

AGENDA

Wednesday

January 6, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Wednesday, January 6, 2016
3:00 p.m.**

Location: Timothy Smith Room

- I. Mullin Rule Policy Discussion- (No vote will be taken)
- II. Final Review and discussion of Debt, Windmill Green and other Board Policies (No votes will be taken)
- III. Letter Re: Shellfish Grant Site N-35, N-38, and N-43
- IV. Administrative Matters
 - Updates:
 - OPM RFP Schedule and composition of committee
 - Budget Schedule
 - Plan future agendas
 - Review & Approve Minutes:
 - December 7, 2015 (Regular)
 - December 7, 2015 (Executive Session)
 - December 9, 2015 (Work Session)
 - December 21, 2015 (Regular)

Upcoming Meetings

<i>Tuesday, January 19, 2016</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, January 20, 2016</i>	<i>3:00 p.m.</i>	<i>Work Session</i>

The listing of matters includes those reasonable 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.

This meeting will be recorded and written minutes prepared.



Summary of Mullin Rule Process –Town Counsel

The “Mullin Rule” – Where one or more board members are unable to attend one or more sessions of a quasi-judicial proceeding, the term Mullin Rule is at times raised in connection with assessing which members are qualified to sit on an application after missing a hearing session. In effect, the so-called Mullin Rule arose out of litigation, resolved by the decision in Mullin v. Planning Board of Brewster, 17 Mass. App. Ct. 139, 143 (1983). This decision held that, proceedings before a municipal planning board on an application seeking a special permit under G. L. c. 40A, Section 9 were adjudicatory in nature, and consequently only those members of the board who had attended the hearing on the application were entitled to vote on it. For the decision, see: <http://masscases.com/cases/app/17/17massappct139.html>

An interpretation of the application of this holding has developed, to the effect that if no substantive testimony occurred at a missed hearing session, it was possible for a member who missed such a “non-substantive” session to attend and participate on all subsequent substantive sessions.

In another circumstance, where a member misses a substantive session, another rule applies. This is the option that was enacted as G.L. c.39, §23D. This statute offers a narrow exception to the Mullin Rule in G.L. c.39, §23D. It provides at subsection (a) that a member of a quasi-judicial board who has missed a substantive hearing session shall not be disqualified from voting on an application “solely due to that member’s absence *from no more than a single session* of the hearing at which testimony or other evidence is received.” [emphasis added] This exception is conditioned on the requirement that, prior to such vote, the member who was absent for the single session must “certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof.” This written certification is required to be incorporated into the record of the proceedings on the application.

PROCESS:

The following information concerning the process for adoption of the procedure that allows a member of a quasi-judicial board who has missed a single session of a hearing on a permit application to make up for that absence so that the member may resume participation for the remainder of the hearing sessions.

The relevant statute is G. L. c. 39, §23D, which provides as follows:

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has

examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section. [emphasis added]

Note that adoption of this statute will allow participation by a member who has missed one session, only. As I noted in my email yesterday, the need to attend every hearing session is a requirement in the case of quasi-judicial hearings. For other matters, such as deliberation by strictly advisory boards, there is no such requirement.

Please note the underlined text of the statute. In Subsection (a), the statute requires adoption by "municipal acceptance" of the statute. **In the case of a town, the method of adoption if by a vote of town meeting. Such a vote would be by simple majority. Although the statute does not require the a bylaw for simple acceptance of the statute, subsection (b) requires a bylaw to be enacted in order to adopt specific standards for the exercise of this statutory procedure.**

An appropriate town meeting article for simple acceptance of G. L.c. 39, §23D would be as follows:

To see if the town will vote to accept the provisions of G. L. c. 39, §23D in order to authorize a member of a town board who has been absent from no more than a single session of a hearing at which testimony is heard or received to participate in the remaining hearing sessions, provided said member shall examine all evidence received at the missed session, and certify such examination in writing in compliance with subsection (a) of said statute, which provides as follows:

Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change,

replace, negate or otherwise supersede applicable quorum requirements.

or take any other action relative thereto.

Although there is no requirement to print the text of the statute in the article, it might be beneficial to do so as a method to avoid confusion concerning the meaning of acceptance of the statute. Note that the statute allows for acceptance to be made applicable to fewer than all town boards, or to only one board.

In addition, it is significant that a bylaw is not required for simple acceptance of this statute. Subsection (b) requires a bylaw in order to impose standards for the exercise of the privilege once the statute has been accepted. Little guidance is provided as to the contents of such a bylaw, only that a bylaw may impose what is termed "minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section." The particular terms of such a bylaw would necessarily vary according to the conditions deemed appropriate under the circumstances of each situation.



TOWN OF EASTHAM

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

Memorandum

TO: Town Administrator
Board of Selectmen

FROM: Eastham Planning Board

DATE: November 30, 2015

RE: M.G.L. c. 39 s. 23D (Mullin Rule)

At the November 18, 2015 Planning Board meeting, the Board took the following vote regarding the Mullin Rule to be forwarded to the Board of Selectmen:

A **MOTION** by Craig Nightingale to support adoption of the Mullin Rule for Town of Eastham regulatory boards, **seconded** by Dwight Woodson.

In favor: Coppelman, Woodson, Dill, Stahl, Autorino, Nightingale

Opposed: None

The VOTE: 6-0

Motion passed – Unanimous

Respectfully submitted by

Dwight Woodson, Vice Chairman
Eastham Planning Board

cc. Stephen Wasby

Both Planning
Zoning Boards
took unanimous
votes.

Barnstable Policy

ARTICLE II Absentee Members [Adopted 9-4-2008 by Order No. 2009-013] § 37-8.

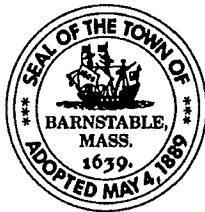
Absentee voting members of certain boards, committees and commissions. In accordance with Massachusetts General Laws Chapter 39, Section 23D, an absentee voting member of any of the boards, committees and commissions of the Town of Barnstable holding an adjudicatory hearing shall not be disqualified from voting solely on the basis of missing a single session so long as the following criteria are met:

A. The absentee voting member shall be absent from no more than a single session of the hearing at which testimony or other evidence is received;

B. Prior to voting, the absentee member shall certify, in writing, that he has examined all evidence received at the missed session and watched the video recording of the missed session, or, if no video recording is available, then has listened to the audio tape or reviewed a verbatim transcript of the missed session; and § 37-8

C. The absentee member shall certify, in writing, which evidence was reviewed, and the written certification shall be made part of the record and shall be filed with the Town Clerk; and

D. Provided that no other member of the same board, committee or commission sitting on the same matter has invoked this provision.



The Town of Barnstable

Growth Management Department
200 & 367 Main Street, Hyannis, MA 02601

Confirmation of Evidential Review

In accordance with Chapter 79 of the Acts of 2006 and the provisions of Massachusetts General Laws (MGL) Chapter 39, Section 23D and the Town of Barnstable Code Section 37-8 I, _____ (print name) do hereby certify that I have examined all evidence received and reviewed at the missed session of the below referenced adjudicatory hearing, which evidence includes an video recording of the missed session. If a video recording is not available list evidence reviewed below:

Signature: _____

Print name: _____

Date: _____

Adjudicatory Hearing Information & Reference *

File Number	
Project Name	
Hearing Date	
Property Street Address	
Map & Lot Number(s) (Use "Three-Digit Dash Three-Digit" Format from Assessors Office. Example: 123-456)	
Hearing Board	
Hearing Purpose	

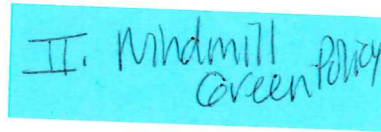
* Fill out any and all fields as are necessary to identify the appropriate adjudicatory hearing.

This form was accepted and incorporated into the written record of this adjudicatory hearing:
_____ (date).

Signature: _____, Board Chair

Print name: _____, Board Chair

Date: _____



Town of Eastham
2500 State Highway
Eastham, MA 02642
508.240.5900
fax 508.240.1291
www.eastham-ma.gov

To discuss at the January 6, 2016 mtg and voted at the January 19th mtg at a public hearing

USE OF THE EASTHAM WINDMILL GREEN AND BANDSTAND POLICY

1.0 Authority

The Board of Selectmen hereby adopts a set of guidelines for the use of the Town of Eastham's Windmill Green and the Bandstand.

2.0 Purpose

It is the intention of the Board of Selectmen of the Town of Eastham to make the Windmill Green and Bandstand available to all qualified applicants as per the regulations described further in this policy.

3.0 Applicability

This policy shall apply to **eligible** individuals or organizations wishing to use the Windmill Green and/or the Bandstand for any event and/or program.

4.0 Definition

The Windmill Green and the Bandstand is the area known as the facility across from the Town Hall.

5.0 Responsibility

The Board of Selectmen or their designee is responsible for ensuring that this policy is upheld and that policy guidelines are followed.

6.0 Standards/Rules and Regulations

6.1 Eligibility

Eastham residents, Eastham based non-profits, and Town sponsored groups shall be eligible to apply to use the Windmill Green and/or the Bandstand.

Applications shall not be considered from groups or individuals who discriminate in their membership, programs or philosophy on the basis of sex, race, color, creed, national origin, disability, marital status, veteran status, age or sexual orientation.

Repeat use may be denied to groups or individuals who fail to abide by this and other policies, rules and regulations pertaining to the use of town property.

6.2 Use of the Windmill Green/Bandstand shall be governed by the following rules and regulations:

6.2.1 Events shall be scheduled during daylight hours, and no event shall continue past 8:00 p.m. The applicant may set up for the event after 4:00 p.m. the day previous to the event (when the area is available), and must have the Windmill Green cleaned up by noon of the day following the event. Event shall not exceed more than three (3) days.

6.2.2 The applicant is responsible for set up and clean up of the Windmill Green after the event, including the picking up of all litter, taking away of recyclable materials, and the removal of any display material and signage. The applicant is required to provide the necessary containers for recyclable materials. (Check with the town for a full list of recyclable items)

6.2.3 Signs, notices or other items may not be attached to any structure, tree, or trash recycling bin on the Windmill Green. (Permits are required for signs)

6.2.4 No activity may charge a fee for the event. Items may be sold if permitted by the Board of Selectmen or their designee, and state and local license requirements are met.

**6.2 Use of the Windmill Green/Bandstand shall be governed by the following rules and regulations:
Continued**

- 6.2.5 The use or sale of alcoholic beverages is prohibited on the Windmill Green.
- 6.2.6 Motor Vehicles may be allowed on the Windmill Green if requested on the application and a \$25 per event fee is paid.
- 6.2.7 There shall be no discharge of firearms except for ceremonial purposes and as approved by the Police.
- 6.2.8 There shall be no fires permitted, with the exception of candles which may be held by individuals participating in ceremonies, such as weddings, etc. Candles may not be placed along or attached to any structure on the Windmill Green.
- 6.2.9 For any event utilizing the Bandstand, a single noise complaint shall be sufficient to permit the police to order discontinuance of the noise portion of the event. A second complaint shall be sufficient for the police to order the end of the event and the clearing of the entire Windmill Green.
- 6.2.9.1 Amplified music shall only be allowed by special permission of the Board of Selectmen or their designee.
- 6.2.9.2 No additional lighting may be installed, on either a temporary or permanent basis, without the explicit approval of the Board of Selectmen.
- 6.2.9.3 Dogs are prohibited on the Windmill Green during events.
All other times dogs are allowed on Windmill Green only on a leash.
- 6.2.9.4 The applicant must agree to indemnify and hold the Town of Eastham harmless against any and all claims which may be made against the Town for property damages and personal injuries sustained by any person including the user which may result from the use of said property by the user. The applicant must also furnish proof of general liability insurance naming the Town as additional insured. Liability Limits as follows: **Comprehensive General Liability-Bodily Injury~\$1,000,000 Aggregate**

7.0 Procedure

All applicants shall be required to complete and sign the Application for Use of the Windmill Green and/or Bandstand. Applications and fees must be turned into the Town designee no less than eight weeks prior to the requested event date. A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

Should two (2) or more applicants request the same day(s), preference shall be given to events sponsored by the town.

7.1 Fee Schedule

The following must be submitted and paid by the applicant at the time of application submittal:

- 1. A certification of current/valid insurance coverage.
- 2. A peddler's permit if anything is being sold on public property.
- 3. The appropriate use fees as follows:
 - \$100 per day use fee
 - \$25 per event fee if you intend to provide portable toilets.
 - \$25 per event fee for vehicle access for set up and take down only.
(Vehicles not being actively loaded or unloaded may not be parked on the Green.)
 - \$25 per event fee if you intend to use/provide tents.

A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

8.0 The Board of Selectmen or their designee reserves the right to reject any and all requests.

9.0 Effective Date

This policy is effective as of September 15, 2008.

This policy was adopted by the Board of Selectmen at a public meeting on September 15, 2008.



Town of Eastham
2500 State Highway
Eastham, MA 02642
508.240.5900
fax 508.240.1291
www.eastham-ma.gov

APPLICATION FOR THE USE OF THE WINDMILL GREEN AND BANDSTAND

Date of Application: _____

Date of Event: _____ Start Time: _____ End Time: _____

Sponsoring Organization: _____

Address: _____

Mailing Address (if different): _____

Contact Person: _____ Phone: _____ Fax: _____

Description of the Event: Include name of event (if any), type of activity, expected number of persons, and any equipment, tables, structures, tents etc., that will be erected.

Do you require a special waiver on any component of the Windmill Green Policy ? No _____ Yes _____

If Yes, please explain _____

Will there be items sold at this event? No _____ Yes _____

If Yes, please describe. _____

Will there be a charge for admission? No _____ Yes _____

If Yes, please describe. _____

The following must be submitted and paid by the applicant at the time of application submittal.

1. A certification of current/valid insurance coverage.
2. A peddler's permit if anything is being sold on public property.
3. The appropriate use fees as follows:
 - ☐ \$100 per day use fee
 - ☐ \$25 per event fee if you intend to provide portable toilets.
 - ☐ \$25 per event fee for vehicle access for set up and take down only
(vehicles not being actively loaded or unloaded may not be parked on the Green)
 - ☐ \$25 per event fee if you intend to use/provide tents.
 - ☐ A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

INSURANCE:

Does the organization carry insurance? Yes _____ No _____
If Yes, indicate the amount: _____ and the Agent's name: _____

A copy of the Certificate of Insurance must be provided naming the Town of Eastham as included in the coverage.

INDEMNIFICATION: The applicant must agree to indemnify and hold the Town of Eastham harmless against any and all claims which may be made against the Town for property damages and personal injuries sustained by any person including the user which may result from the said property by the user. The applicant must furnish proof of general liability insurance naming the Town as additional insured. (See the Windmill Green & Bandstand Policy.)

AGREEMENT:

I have carefully read the rules and regulations of the Town of Eastham's Guidelines for the Use of the Windmill Green and Bandstand and fully understand their content. I accept responsibility for the proper use of the facilities and for the actions and conduct of the group using the Town of Eastham facilities for this function. I will assume all responsibility for all fees, charges, and damage claims from such use of the facilities.

Signature: _____ Date: _____

Name: _____ Title: _____ Telephone: _____

Address: _____

Information or Questions: Please call Mark Powers, Recreation & Beach Director-508-240-5974.

Mail or deliver completed applications to: Town of Eastham- 2500 State Highway -Eastham, MA 02642

This section to be completed by the Town of Eastham.

Approval of the following is required before this application is approved:

Fire Dept. _____ Police Dept. _____

Health Dept. _____ Recreation Dept. _____

Building Dept. _____ Bldg. Maintenance Dept. _____

Town Administrator _____

APPROVAL/DENIAL

This application has been ☐ Approved ☐ Denied

If approved, reservations have been made according to the above information with the understanding that the policies and regulations of the Board of Selectmen will be followed.

Signature: _____ Date: _____

This application has been denied because: _____



TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
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II. Beach +
Transfer Fees

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: 2016-2017 Fee Requests
DATE: December 31, 2015

Beach & Recreation: Recommending changes for FY17 (summer of 2016)

After our fee discussion on 12/9/15, I redid the numbers based on your desire to keep the resident beach sticker fee at the same rate. Unfortunately, I can't breach the gap without raising the daily parking rates dramatically, but by increasing the parking and seasonal sticker fees we can lower the deficit, so I am recommending the following:

- *Resident Beach Stickers* remain at \$25.00.
- *Daily Pass:*
 - All Daily Parking to \$20 (from \$15 weekday and \$18 weekend)
 - Labor Day Pass to \$50 (from \$40)
- *Visitor Stickers*- Have not been raised for 3 summers, so increase:
 - Weekly stickers to \$70 (from \$65)
 - Two-week stickers to \$125 (from \$100)
 - Seasonal stickers to \$225 (from \$180)

The DPW/Transfer Station needs an increase for commercial tip fees:

- *Commercial Tip Fee for private haulers*- we are proposing a fee increase from \$95 to \$125 per ton.

Tip fees vary widely from town to town and it is vital to stay current with this fee to avoid excess expense for the town. Currently rates vary from a low in Orleans of \$80 to a high in Provincetown of \$140. The Town of Wellfleet had closed its transfer station to private haulers last year, which had an immediate effect of increasing commercial tipping in Eastham from 450 to 920 tons. The town is paying \$65 per ton plus transportation and handling at SEAMASS and this fee change will ensure that revenue stays ahead of expense, so we are not subsidizing private hauler operations.

With your permission, we will schedule a public hearing for the fee increases at the meeting of January 19, 2015.

**TRANSFER STATION
REVENUE/EXPENSE**

	Transfer Station	FY2014	FY 15 #SOLD	PRICE PER	PROPOSED	Est Revenue
REVENUES					INCREASE	
	Residential Stickers	435,645.00	3751	120	0	450,120.00
	2nd Sticker	36,900.00	1183	30	0	38,520.00
	3rd Sticker	1,815.00	19	120	0	2,280.00
	Landfill Entry Fee	29,540.00		10	0	30,722.00
	*Landfill Gate Fees	105,341.00	3476	95 per ton	30	374,500.00
	Landfill Haulers	23,128.00				30,000.00
	Commercial	600.00	6	100		600.00
	Replacement	1,085.00	217	5		1,085.00
	Recycling Program	56,970.00				30,000.00
	*1/2 year @ 95.00					
	*1/2 year @ 125.00					
TOTAL REVENUES		691,024.00				957,827.00
EXPENSES		FY13	FY14	FY15	FY16	
	Direct Salaries F/T	145,960.00	148,922.00	151,936.00	\$ 160,701.00	
	Direct Salaries P/T	8,320.00	21,443.00	19,214.00	\$ 23,615.00	
	Benefits (34.2%) of \$153,907 in FY14	50,357.00	52,636.19	51,163.61	\$ 54,959.00	
	\$149,601.20 in FY15					
	Benefits (11.2%)	931.84	2,569.06	2,151.97	\$ 17,998.00	
	Other Expenses (from Budget)	301,833.00	302,833.00	313,332.00	\$ 337,027.00	
	Commercial TIP fee		77872	147,845.00	\$ 192,000.00	
	Administrative Support Services	36,683.08	38,665.59	39,438.91	\$ 42,255.00	
	Fuel Usage	4,000.00	4,200.00	4,200.00	\$ 4,656.00	
	Capital	17,250.00	14,000.00		\$ 76,000.00	
TOTAL EXPENSES		565,334.92	663,140.84	729,281.49	\$ 909,211.00	
	REVENUE TOTAL	626,414.00	626,414.00	626,414.00	\$ 957,827.00	
	EXPENSE TOTAL	565,334.92	663,140.84	729,281.49	\$ 909,211.00	
	NET SURPLUS/DEFICIT	61,079.08	(36,726.84)	(102,867.49)	\$ 48,616.00	
	* GROSS ADMIN OVERHEAD	1,676,941.00	1,767,570.00	1,802,921.00		
	TOTAL EMPLOYEES	160	160	160		
	OVERHEAD SHARE PER EMPLOYEES	10,480.88	11,047.31	11,268.26		
	#OF DEPT EMPLOYEES	3.5	3.5	3.5		
	OPERATIONS COST	565,334.92	663,140.84	729,281.49	\$ 909,211.00	
	ANNUAL TONS PROCESSED	2900	2900	2900	3476	
	COST PER TON	\$194.94	\$228.67	\$251.48	\$ 261.00	

**BEACH
REVENUE/EXPENSE**

	Beach	FY14	FY15	PRICE PER	# SOLD	PROPOSED INCREASE	PROJECTED W/INCREASE	
REVENUES								
	Taxpayer's Beach Sticker	174,150.00	174,050.00	25	6962	25	\$ 174,050.00	
	One Week Renter	76,895.00	70,200.00	65	1080	75	\$ 81,000.00	
	Two Week Renter	25,300.00	21,300.00	100	213	125	\$ 26,625.00	
	Seasonal Sticker	10,980.00	12,060.00	180	67	225	\$ 15,075.00	
	Replacement	460.00	450	5	90	7	\$ 630.00	
	Labor Day Pass	320.00	480	40	12	50	\$ 600.00	
	Daily Tickets Mon-Fri	75,765.00	131,817.00	15	6117	20	\$ 122,340.00	
	Daily Tickets Sat-Sun	42,210.00		18	2230	20	\$ 44,600.00	
TOTAL REVENUES		406,080.00	410,357.00				\$ 464,920.00	489,460.00
EXPENSES		FY13	FY14	FY15	FY16	FY17		
	Direct Salaries F/T	130,136.00	139,692.00	139,967.00	143,041.00			
	Direct Salaries P/T	128,892.00	131,020.00	131,020.00	135,355.00			
	Benefits (34.2%)	44,506.51	47,774.66	47,868.71	48,920.00			
	Other Expenses (from Budget)	63,643.00	64,652.00	65,382.00	61,449.00			
	Administrative Support Services	78,606.60	82,854.83	84,511.95	86,624.70			
	Fuel Usage	3,000.00	3,000.00	3,000.00	3000.00			
	Capital	88,223.00	33,223.00					
TOTAL EXPENSES		537,007.11	502,216.49	471,749.66	478,389.70			
	REVENUE TOTAL	435,371.00	406,080.00	410,357.00	489,382.00	464,920.00		
	EXPENSE TOTAL	537,007.11	502,216.49	471,749.66	478,389.70	478,389.70		
	NET SURPLUS/DEFICIT	(101,636.11)	(96,136.49)	(61,392.66)	-10,992.30	-13,469.70		
	* GROSS ADMIN OVERHEAD	1,676,941.00	1,767,570.00	1,802,921.00	1,847,994.00			
	TOTAL EMPLOYEES	160	160	160	160			
	OVERHEAD SHARE PER EMPLOYEE	10,480.88	11,047.31	11,268.26	11,549.96			
	#OF DEPT EMPLOYEES	7.5	7.5	7.5	7.5			
	OPERATIONS COST	537,007.11	502,216.49	471,749.66	478,389.70			

DRAFT

II. Debt Policy
revised draft

TOWN OF EASTHAM
MUNICIPAL DEBT POLICY

1.0 Preamble

The Town of Eastham through the budget process established by the Town Administrator, and approved by the Board of Selectmen and the Finance Committee, has adhered to a general policy concerning the level of debt carried in any fiscal year. The policy has two key elements: first, that a healthy community by DOR and the municipal auditor standards has 10% or less of its operating budget absorbed by debt service; and second, the moderation of capital expenses is a good tool to control this debt to operating ratio.

2.0 History

Eastham is a small community that relies on property taxes for the majority of its revenue. There is a small business community with nearly 97% of the local taxes derived from residential property tax. This lack of diversification in the tax base limits flexibility and, local aid has declined. In FY93, the town's annual budget was \$9,473,512. The debt payments in that year were \$2,111,041 or 22.28%. In 1997, the town's bond rating was A2.

In FY15, the operating budget was \$26,871,929 and the debt service was \$1,528,133 or 5.5%. The current FY15 bond rating is AAA.

The importance of bond ratings is that bond buyers use these ratings to set interest rates for bonds. Low interest rate on long-term debt is a saving to the community. To maintain excellent bond ratings in the absence of a diversified tax/revenue base the community needs to take care to manage debt but not at the expense of community investment.

3.0 Debt Policy

The Debt Policy or more accurately the debt management policy of the town is to maintain a debt to operating ratio of 10% or less. The policy is influenced and thus varies, by the need to invest in equipment, building, supplies, and excellent staff. The policy has little benefit if the overall management of the town and community investment is lacking. The town will be establishing a municipal water supply. The total projected cost is \$130M. This installation of the system will take place over 10 years. The debt ratio is expected to increase to 16.7% in FY30. This is the projected ratio based on all issued and unpaid debt. We move into this era with municipal buildings in good condition, and current equipment and adequate supplies to perform necessary tasks. However, the increase in property values and enhanced community service by having municipal water available should continue to support a good bond rating.

Therefore, anticipating an increase in the debt ratio for several years is expected to be offset by the overall increase in property values and community value.



TOWN OF EASTHAM

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

III. Shellfish

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Letter Requesting Shellfish Grant(s) be discontinued
DATE: January 4, 2016

In June of last year, a letter was sent to the Board of Selectmen from property owner Gary Boudreau, 690 & 700 State Highway, asking for action regarding a shellfish grant in front of his property. Mr. Boudreau wrote to the Board and appeared before them previously in 2014, requesting that the grant be removed, and the Board voted to leave the grant in place. He recently became aware that the grant holder may be retiring and wanted to ask again that the board not reassign the grant, but let the land return to "its natural state".

The property is located in south Eastham on Town Cove in a very desirable location for shellfish grants. It has been under active cultivation since roughly 1940 or so. Conservation Agent Shana Brogan has written a memo that is attached, to outline the issues and has included a map of the current shellfish grants.

Staff would recommend that we keep these grants under active cultivation.

Please advice and let me know how you would like to proceed.

Eastham Natural Resources

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

TO: Board of Selectmen

FROM: Shana Brogan, Conservation Agent
Michael O'Connor, Shellfish Constable

DATE: December 31, 2015

RE: Shellfish Aquaculture in Eastham

Grant N-35

Luther Eldredge has operated shellfish grant N-35 since 1996. His aquaculture operations have decreased over the past year but he is planning to grow quahogs at this site in the future. In the past a nearby neighbor, Mr. Boudreau expressed concern regarding his accessibility to the waters and tidelands of the Commonwealth. To accommodate this concern, Mr. Eldredge and the Board of Selectmen agreed to move grant N-35 over 50' in 2010.

Grant Site N-38

Adjacent to Mr. Eldredge's grant is site N-38 operated by Jeffrey Valli since 2006. Mr. Valli has been active at the site since then growing and selling oysters. Mr. Valli has requested for the past few years to expand his grant by way of having Luther Eldredge transfer his grant to Mr. Valli. Mr. Valli is still requesting to expand his grant operations over to Mr. Eldredge's should Mr. Eldredge forfeit his grant in the future. Mr. Valli's grant is unique as it is boxed in by other grants so there is no room for expansion whereas other grants in the marsh system have expanded, most recently Paul Dunne expanded to two acres and John Milliken expanded to two acres as well. Mr. Valli's grant size is less than one half acre.

Grant Site N - 43

Grant site N -43 is licensed to Stephen Smith. This grant has also been actively used for a number of years and there are no known concerns or problems related to this site.

Overall, shellfish aquaculture is popular in Eastham and is continuing to grow here and in other Cape Cod towns. We have not received reports of concerns regarding navigation, aesthetic or biological from the general public regarding these grant sites other than from the nearby neighbor Mr. Boudreau. There is a long history of shellfish aquaculture in this location - since approximately the 1940s. There are also known valuable benefits of oysters in contributing to water quality improvements. There are a limited number of grant sites overall, therefore it is recommended that these sites continue operation as an aquaculture growing area so long as the proper permitting, licensing and regulatory requirements remain in compliance.

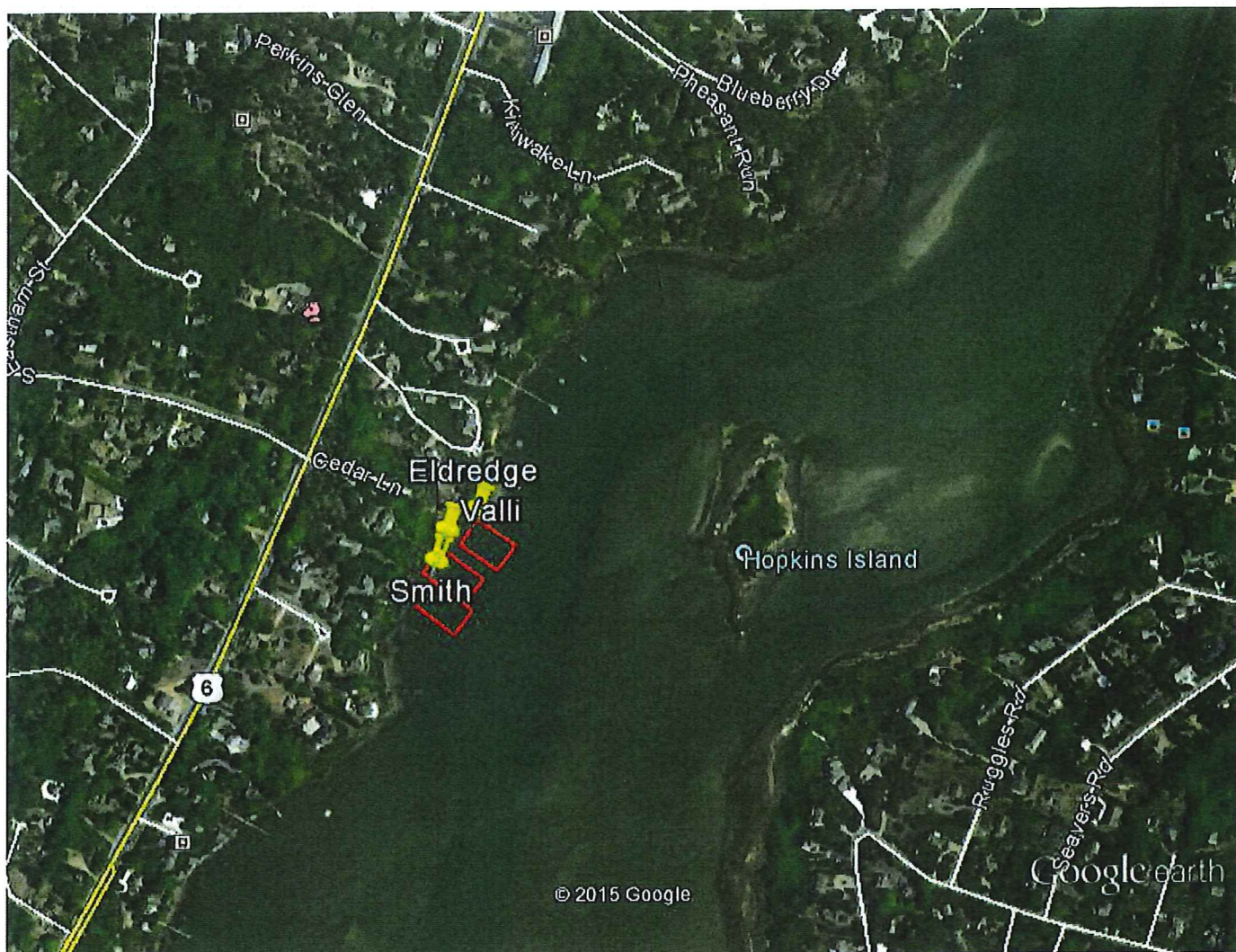
In the coming months, the Natural Resources Department will work closely with all grant holders in Eastham to ensure that these and all grant sites are properly and clearly marked and maintained in a clean and orderly fashion.



Google earth

feet 400
meters 100





Google earth

feet 2000
meters 600



Mike O'Connor



TOWN OF EASTHAM

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

March 25, 2014

Mr. Gary Boudreau
10 Freeman Street
Norton, MA 02766

RE: Shell Fish Grant Sites

Dear Mr. Boudreau,

This letter confirms the decision of the Eastham Board of Selectmen, which met with you on Monday March 17th, not to grant your request to move an aquaculture grant located in Town Cove in front of 700 State Highway. The location of this aquaculture grant was last discussed by the Board in December 2010, at which time the licensees agreed to move the grant slightly to the north to accommodate your needs for boating access to Town Cove. Because this grant has been in continuous use for several decades and because there is no acceptable alternative location for this grant, the Board decided it could not accommodate your request as an upland property owner at the expense of the shellfishermen who earn a livelihood shellfishing at this location. Town staff will discuss with the licensee flagging the pipes so they are visible at high tide. Attached, as requested, are catch reports.

Thank you.

Sincerely,

Sheila Vanderhoef
Sheila Vanderhoef
Town Administrator

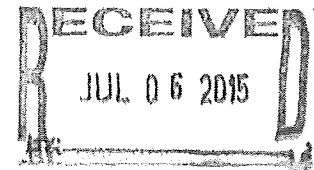
CC: Board of Selectmen
Michael O'Connor, Senior Deputy Natural Resource Officer ✓

June 30, 2015

**Town of Eastham
Board of Selectmen**
2500 State Highway
Town Hall
Eastham, MA 02642

Gary A. Boudreau
10 Freeman Street
Norton, MA 02766
gboud@comcast.net
508-272-6578

Attn: Ms. Elizabeth Gawron
Mr. John F. Knight
Ms. Linda S. Burt
Mr. Wallace F. Adams, II
Mr. William O'Shea



Subject: Shell Fish Grant Site N-35, N-38, N43
690/700 State Highway

Ladies and Gentlemen:

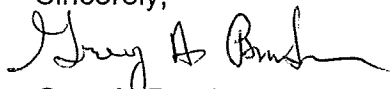
I would like to request the Board of Selectman's aid in help with the removal of the subject grants in front of our property located at 700 State Highway. For the past decades we have seen a deterioration of the beautiful waterfront that has been used by our family for four generations. We have been unable to enjoy the water as we once did due to the abundant usage of suspended tables for the harvest of oysters. These tables are typically unmarked and pose a hazard to us if we were to go swimming or others unfamiliar with the area (kayakers, paddle boarders), and then they frequently prohibit us from accessing our boat.

I met with the Board in March of 2014 and pleaded our case to return the area to it's natural state. The Board stated they would not affect Mr. Eldredge's way of making a living and would not remove the grants.

In recent contact with Mr. O'Connor about constructing a dock to access our boat, he stated that Mr. Eldredge's grant in front of our property would be coming to term in the near future, as he only has one rack left. I ask that our case please be considered not for the sole sake of our family enjoyment, but for the danger posed by these poorly marked traps and also ecological changes that they have created in the area.

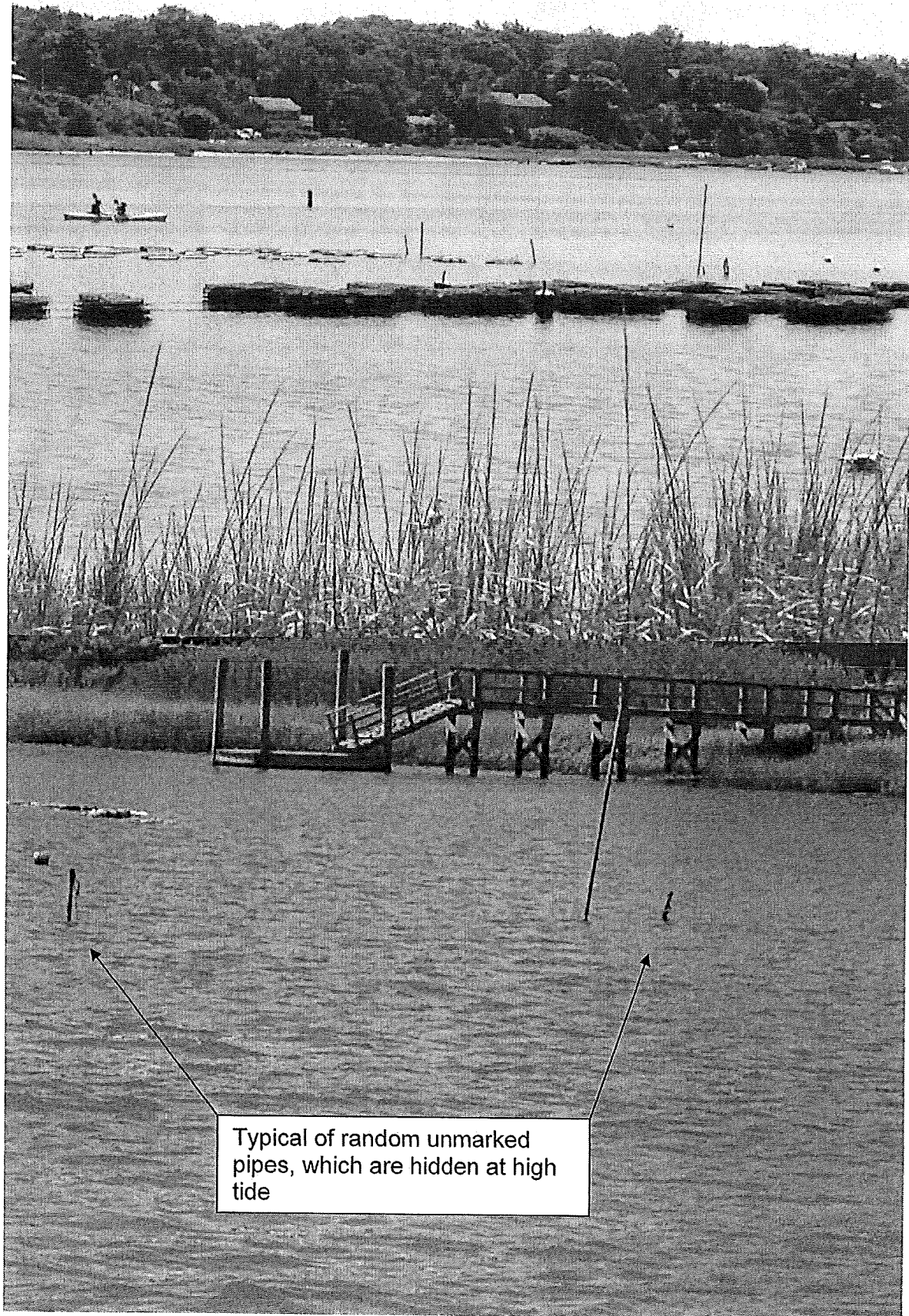
I had our property survey by Coastal Engineering and have attached a copy of the plot plan of our waterfront. Our family would be greatly appreciated if the Board could return this area back to it's natural state at the end of Mr. Eldredges grant.

Sincerely,


Gary A. Boudreau

CC: Ms Shelia Vanderhoef
Town Administrator

Pipes, wires, tables still no markings identifying the area for kayakers or paddle boarders

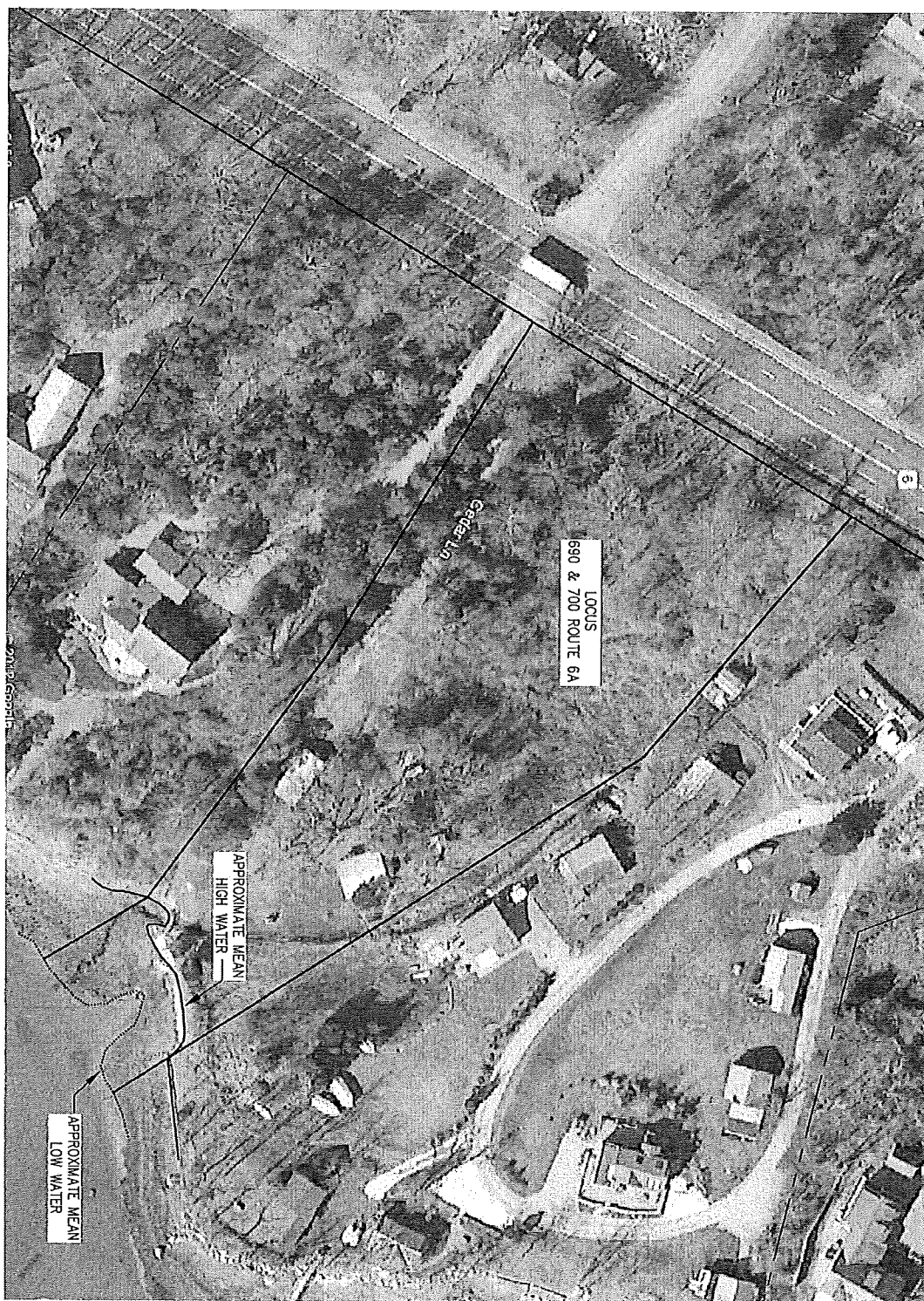


Please return the area to its natural state prior to the pipes, wires, random empty cages and tables



Please not to this again!





C17691-C3D.dwg
 DRAWN BY: JLH
 Coastal Engineering Co., Inc. © 2012

COASTAL ENGINEERING COMPANY, INC. <small>260 Cranberry Hwy, Orleans, MA 01653 508.255.6511 Fax: 508.255.6700</small>	PROJECT		SHEET NO.		PROJECT NO.	
	GARY BOUDREAU SKETCH PLAN 690&700 RTE 6A EASTHAM, MA		SKC-1		C17691.00	
					SCALE	
					1" = 60'	
					DATE	
					5-29-12	

Key: 6340

Town of Eastham - Fiscal Year 2017 Preliminary

12/23/2015 8:50 am SEQ # 1

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CURRENT OWNER				PARCEL ID		LOCATION	
BOUDREAU ANNE M & GARY 10 FREEMAN ST NORTON, MA 02766-2217				21-65-0		690 STATE HWY	
				TRANSFER HISTORY		DOS	T
				BOUDREAU ANNE M & GARY BLISS WILLIAM E & ET AL		08/01/2012 05/18/1994	V G

CD	T	AC/SF/UN	Nbhd	INFL1	INFL2	ADJ BASE	SAF	INFL3	LPI	VC	CREDIT AMT	ADJ VALUE
100	S	40,000	30	1.00	100	1.00	100	1.00	R06	1.30		261,730
300	A	0.180	30	1.00	100	1.00	100	1.00	R06	1.30		4,630

TOTAL	1.098 Acres	ZONING	A	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	NBHD 030	NOTE	NO PLAN REFERENCE - LOTS DESCRIBED IN DEED.			LAND	266,400	388,000
INFL1	100		FY17 CORR LPI. TOPO = SHAPE & WETLANDS.			BUILDING	29,400	31,300
INFL2	100					DETACHED	400	400
						OTHER	0	0
						TOTAL	296,200	419,700

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	F	0.82	25 0.25	15X10	1948	150	11.89
							400

PHOTO [09/28/2015]



BLDG COMMENTS

BUILDING	CD	ADJ	DESC	MEASURE	9/28/2015	PD
MODEL	1		RESIDENTIAL	LIST	6/28/2004	TP
STYLE	6	0.90	BUNGALOW [100%]	REVIEW	10/31/2005	BE
QUALITY	F	0.75	FAIR [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

YEAR BLT	1948	SIZE ADJ	1.380	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	43,226
NET AREA	434	DETAIL ADJ	0.810	FOUNDATION	3	FOUND WALL	1.00	A	BAS	L	BAS AREA	434	1948	89.28	38,750	CONDITION ELEM	CD
\$NLA(RCN)	\$100	OVERALL	1.000	EXT. COVER	1	WOOD SHINGLES	1.00	B	WDK	N	ATT WOOD DECK	176		13.50	2,376	EXTERIOR	A
				ROOF SHAPE	1	GABLE	1.00		ODS	O	OUT DOOR SHOWER			0.00		INTERIOR	A
				ROOF COVER	1	ASPHALT SHINGLE	1.00									KITCHEN	A
				FLOOR COVER			1.00									BATHS	A
				INT. FINISH			1.00									HEAT/ELEC	N
				HEATING	13	NO HEAT	0.90										
				FUEL SOURCE	8	NONE	1.00										
				NBHD	2	NBHD 30	1.00										
				SEASONAL			1.00										
				PRIVATE ROAD	2	NO	1.00										
</																	

Key: 6339

Town of Eastham - Fiscal Year 2017 Preliminary

12/23/2015 8:46 am SEQ # 1

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CURRENT OWNER				PARCEL ID	LOCATION			
BOUDREAU ANNE M & GARY 10 FREEMAN ST NORTON, MA 02766-2217				21-64-0	700 STATE HWY			
				TRANSFER HISTORY		DOS	T	SALE PRICE
				BOUDREAU ANNE M & GARY BLISS WILLIAM E & ET AL		08/01/2012 05/18/1994	V G	100 26550-16 9196-287

CD	T	AC/SF/UN	Nbhd	INFL1	INFL2	ADJ BASE	SAF	INFL3	LPI	VC	CREDIT AMT	ADJ VALUE
100	S	34,848	30	1.00	LCC 0.80	100 1.00	368,424	1.12	100 1.00	CEX 2.10		330,840

TOTAL	34,848 SF	ZONING	A	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	NBHD 030	N O T E	NO PLAN REFERENCE IN DEED. FY10			LAND	330,800	330,800
INFL1	LC 080		TOPO=STREAM / WETLANDS. GUARD RAIL LIMITS			BUILDING	0	20,900
INFL2	100		ACCESS VIA RT 6.			DETACHED	17,200	0
						OTHER	0	0
						TOTAL	348,000	351,700

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
CBN	A	1.00	90 0.90 20*24	1930	480	39.90	17,200

PHOTO [09/28/2015]



BLDG COMMENTS

FY17 DELETED DWELLING, NO BATHROOM-NOT A
LEGAL DWELLING PER BUILDING AND HEALTH
DEPTS

BUILDING	CD	ADJ	DESC	MEASURE	9/28/2015	PD
MODEL	1			LIST REVIEW		
STYLE	0	1.00	[100%]			
QUALITY		1.00	[100%]			
FRAME		1.00	[100%]			

YEAR BLT	0	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	0
NET AREA	0	DETAIL ADJ	1.000	FOUNDATION	0		1.00									CONDITION ELEM	CD
SNLA(RCN)	\$0	OVERALL	1.000	EXT. COVER	0		1.00									EXTERIOR	
				ROOF SHAPE	0		1.00									INTERIOR	
				ROOF COVER	0		1.00									KITCHEN	
STORIES	0		1.00	FLOOR COVER	0		1.00									BATHS	
ROOMS	0		1.00	INT. FINISH	0		1.00									HEAT/ELEC	
BEDROOMS	0		1.00	HEATING	0		1.00										
BATHROOMS	0		1.00	FUEL SOURCE	0		1.00										
HALFBATHS	0		1.00	NBHD	0		1.00										
% A/C	0		1.00	SEASONAL	0		1.00										
GARAGE SPACES	0		1.00	PRIVATE ROAD	0		1.00										
FIXTURES	0		.00														
																RCNLD	\$0

EFF.YR/AGE 0 / 0

COND 0 NEW

FUNC 0

ECON 0

DEPR 0 % GD 100