, within the last ten years;
- 5.6 Individual/Firm has similar Owner's Project Management, peer evaluation or engineering design experience in municipal water system initiation or expansion within the last ten years;
- 5.7 Individual/Firm has familiarity with water system related permits, such as Water Management Act Permits, MEPA permits for water or other engineering work, or Cape Cod Commission (DRI) based permits;

- 5.8 Individual/Firm is familiar with the process of and/or personnel at DEP in Solid Waste and Drinking Water Supply at the Southeast Region and/or Boston offices.
- 5.9 Individual/Firm has managed construction projects in excess of \$50 million.
- 5.10 Individual/Firm has sufficient personnel with the appropriate experience to manage a project of this magnitude.
- 5.11 Individual/Firm has the prerequisite financial management, design engineering and construction management experience to meet the requirements of this project.
- 5.12 Individual/Firm can demonstrate experience working with other engineering and construction firms in a collaborative manner on a large construction project.

Project proposals meeting at least five (5) of the above criteria will be ranked responsive, and reviewed further.

6.0 Submission Requirements

All submissions for consideration shall be received at the time and place specified below:

_____ at 2:00 P.M.

Town of Eastham
Attn: Sheila Vanderhoef,
Chief Procurement Officer
2500 State Highway
Eastham, MA 02642

With a price and non-price proposal in separate envelopes and labeled as shown, and with the name of the respondent prominently shown on the envelope.

NON-PRICE PROPOSAL

“MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT OWNERS
PROJECT MANAGER”

PRICE PROPOSAL

“MUNICIPAL WATER DESIGN AND INSTALLATION PROJECT OWNERS
PROJECT MANAGER”

Additionally, all proposals shall include:

- Letter of interest signed by firm principals
- Resume of all proposed project team members
- Narrative description of approach
- Signed and Completed Certificate of Non-Collusion and Statement of Tax Compliance
(Attachment 4)

7.0 Questions

All questions shall be in writing (**email preferred**) and addressed to:

Town of Eastham
Attn: Sheila Vanderhoef,
Chief Procurement Officer
2500 State Highway
Eastham, MA 02642

Or (www.admin2@eastham-ma.gov)

All written question shall be received no later than _____, and will be answered in by email writing by _____. Responses will be distributed to all firms that have registered on the Town of Eastham website under this RFP.

ATTACHMENT 1
TOWN OF EASTHAM

CERTIFICATE OF NON-COLLUSION

EXHIBIT B

The undersigned certifies under penalties of perjury that this RFP or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

(Signature of individual signing RFP or proposal)

(Name of business)

STATEMENT OF TAX COMPLIANCE

Pursuant to M.G.L. Chapter 62C, Section 49A, I certify under penalties of perjury that I, to my best knowledge and belief, have complied with all laws of the Commonwealth of Massachusetts relating to taxes.

Social Security or Federal
Identification Number

Signature of Individual signing proposal



TOWN OF EASTHAM

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

III. A. 2.

Memorandum

TO: Board of Selectmen
FROM: Eastham Planning Department
DATE: October 26, 2015
RE: Parker's Shipwreck Tavern Liquor License #036400002

Ryan Melville, Supervisor of Licensing at the ABCC, has requested a written statement affirming that Parker's Shipwreck Tavern did not renew their liquor license for 2015. Please find enclosed a copy of Mady's 2015 annual liquor license renewal memo. I have marked where she indicated that the license would not be renewed.

Please sign the enclosed letter and return to the Planning Department to be forwarded to the ABCC. Thank you.

Memorandum

DATE: December 8, 2015

TO: Town Administrator
Board of Selectmen

FROM: Madelynne Magill
Licensing Clerk

RE: 2015 License Renewal - Annual Common Victualer Liquor Licenses
And Seasonal Estimate Form

The following annual liquor licenses are up for renewal:

License #	Name on License	D. B. A.
036400002	Parkers Shipwreck Tavern & Sports Bar	(JLR)
036400005	Orleans-Eastham Lodge of Elks #2572	(Elks)
036400007	South Bay Hotels, LLC	(Sheraton Ocean Park Inn)
036400012	Hole-in-One, Inc.	(Fairway Pizzeria)
036400015	Town Center Package Store, Inc.	(Town Center Package Store, Inc.)
036400016	Eastham Superette, Inc.	(Eastham Superette, Inc.)
036400018	Charles F. Dolan	(Nauset Market)
036400021	Lower Cape Liquors, Inc.	(Tedeschi's)
036400025	Fat Mike's, Inc.	(Red Barn)
036400030	Willy's World Wellness & Conference Center	(Willy's Gym & Fitness Center)
036400038	Bogumila B. Duda	(Eastham Shell)
0036400041	Chases Dad Inc.	(Local Break)
0036400042	Karoo, Inc.	(Karoo)

The liquor license renewal forms must be signed and paid for by the responsible party for each annual business during the month of November and returned to the ABCC before December 31st.. Section 12 (on-premise) licenses are in bold and Section 15 (off-premise) licenses are in regular print.

Parkers Shipwreck Tavern & Sports Bar will no be renewing this year, their lease was not renewed and the property has been put up for sale.

All of the other licensees have paid their renewal fees and have signed their forms.

The renewing businesses are currently operational. Tom Wingard and Chief Foley are currently finishing up the required inspections for renewal and will be finished by the end of next week, prior to the issuance of their licenses. Health inspections are also ongoing and Susan Barker said she will be completed before the end of the month. The letter from Chief Kulhawik is attached.

The seasonal population figure will remain the same as last year at an estimated 30,000 residents.

Should you approve these renewals, please sign the ABCC Forms, the licenses, and the Seasonal Population Estimate Form where indicated.

Thank you!



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

November 2, 2015

Ryan Melville, Supervisor of Licensing
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

RE: Parker's Shipwreck Tavern License #036400002

Dear Mr. Melville:

This letter is to confirm that the annual liquor license for Parker's Shipwreck Tavern was not renewed as of January 1, 2015.

Feel free to contact us if you have any questions or need additional information.

Sincerely,

Eastham Board of Selectmen
Local Licensing Authority



TOWN OF EASTHAM

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

III. A. 3

Memorandum

TO: Town Administrator
Board of Selectmen

FROM: Eastham Zoning Board of Appeals

DATE: October 14, 2015

RE: ZBA Special Municipal Employee Status

At the October 8, 2015 Zoning Board of Appeals meeting, the Board took the following vote regarding Special Municipal Employee status to be forwarded to the Board of Selectmen:

A **MOTION** by Ed Schneiderhan to request Special Municipal Employee status for members and alternates of the Zoning Board of Appeals, **seconded** by John Zazzaro.

In favor: Sheldon, Schneiderhan, Zazzaro, Reinhart, Verlinden

Opposed: None

The VOTE: 5-0

Motion passed – Unanimous

Mr. Wasby stated that although he was unable to vote, he supported the motion.

Respectfully submitted by

Robert Sheldon, Chairman
Zoning Board of Appeals



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

III. A. 4.

November 2, 2015

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: Transient Vendor Permits

Turnip Festival- November 21, 2015

Please find below the Transient Vendor applicants for approval by the Board of Selectmen.
In each case, the \$20.00 fee has been received.

The following permits are valid as stated below.

Aimee Eckman 855 Nauset Road Eastham, MA 02642 Valid November 21, 2015-November 21, 2016	Carole C. Hanrihan 55 Samoset Road Eastham, MA 02642 Valid November 21, 2015-November 21, 2016
Coralie Peltier 30 Post Office Road Chatham, MA 02633 Valid November 21, 2015-November 21, 2016	Jane Frances Ditzel 409 Great Fields Road Brewster, MA 02631 Valid November 21, 2015-November 21, 2016
Jennifer Gostin 330 Saltwinds Drive Eastham, MA 02642 Valid November 21, 2015-November 21, 2016	Kathy Jackson 27 Daley Terrace Orleans, MA 02653 Valid November 21, 2015-November 21, 2016
Kim Cazeault 63 Aldens Lane Osterville, MA 02655 Valid November 21, 2015-November 21, 2016	Robyn Zelnick 298 Great Fields Road Brewster, MA 02631 Valid November 21, 2015-November 21, 2016
Sherri Stockdale 286 Main Street Harwich, MA 02645 Valid November 21, 2015-November 21, 2016	William H. Richmond 83 North Dennis Road South Yarmouth, MA 02664 Valid November 21, 2015-November 21, 2016
Amy Martin 320 Old Orchard Road Eastham, MA 02642 Valid November 21, 2015-November 21, 2016	Joseph T. Tefft 161 Wintergreen Lane Brewster, MA 02631 Valid November 21, 2015-November 21, 2016
Matt Reid, Booksmith Musicsmith 136 Route 6A Orleans, MA 02653 Valid November 21, 2015-November 21, 2016	Nick Secky, Cape Abilities Inc. 895 Mary Dunn Road Hyannis, MA 02601 Valid November 21, 2015-November 21, 2016

<p>Elise Waldron 4 Sou'west Drive Harwich, MA 02645 Valid November 21, 2015-November 21, 2016</p>	<p>Katherine Reed 8 Highland Road North Truro, MA 02652 Valid November 21, 2015-November 21, 2016</p>
<p>Donna Cansdale 20 Village Lane Wellfleet, MA 02667 Valid November 21, 2015-November 21, 2016</p>	<p>Robby McQueeney 98 Rossi Drive Bristol, CT 06010 Valid November 21, 2015-November 21, 2016</p>
<p>Ed Osmon 85 Lombard Avenue West Barnstable, MA 02668 Valid November 21, 2015-November 21, 2016</p>	<p>Friends' Marketplace & Garden Center P.O. Box 2279 Orleans, MA 02653 Valid November 21, 2015-November 21, 2016</p>
<p>Laura Freeman 30 Jeremiahs Look Eastham, MA 02642 Valid November 21, 2015-November 21, 2016</p>	<p>Brent Hemeon 186 Off Bank Street Harwich Port, MA 02646 Valid November 21, 2015-November 21, 2016</p>
<p>Judith Scanlon 40 Monument Road Orleans, MA 02653 Valid November 21, 2015-November 21, 2016</p>	<p>Litographs 163 Hampshire Street Cambridge, MA 02139 Valid November 21, 2015-November 21, 2016</p>
<p>Jen Villa 539 South Street Hyannis, MA 02601 Valid November 21, 2015-November 21, 2016</p>	<p>Peter Staaterman 12 Longnook Road Truro, MA 02652 Valid November 21, 2015-November 21, 2016</p>
<p>Mary P. Bakas 30 Chipman Street Eastham, MA 02642 Valid November 21, 2015-November 21, 2016</p>	<p>Laurie Goldman 58 Lee Way Brewster, MA 02631 Valid November 21, 2015-November 21, 2016</p>
<p>Robert Wells 40 Redberry Road Eastham, MA 02642 Valid November 21, 2015-November 21, 2016</p>	<p>Tanya Lewis 2050 Bridge Road Eastham, MA 02642 Valid November 21, 2015-November 21, 2016</p>
<p>Julia Douglas 459 Randolph Street Abington, MA 02351 Valid November 21, 2015-November 21, 2016</p>	<p>Ralph Tupper 105 Olde Owl Pond Road Brewster, MA 02631 Valid November 21, 2015-November 21, 2016</p>
<p>Jennifer Gibbs 152 Cross Street Chatham, MA 02633 Valid November 21, 2015 – November 21, 2015</p>	



EASTHAM CONSERVATION FOUNDATION, INC
POST OFFICE BOX 183, EASTHAM, MASSACHUSETTS 02642
www.easthamcf.org

III.A.5.

President
Clerk
Treasurer

19 October 2015



Joseph Conlan

Eastham Board of Selectmen
2500 State Highway
Eastham, MA 02642

Greetings:

Enclosed please find an executed Easement Agreement with regard to ECF properties Map 5
Parcels 23B and 21 for the purposes of connecting water facilities and the supply lines.

A notarized executed agreement signed by our treasurer will arrive under separate cover.

Additionally, please find a License Agreement executed by me for the section of Hay Road which is
adjacent to ECF property Map 18 Parcel 225 to facilitate the improvements to the road for safe
passage.

Kindly forward the final copies of both documents to our mailing address.

On another matter, please accept our sincere appreciation for the successful acquisition of the so-
called Terrapin Cove property on Widgeon Lane. We look forward to continuing cooperative efforts
to protect our fragile and special town.

Best regards,

Henry Lind
President

EASEMENT AGREEMENT

Eastham Conservation Foundation, Inc. a Massachusetts charitable corporation, having a mailing address of P.O. Box 183 Eastham, Massachusetts 02642 (the "Grantor"), for consideration of One Dollar (\$1.00) paid, hereby grants to the **Town of Eastham**, a Massachusetts municipal corporation, acting by and through its Board of Selectmen acting as the Board of Water Commissioners, having an address of Eastham Town Hall, 2500 State Highway, Eastham, Massachusetts (the "Town"), with Quitclaim Covenants, a perpetual non-exclusive right and easement in, on, over, under, across, through and along two portions of the Grantor's land located off Old County Road and Nauset Road, and shown on Town Assessor's Map 5 as Parcels 23B and 21, in said Eastham, which portions contains 1,874 square feet, more or less, and is shown as "Easement A" and 2,020 square feet, more or less, and is shown as "Easement B" (collectively, the "Easement Areas") on a plan entitled "Town of Eastham, Water Easement Plan Over Eastham Conservation Foundation Land, Off Nauset Road, Eastham, MA," dated August 14, 2015, and prepared by Coastal Engineering Company, Inc., a copy of which is attached hereto as Exhibit A and incorporated herein (the "Plan").

Said right and easement herein granted include the following rights and privileges, and shall be subject to the following terms and conditions:

1. The Town shall have the permanent easement to survey, install, construct, maintain, operate, alter, repair, replace, relocate, remove and abandon in place within the Easement Areas water supply lines and any appurtenances associated therewith, including but not limited to water lines and pipes, conduits and other appurtenances (the "Water Facilities") and to do all other acts incidental thereto for water supply purposes as the Town may now and from time to time deem necessary or convenient.
2. The Town shall have the right of entry upon and passage over said Easement Areas, together with all reasonable rights of ingress and egress across the Easement Areas, for all purposes stated herein and uses incidental thereto, by, without limitation, foot, motor vehicle, and heavy equipment.
3. The Grantor agrees not to erect or maintain within the Easement Areas any building, permanent or temporary buildings, structures, objects or physical obstructions of any

kind or nature whatsoever, including trees and shrubbery or to permit the same to be so erected or maintained, without the prior written consent of the Town.

4. The Town covenants that, in the event the surface of the Easement Areas is disturbed at any time and from time to time by the Town or any party acting on behalf of the Town, the Town shall repair and restore the surface of the Easement Areas, as nearly as reasonably practicable, to the condition which existed prior to any such disturbance.

5. The Grantor agrees not to interfere with, nor grant any other easements, leases or licenses to the Easement Areas which will interfere with the Town's perpetual easement on the Easement Areas without the prior written consent of the Town. Any easements, leases or licenses granted in violation of this provision shall be null and void.

6. The Water Facilities and other appurtenances which are installed, constructed and maintained by the Town in the Easement Areas shall at all times be and remains the property of Town, and shall be maintained and serviced exclusively by the Town.

7. The Town shall ensure that Water Facilities and the installation, repair, maintenance and replacement thereof comply with all applicable law and the rules, regulations and permit requirements of governmental and quasi-governmental authorities having jurisdiction thereover.

8. All rights and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

9. The Grantor agrees that the Town may assign the rights granted pursuant to this Easement Agreement.

No deed stamp taxes are due on this conveyance pursuant to G.L. c.64D, § 1.

For Grantor's title, see deed recorded with the Barnstable County Registry of Deeds in Book 24327, Page 168.

EXECUTED as a sealed instrument this 19th day of Oct, 2015.

GRANTOR: EASTHAM CONSERVATION
FOUNDATION, INC.

By: Henry Lind
_____, President

COMMONWEALTH OF MASSACHUSETTS

_____, SS

On this 19 day of OCTOBER, 2015, before me, the undersigned notary public, personally appeared Henry Lind, President of Eastham Conservation Foundation, Inc., proved to me through satisfactory evidence of identification, which was DRIVERS LICENSE # S79910628, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Virginia A. Cantrell
Notary Public

My commission expires:

Virginia A. Cantrell
NOTARY PUBLIC
Queen Anne's Co., MD
My Commission Expires 11/21/18

ACCEPTANCE OF EASEMENT

The Town of Eastham, acting by and through its Board of Selectmen, acting as the Board of Water Commissioners pursuant to the vote of Article 8 of the 2014 Annual Town Meeting, a certified copy of which is attached hereto, hereby accepts the foregoing Easement Agreement on this _____ day of _____, 2015.

TOWN OF EASTHAM,
By its Board of Selectmen, acting as the
Board of Water Commissioners

COMMONWEALTH OF MASSACHUSETTS

Barnstable , ss

On this _____ day of _____, 2015, before me,
the undersigned notary public, personally appeared

_____, member of
the Town of Eastham Board of Selectmen, acting in its capacity as
the Board of Water Commissioners, as aforesaid, 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:

EXECUTED as a sealed instrument this 19th day of Oct, 2015.

GRANTOR: EASTHAM CONSERVATION
FOUNDATION, INC.

By: Hay Lind
President ~~Treasurer~~

STATE OF MARYLAND
~~COMMONWEALTH OF MASSACHUSETTS~~

_____, SS

On this 19th day of OCTOBER, 2015, before me, the undersigned notary public, personally appeared Henry Lind, Treasurer of Eastham Conservation Foundation, Inc., proved to me through satisfactory evidence of identification, which was DL# 579910628, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Virginia A. Cantrell
Notary Public
My commission expires:

Virginia A. Cantrell
NOTARY PUBLIC
Queen Anne's Co., MD
My Commission Expires 11/21/18