

AGENDA

Monday

March 21, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, March 21, 2016
5:00 p.m.**

REVISED 3/18/2016

Location: Earle Mountain Room

I. PUBLIC/SELECTMEM INFORMATION

II. PUBLIC HEARING

5:00 p.m. Public Hearing: on petition # MA2016-06 from Verizon New England and Eversource Energy for acquiring ownership of the existing pole line (seven poles) along Lighthouse Lane in Eastham, MA. This is a response to a request from the residents of the road. (Public statements and questions taken & vote anticipated)

III. APPOINTMENTS

5:10 p.m. Cape Cod Children's Place, Cindy Horgan: Update on the building expansion plans and the use of Town of Eastham program income funds to fund the architectural & design services for the expansion. (Informational only, no vote needed)

IV. PUBLIC HEARING

5:15 p.m. Public Hearing: Article to accept the provisions of MGL Chapter 39, Section 23(d), the "Mullin Rule", to allow the participation by board members on multi-session cases when they have missed one meeting. (Public statements and questions taken & vote anticipated)

5:20 p.m. Public Hearing: Article to amend the town of Eastham Code, Chapter 49, Section 4, relative to filling vacancies on the finance committee to allow the original appointing authority to fill any vacancy. (Public statements and questions taken & vote anticipated)

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

V. APPOINTMENTS

5:30 p.m. Petition Article Presentation Tee Time Property, Scott Kerry representing the citizens group petitioned article to acquire property (Discussion and vote may be taken)

5:45 p.m. Petitioned Article Presentation for Hoffman Lane, Tom Johnson, petitioned article to acquire and/or exchange property off of Hoffman Lane (Discussion & vote may be taken)

6:00 p.m. Petitioned Article Presentation to Amend Section 100 of the town Bylaws to add a new Article III, Tom Johnson, petitioned article for each town employee, elected official and

appointed board member be provided an email account within the town's electronic mail system.
(Discussion and vote may be taken)

VI. ADMINISTRATIVE MATTERS

A. Action/Discussion

1. Approve Housing Production Plan (Vote required)
2. Approval of Seasonal Alcoholic Beverage Licenses for the following establishments:
 - A. *Common Victualler*: Dell Enterprises (Lobster Shanty), L & T Fine Foods, Jerope, Inc (Arnolds), Woody's Eastham Lobster Pool. (Vote required)
 - B. *All Alcohol*: Orleans-Eastham Lodge of Elks #2572 (Vote required)
 - C. *Club*: Orleans-Eastham Lodge of Elks #2572 (Vote required)
 - D. *Retail Package Goods*: El Mercado, Inc dba Sam's Underground (Vote required)
3. Final Draft Purcell RFP (Discussion & vote may be taken)
4. Room Tax Local Aid Enhancement, new information regarding a state bill H.2645 by Sarah Peake and discussion of possible letter of support by the Board. (Discussion & vote may be taken)
5. Draft MOA between Eastham and Orleans to allow the town of Eastham to install water main along certain roads in the town of Orleans (Discussion & vote may be taken)
6. Water OPM Update (Discussion & vote may be taken)
7. Request by the Nantucket Board of Selectmen to send letter to the Massachusetts Division of Marine Fisheries and NOAA to extend the near coastal protection zone out to include the 12 mile territorial waters line in the area south of Boston to reflect the original coastal protection zone as drafted in 1999. The zone would restrict the use of nets with smaller than 6.5" mesh, protect the sea bed from damage, and eliminate the indiscriminate killing of forage fish species. The Nantucket Board has requested that each town endorse the petition and send a letter of support. (Discussion & possible vote)
8. Warrant Articles (Votes may be taken)

VII. TOWN ADMINISTRATOR'S REPORT

VIII. OTHER BUSINESS

Upcoming Meetings

March 23, 2016	3:00 p.m.	Timothy Smith Room	Work Session
March 28, 2016	5:00 p.m.	Earle Mountain Room	Regular 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.

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

II 5:00 p.m

TOWN OF EASTHAM NOTICE OF PUBLIC HEARING

A Public Hearing will be held on Monday, March 21, 2016 at 5:00PM, in the Earle Mountain Room at Eastham Town Hall, 2500 State Highway, Eastham, MA 02642 on petition # MA2016-06 from Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy for the purpose of acquiring ownership of the existing pole line (7 poles) along Lighthouse Lane, Eastham, MA.

Published in the March 4, 2016 edition of the Cape Codder



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642

All Departments 508-240-5900

www.eastham-ma.gov

NOTIFICATION TO ABBUTTERS

You have been identified as a direct abutter to the work detailed below:

TOWN OF EASTHAM NOTICE OF PUBLIC HEARING

A Public Hearing will be held on **Monday, March 21, 2016 at 5:00PM**, in the Earle Mountain Room at Eastham Town Hall, 2500 State Highway, Eastham, MA 02642 on petition # MA2016-06 from Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy for the purpose of acquiring ownership of the existing pole line (7 poles) along Lighthouse Lane, Eastham, MA.

A map of the Petition Plan is on the back of this notification.

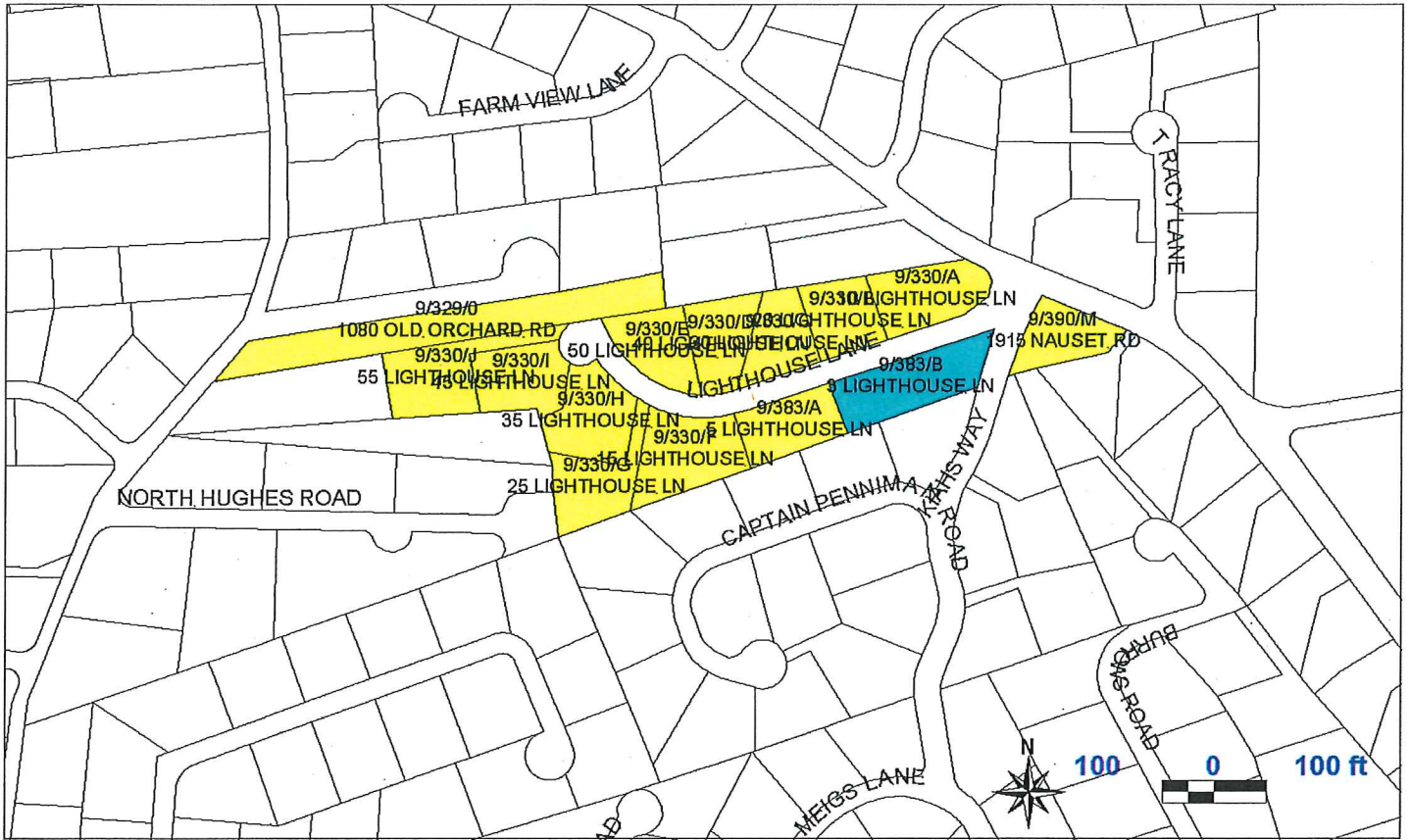
You are invited to attend the public hearing and will be heard.

Please call Lisa Shaw at Eastham Town Hall (508-240-5900, ext 3205) with any questions. Thank you.

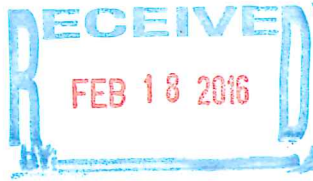


TOWN OF EASTHAM, MA
BOARD OF ASSESSORS
2500 State Highway

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2943	9-329-0-R	MARKMAN ESTHER H	1080 OLD ORCHARD RD	84-1 FISKE STREET	WALTHAM	MA	02451
2944	9-330-A-R	WOLFENDEN FAMILY NOMINEE TRU WOLFENDEN H THOMAS & GRACE T	10 LIGHTHOUSE LN	C/O GRACE WOLFENDEN PO BOX 474	NO EASTHAM	MA	02651
2945	9-330-B-R	SHAMES SPENCER L & DENNIS PATR	20 LIGHTHOUSE LN	172 SOUTHFIELD RD	CONCORD	MA	01742
2946	9-330-C-R	BOWLER ELLEN G	30 LIGHTHOUSE LN	30 LIGHTHOUSE LN	EASTHAM	MA	02651
2947	9-330-D-R	KOZDROWICZ TOMASZ H & MAGDA E	40 LIGHTHOUSE LN	163 CLEAR POND DR	WALPOLE	MA	02081
2948	9-330-E-R	MCMULLEN JUDITH E & MULLEN DEN MCMULLEN JUDITH E TRUST AGREEM	50 LIGHTHOUSE LN	4 SHAKER WAY	WESTBOROUGH	MA	01581
2949	9-330-F-R	NICKERSON PAMELA A	15 LIGHTHOUSE LN	17 WILDROSE TER	S YARMOUTH	MA	02664-1121
2950	9-330-G-R	KOTERBA JOHN & LINDA	25 LIGHTHOUSE LN	25 LIGHTHOUSE LN	EASTHAM	MA	02642
2951	9-330-H-R	GENTNER JEFFREY R & NORMA L	35 LIGHTHOUSE LN	1189 MAPLE RD	BUFFALO	NY	14221-3441
2952	9-330-I-R	PARIANTE ALBERT & ISABEL	45 LIGHTHOUSE LN	22 READING TERRACE	READING	MA	01867
2953	9-330-J-R	QUILL PETER D & JOANNE L	55 LIGHTHOUSE LN	P O BOX 128	NO EASTHAM	MA	02651
3008	9-383-A-R	RIORDAN LESLIE	5 LIGHTHOUSE LN	5 LIGHTHOUSE LN	EASTHAM	MA	02642
3009	9-383-B-R	LARGEY JOHN P & JENNIE M	3 LIGHTHOUSE LN	PO BOX 904	N EASTHAM	MA	02651
3027	9-390-M-R	LEVINE JEFFREY S & DIANA L	1915 NAUSET RD	59 TURNING MILL RD	LEXINGTON	MA	02420



385 Myles Standish Blvd
ATTN: Daryl Crossman – ROW Manager,
Taunton, MA 02780

February 11, 2016

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

Honorable Board of Selectmen,

Enclosed you will find petition # MA2016-06 from Verizon New England Inc. and NStar Electric Company d/b/a Eversource Energy for the purpose of acquiring ownership of the existing pole line (7 poles) along Lighthouse Lane. Please present at your next Board meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

If you have any questions about this petition, please contact me.

Sincerely,

Verizon New England Inc.
Attn: Daryl Crossman - ROW
385 Myles Standish Blvd
Taunton, MA 02780

(774) 409-3191 - Office
(508) 823-2361 – Fax
daryl.crossman@verizon.com - Email

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

February 11, 2016

To the Board of Selectman

in **EASTHAM**, Massachusetts

VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Lighthouse Lane:

This petition is necessary in order for the Petitioners to acquire ownership of the seven (7) existing poles along Lighthouse Lane:

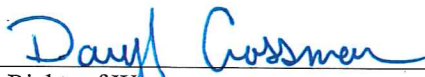
Poles 326-1, 326-2, 326-3, 326-4, 326-5 and 326-7 being located on the southerly side of Lighthouse Lane, and Pole 326-6 being located on the northerly side of Lighthouse Lane.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2016-06**
Dated **February 8, 2016.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.


Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By 
Manager - Rights of Way

Dated this 11 day of FEB, 2016.

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

By  - Jessica Elder
Rights of Way Representative

Dated this 17 day of February, 2016.



EASTHAM

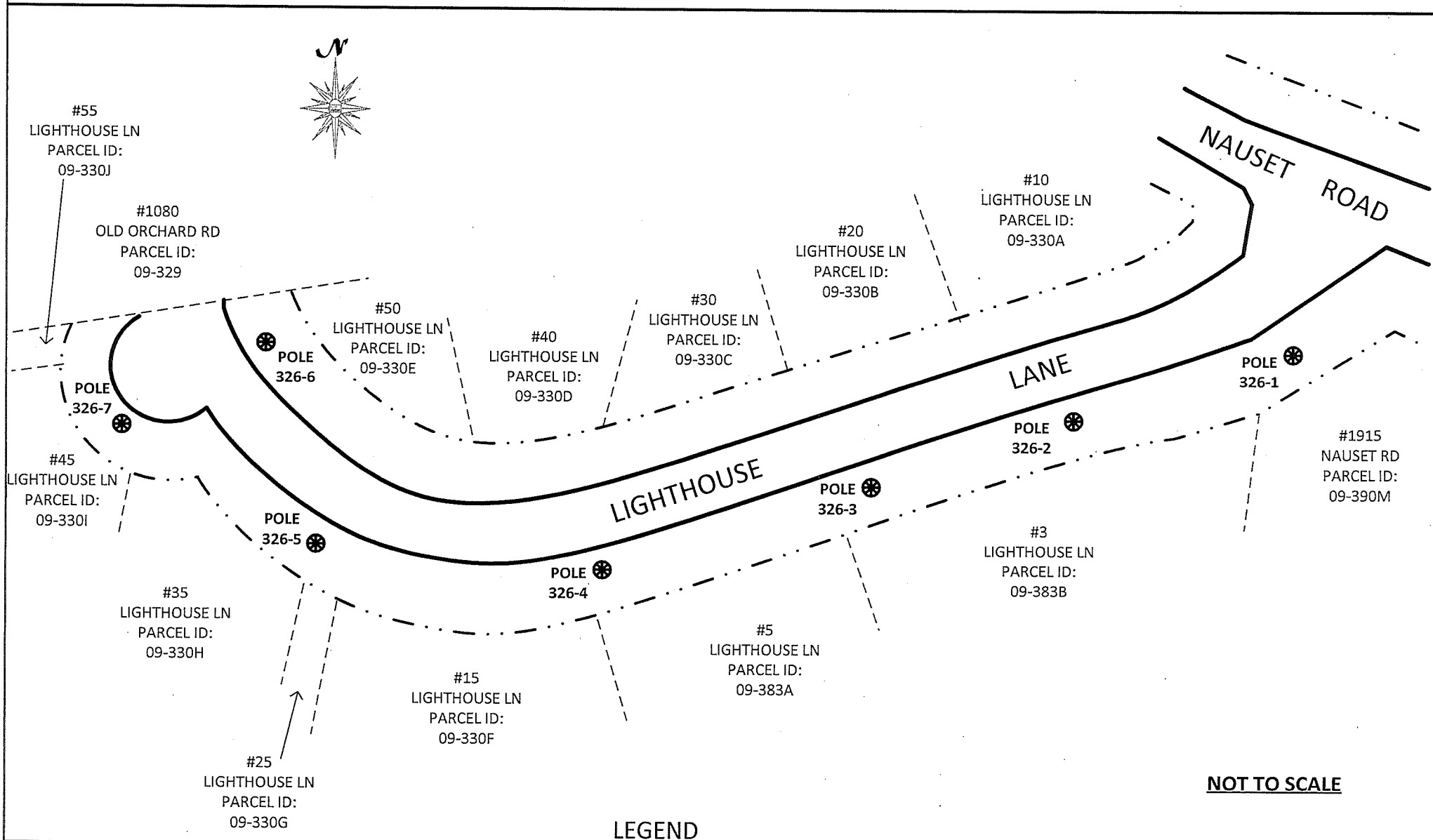
PETITION PLAN

VZ N.E. Inc. No. MA2016-06

VERIZON NEW ENGLAND INC. AND
NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

SHOWING: POLES ON LIGHTHOUSE LANE

DATE: FEBRUARY 8, 2016



NOT TO SCALE

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the Board of Selectmen of the Town of EASTHAM, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a
EVERSOURCE ENERGY be and they are hereby granted joint or identical locations for and
permission to erect and maintain poles and their respective wires and cables to be placed thereon, together
with anchors guys and other such sustaining and protecting fixtures as said Companies may deem necessary,
in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 8th day of
February, 2016

Lighthouse Lane:

**This petition is necessary in order for the Petitioners to acquire ownership of the
seven (7) existing poles along Lighthouse Lane:**

**Poles 326-1, 326-2, 326-3, 326-4, 326-5 and 326-7 being located on the southerly side
of Lighthouse Lane, and Pole 326-6 being located on the northerly side of
Lighthouse Lane.**

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points
indicated upon the plan marked-VZ N. E. Inc. No. **MA2016-06** in a package Dated **February 8, 2016**
- filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be
erected, and the number of poles, which may be erected thereon under this order:

Lighthouse Lane

Also that permission be and hereby is granted to each of said Companies to lay and maintain
underground laterals, cables and wires in the above or intersecting public ways for the purpose of making
connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the
Town of EASTHAM, Massachusetts held on the _____ day of _____ 2016.

Town Clerk

We hereby certify that on _____ 2016, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Board of Selectmen of the Town of EASTHAM, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of **EASTHAM**, Massachusetts, on the _____ day of _____ 2016, and recorded with the records of location orders of said Town, Book _____, Page _____, this certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

III. 5:10 p.m.

Cape Cod Children's Place

Cindy Horgan

Update on the building expansion plans and the use of Town of Eastham program income funds to fund the architectural & design services for the expansion.

IV 5:15 PM

TOWN OF EASTHAM
LEGAL NOTICE

PROPOSED BYLAW CHANGE

PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, March 21, at 5:15 PM at the Eastham Town Hall, in the Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, to accept the provisions of MGL Chapter 39, Section 23(d), the "Mullin Rule", to allow the participation by board members on multi-session cases when they have missed one meeting.

Copies of the law are available for inspection at the Eastham Town Hall in The Town Administrator's Office, Monday-Friday, 8:00 AM to 4:00 PM and on the Town website at www.eastham-ma.gov.

Published in the Cape Cod Times on Friday, March 4, 2016

RECOMMENDED PROCESS FOR ADOPTION

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]

I Policy
"Mullin Rule"

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 is 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.

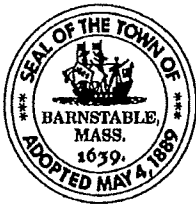
Absentee voting members of certain boards, committees and commissions. In accordance with Massachusetts General Laws Chapter 39, Section 23D, an absentee voting member of any of the boards, committees and commissions of the Town of Barnstable holding an adjudicatory hearing shall not be disqualified 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: _____

IV 5:20pm

TOWN OF EASTHAM
LEGAL NOTICE

PROPOSED BYLAW CHANGE

PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, March 21, at 5:20 PM at the Eastham Town Hall, in the Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, on a proposed amendment to the Town of Eastham Code, Chapter 49, Section 4 relative to filling vacancies on the finance committee.

Copies of the change are available for inspection at the Eastham Town Hall in The Town Administrator's Office, Monday-Friday, 8:00 AM to 4:00 PM and on the Town website at www.eastham-ma.gov.

Published in the Cape Cod Times on Friday, March 4, 2016

RECOMMENDED CHANGE TO THE CHARTER

Replace section 49-4 with the following:

“Whenever a vacancy occurs on the Finance Committee, the original appointing authority for that position, the Board of Selectmen, Finance Committee or Moderator, shall make an appointment to fill the unexpired term”

TO: Board of Selectmen
cc: Sheila Vanderhoef, Mike Hackworth
FROM: Steve Cole, Moderator
RE: Proposed bylaw amendment regarding Finance Committee vacancies
DATE: October 21, 2015

I wish to recommend that the BOS include on the 2016 warrant a charter revision making a needed improvement to the procedure for filling vacancies on the Finance Committee.

Background

Different appointing authorities appoint the nine members of the Finance Committee. The BOS appoints three, the Finance Committee appoints three, and the Moderator appoints three, each appointing authority making one appointment per year.

Generally, when vacancies arise on appointed committees in Eastham, the usual procedure is for the original appointing authority to fill the vacancy for the remainder of the unexpired term. This makes sense.

There is a different and confusing procedure set forth in the town bylaws for filling FinCom vacancies. Since at least 1968 the bylaws have provided as follows:

"§ 49-4

Filling of vacancies.

[Amended 3-6-1968 ATM by Art. 61]

A.

In the event of a vacancy or vacancies occurring in the Finance Committee, the remaining members thereof and the Selectmen of the Town shall fill such vacancy or vacancies, and the person or persons so appointed shall perform the duties of the office until the next annual Town Meeting, when the office shall be filled by vote of combined appointing authority for the unexpired term thereof.

B.

In each instance the majority of the officers entitled to vote shall be necessary for such appointment, and for the purpose of this bylaw each member of a board or committee shall be deemed an officer entitled to vote."

So, under this provision, when a FinCom vacancy occurs, there is a two-step process required. First, the individual members of BOS and FinCom vote on an appointment to fill the vacancy until the next town meeting, and then the ""combined appointing authority"" again fill the vacancy for the remainder of the unexpired term. It is not clear, at least to me, if the "combined authority" is any different than the BOS and FinCom members voting individually.

In any event, unlike usual procedures for other committees, the original appointing authorities for FinCom do not fill vacancies arising when their own appointees create the vacancy – there is

a larger group that gets involved. And, it appears, the Moderator has no role whatsoever in filling vacancies arising when his own appointees create a vacancy.

I perceive no reason for this anomaly. It is cumbersome and time consuming, and what is worse, it leaves one appointing authority – the Moderator -- totally out of the picture, even though at the expiration of the term he will be required to make the appointment.

Recommended procedure

I recommend that each appointing authority -- BOS, FinCom and the Moderator -- be the entity that fills vacancies for unexpired terms, exactly the procedure used for other appointed committees. In addition to being clearer and more streamlined and efficient, it increases the likelihood that an interim appointee who has done a good job might be reappointed to a full term by the appointing authority, since that authority would have appointed the person in the first place.

I recommend that the BOS include in the 2016 warrant a revision to the charter that would replace section 49-4 with the following:

“Whenever a vacancy occurs on the Finance Committee, the original appointing authority for that position, the Board of Selectmen, Finance Committee or Moderator, shall make an appointment to fill the unexpired term.”

Tee Time Rep

V 5:30PM

Submission of a petition for Annual Town Meeting:

We, the undersigned registered voters of the Town of Eastham,, having read the article listed below, do hereby petition the Board of Selectmen, requesting that they place the following ARTICLE on the warrant for the next Town Meeting.

To see whether the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, grant, and/or eminent domain pursuant to M.G.L. c.79, for general municipal purposes, including, but not limited to public housing, recreational purposes, economical development opportunities, or under terms and conditions agreeable to the Selectmen, fee, easement and/or any other property interests in, on, over, across all or a portion of a parcel of land in Eastham located at 4790 State Highway of approximately 10.860 acres, more or less, together with any structures, improvements, and trees thereon, shown as map 05, Parcel 124, on the Eastham Assessors Maps as more particularly identified in deeds recorded in the Barnstable County Registry of Deeds in Book 27046, Page 73, for the fair market price of \$1,400,000 or any other fair market value that may be determined by a certified land appraiser retained by the Town to conduct an independent appraisal of the property, and with any other related costs associated therewith, or such lower sum acceptable to the Board of selectmen, and incidental and related costs of debt issuance, and/or borrow said total sum which shall be reduced by the amount of any grants, or gifts received, provided that such appropriation and debt authorization shall be

-CONTINUED ON BACK ->

Signature of Voter
Please write legibly

House Number & Street Name
Do not use a PO Box

- | | |
|--|---|
| 1. <u>[Signature]</u> | <u>60 Bob White Ln. jennarank2@comcast.net</u> |
| 2. <u>[Signature]</u> | <u>169a SAMOSET RD NOBILI@COMCAST.NET</u> |
| 3. <u>[Signature]</u> | <u>120 Viola Rd hilforty282@gmail.com</u> |
| 4. <u>[Signature]</u> <u>45 Salt Pond Rd</u> | <u>Jim McGrath 2000@yahoo.com</u> |
| 5. <u>[Signature]</u> <u>Lori K. McGrath</u> | <u>45 Salt Pond Rd lorimcgrath2000@yahoo.com</u> |
| 6. <u>[Signature]</u> | <u>10 oakwood crossings dean.kaplan@gmail.com</u> |
| 7. <u>[Signature]</u> | <u>280 Barnwood Rd Sandotra@comcast.net</u> |
| 8. <u>Vivian M. Perry</u> | <u>835 Hay Road Eastham, ma</u> |
| 9. <u>Lawrence E. Perry</u> | <u>835 Hay Road, Eastham, MA</u> |
| 10. <u>[Signature]</u> | <u>120 Viola Rd Eastham MA</u> |
| 11. <u>[Signature]</u> | <u>125 OAKWOOD RD. EASTHAM MA.</u> |
| 12. <u>[Signature]</u> | <u>15 Fisher Run</u> |

contingent upon the passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws Chapter 59, Section 21C(k), and to authorize the Treasurer under the direction of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose, as authorized by Massachusetts General Laws Chapter 44, Section 7(3A) or any other general or special law; funds to be expended by the Board of Selectmen for such acquisition, and further, to determine whether the Town will authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing, or take any other action relative thereto.

Narrative: This article authorizes the Selectmen to purchase the property at 4790 State Highway, known as the Tee Time Property, from the current owners, for municipal purposes for the sum of \$1,400,000, or an otherwise negotiated sum, to be funded through a borrowing. Concerned citizens concluded that it is unlikely that a negotiated purchase agreement can be reached with the company. The petitioners believe it may be in the Town's best interests to take the property by eminent domain. State law allows town government to take private property by eminent domain, provided doing so serves a public purpose. The property can be used for public housing, recreational uses, or to encourage small business/trade opportunities for residents of Eastham. The property has current assessed value of \$1,261,300 and a purchase and sale agreement was in place for \$1,400,000. A taking by eminent domain requires that a new independent appraisal be conducted.

Question: Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 4790 State Highway, including legal and other related costs of the purchase and debt issuance.

Hoffman Lane

V 5:45 PM

Submission of a petition for Annual Town Meeting:

We, the undersigned registered voters in the Town of Eastham, having read the article listed below, do hereby petition the Board of Selectmen, requesting that they place the following ARTICLE on the warrant for the next Town Meeting:

To see if the Town will purchase the northernmost 40 foot portion of 1895 State Highway (map and parcel 15-120-A) from State highway to 35 Hoffman Lane (map and parcel 15-120-B) for the purpose of constructing a public way. Furthermore, exchanging the northernmost 40 foot portion of 35 Hoffman Lane belong to the Eastham Conservation Trust for that portion of town property at 75 Hoffman Lane not required for a public way to connect to Deacon Paine Road.

SUMMARY: The Town of Eastham has public ways that cannot be reached by public roads between Route 6 and Hay Road. This will allow public access to these roads with the minimum impact upon the Town, abutters of Hoffman Lane and Hay Road

Signature of Voter

House Number & Street Name

1. [Signature] T Johnson
2. [Signature] Lois Roth-Johnson
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature] J. McJannet
7. [Signature]
8. [Signature]
9. [Signature] S. Blanda
10. [Signature]
11. [Signature]
12. [Signature] Estelle Johnson

- 2955 Herring Brook
- 2955 Herring Brook Rd
- 115 Campground Rd.
- 170 Capt. Penniman Rd.
- 170 Capt. Penniman Rd.
- 60 Brigg's Field Rd
- 20 Massicot Rd
- 855 Hay Road.
- 18 Pequod Ln
- 50 Rolling Lane
- 55 MASSASOIT RD
- 55 MASSASOIT Rd.



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

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

www.eastham-ma.gov

SUBMISSION OF A PETITION FOR ANNUAL TOWN MEETING

REQUIRES THE SIGNATURES OF 10 REGISTERED VOTERS-

Petitions must be submitted by the stated closing date for warrant articles: _____
The article being submitted should be typed on the petition. The article should be **READ
AND THEN SIGNED BY THE VOTERS.**

**THIS PETITION FORM IS THE ONLY FORM TO BE USED AND SHALL NOT BE ALTERED
OR DEFACED IN ANY MANNER OR WILL BE REFUSED.**

**The person circulating and turning in the petition will be the person called on to speak to
the article unless specified otherwise.**

Petitions should be submitted to the TOWN CLERK'S OFFICE AND WILL BE CERTIFIED AND
THEN SUBMITTED TO THE BOARD OF SELECTMEN.

The Annual Town Meeting warrant shall be open no less than 90 days prior to the meeting.
(Charter Requirement)

PERSON SUBMITTING THE PETITION Thomas Johnson

Phone Number 255 1944 Best time to be reached Anytime

Street Address 2955 Herring Brook Rd

Received by the Town Clerk _____ Submitted to the Registrars _____

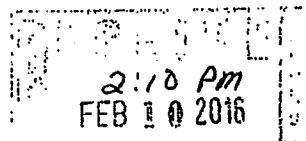
Certification of voters by registrars

Stamp:

Number of Voters _____

Accepted: _____

Rejected: _____



BOARD OF REGISTRARS SIGNATURES: _____

Email-Elected
Official

IV 6:00 PM

Submission of a petition for Annual Town Meeting:

We, the undersigned registered voters in the Town of Eastham, having read the article listed below, do hereby petition the Board of Selectmen, requesting that they place the following ARTICLE on the warrant for the next Town Meeting:

To see if the Town will amend Section 100 of the Town of Eastham Bylaws to add a new Article III - Each Town Employee, elected official and appointed board member shall be provided an email account within the town electronic mail system and said account will be used for all official correspondence of the town.

SUMMARY: Massachusetts General law 66 Section 10. (a) "Every person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee." The Secretary of the Commonwealth has determined the Public Records Law applies to all government records generated, received or maintained electronically, including computer records, electronic mail, video and audiotapes. Currently, the Town has no control over public emails generated or received by elected officials, committee members or certain town employees.

Signature of Voter

House Number & Street Name

- | | |
|------------------------------|-------------------------------|
| 1. <u>T. Johnson</u> | <u>2955 Herring Brook</u> |
| 2. <u>Lois Roth Johnson</u> | <u>2955 Herring Brook Rd</u> |
| 3. <u>Elizabeth Halligan</u> | <u>115 Campground Rd.</u> |
| 4. <u>Marthy Wisely</u> | <u>170 Capt. Penniman Rd.</u> |
| 5. <u>Robert B. Wake</u> | <u>170 Capt. Penniman Rd</u> |
| 6. <u>Nathan Anderson</u> | <u>60 Briggs Field Rd</u> |
| 7. <u>Mark Kean</u> | <u>20 Massasoit Rd</u> |
| 8. <u>[Signature]</u> | <u>855 Hay Road</u> |
| 9. <u>Christine S. Bland</u> | <u>18 Pequod Lane</u> |
| 10. <u>Norm Lapp</u> | <u>50 Rolling Lane</u> |
| 11. <u>Estelle Jensen</u> | <u>55 MASSASOIT Rd</u> |
| 12. <u>John Jensen</u> | <u>55 MASSASOIT RD.</u> |



TOWN OF EASTHAM

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

SUBMISSION OF A PETITION FOR ANNUAL TOWN MEETING

REQUIRES THE SIGNATURES OF 10 REGISTERED VOTERS-

Petitions must be submitted by the stated closing date for warrant articles: _____
The article being submitted should be typed on the petition. The article should be **READ
AND THEN SIGNED BY THE VOTERS.**

**THIS PETITION FORM IS THE ONLY FORM TO BE USED AND SHALL NOT BE ALTERED
OR DEFACED IN ANY MANNER OR WILL BE REFUSED.**

**The person circulating and turning in the petition will be the person called on to speak to
the article unless specified otherwise.**

Petitions should be submitted to the TOWN CLERK'S OFFICE AND WILL BE CERTIFIED AND
THEN SUBMITTED TO THE BOARD OF SELECTMEN.

The Annual Town Meeting warrant shall be open no less than 90 days prior to the meeting.
(Charter Requirement)

PERSON SUBMITTING THE PETITION Thomas Johnson

Phone Number 255-1947 Best time to be reached Anytime

Street Address 2955 Herring Brook Rd

Received by the Town Clerk _____ Submitted to the Registrars _____

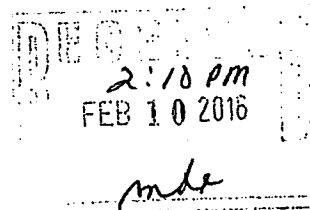
Certification of voters by registrars

Stamp:

Number of Voters _____

Accepted: _____

Rejected: _____



BOARD OF REGISTRARS SIGNATURES: _____

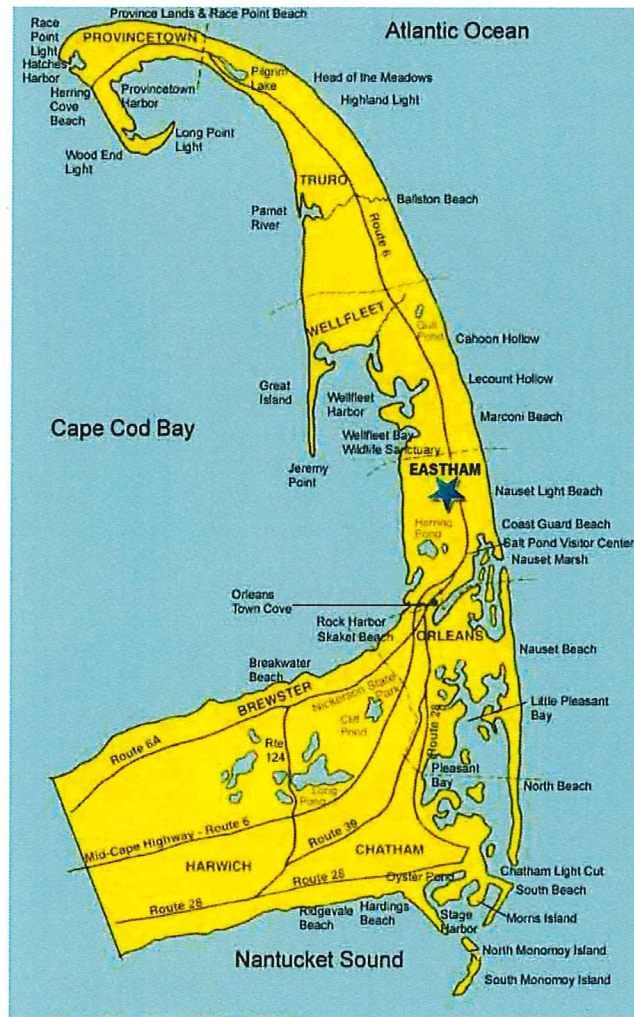
Draft 2-1-16

To review this document, go to the Town website at www.eastham-ma.gov. On the home page, click on the Eastham Housing Production Plan link under News and Announcements on the right side of the page. The document is 141 pages.

TOWN OF EASTHAM, MASSACHUSETTS

VI A.1

HOUSING PRODUCTION PLAN



February 2016

Prepared for the Eastham Board of Selectmen

Karen Sunnarborg, Housing and Planning Consultant
With technical support from Paul Lagg, Town Planner



TOWN OF EASTHAM

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

VI A.2. A-D

Memorandum

TO: Board of Selectmen
FROM: Planning Department
DATE: March 15, 2016
RE: 2016 Annual BOS License Renewals: Liquor

Please find enclosed liquor and associated licenses due for seasonal renewal. All applicable inspections are scheduled to be completed prior to opening. Taxes for all businesses are current per the Treasurer's office. Review of the renewals by the Fire and Police Chiefs found no incidents preventing renewal of any licenses.

Please note:

- The DBA on the state renewal form for Stewarts was omitted. It has been added to the renewal form to match our records. The change requires a Form 43 per the ABCC renewal application guidelines. Please sign the Form 43 where indicated.
- The ABCC seasonal renewal certification 2016 form enclosed must be signed by the Board.

Should you approve these licenses, please sign the state renewal forms and town licenses where indicated. Thank you.

enc. 2016 Seasonal liquor license renewal application guidelines
ABCC Seasonal Renewal Certification 2016
List of business due for license renewals
ABCC license renewal applications (6 individual) to be signed with one Form 43 as indicated above
Licenses (13) to be signed

2016 SEASONAL LIQUOR LICENSE RENEWAL APPLICATIONS GUIDELINES

Licensees must sign all applications during the month of **March**. Please review and correct the data if necessary. The licensee who is applying for renewal must provide the social security number or federal identification number and an e-mail contact. That field is located under the signature line. Failure to provide this information will result in the renewal form being returned and renewal denied by the ABCC.

Any changes must be made in red ink and an approved form 43 must be attached to verify the change. If no approved form 43 is attached, the change will not be accepted.

For licenses in process of transfer, the license holder as of March 31, 2016 must file the renewal.

Certification letter identifying any non-renewals must be included with the renewals.

Applications should be put in numerical order (See License # in upper left hand corner of application) before mailing to A.B.C.C. Renewal applications should be sent in one mailing along with the renewal certification letter.

ANY QUESTIONS REGARDING THE ABOVE GUIDELINES SHOULD BE DIRECTED TO RYAN MELVILLE AT EXT 718 OR RMELVILLE@TRE.STATE.MA.US

Ryan Melville, Licensing Supervisor

Liquor

36400013	Dell Enterprises, Inc.	The Lobster Shanty	Restaurant	All alcohol
36400022	Orleans-Eastham Lodge of Elks #2572	Elks (outdoor area)	Club	All alcohol
36400032	L & T Fine Foods Corporation	Laura & Tony's Kitchen	Restaurant	All alcohol
36400033	Jerope, Inc.	Arnold's Restaurant	Restaurant	All alcohol
36400036	Woody's Eastham Lobster Pool, LLC	Stewart's Restaurant and Tavern	Restaurant	All alcohol
36400040	El Mercado Loco, Inc.	Sam's Uncorked	Package Store	Wine and Malt Regular

Please note:

The Lobster Shanty, Laura and Tony's, Arnold's, and Stewart's Restaurant/Stewart's Mambo Gelato are renewing their seasonal common victualler licenses at this time. Sam's and the Elk's renewed at the annual deadline.

Stewart's is renewing their seasonal entertainment license.

Arnold's is renewing their seasonal mini-golf license.

Final Draft Purcell Property RFP

A hard copy of the RFP will be provided at the Monday, March 21, 2016 meeting.

We will postpone the release of the RFP until after the meeting on Wednesday, March 23, 2016 meeting to allow the Board members to review and suggest any changes.

Room
TAX

Jacqueline Beebe

From: Sheila Vanderhoef [svanderhoef@eastham-ma.gov]
Sent: Wednesday, March 16, 2016 4:11 PM
To: Peake, Sarah - Rep. (HOU)
Cc: wallace.adams70@yahoo.com; Elizabeth Gawron
Subject: Re: Transient redraft

VI A 4

Categories: Follow up

Sarah thanks for continuing help on this. I will draft something for the Board to consider on Monday and the FinComm on Wednesday. Again thank you.

On Mar 16, 2016, at 3:04 PM, Peake, Sarah - Rep. (HOU) <Sarah.Peake@mahouse.gov> wrote:

Hi Sheila, Elizabeth, and Wally, I know that Eastham doesn't have a room tax home rule bill in the legislative hopper yet this session, but I know there is a continuing interest.

As I've mentioned recently, it seems that both MA DOR and the Revenue Committee Chairs are more comfortable moving forward with a "statewide" bill that towns could then opt in to at Town Meeting, rather than a town by town scatter gun approach.

Well, today the committee matched its words with action. The attached bill was voted out of the committee with an "ought to pass" designation. This is still a long way from enactment, but it's a giant step forward and farther than we've ever gotten.

I have organized a meeting with the Speaker and officials from Brewster, Wellfleet, Provincetown, and Truro on March 30th. All four of these towns have filed home rule bills this session. If Eastham's BoS or FinCom is interested in sending me and the Speaker a letter in support of the attached bill, that would be helpful. I would invite you to the meeting, except you don't yet have a bill pending and it's a big crowd already.

Please call with any questions you may have.

Sarah

Rep. Sarah Peake
Leader, 3rd Division
Room 163, State House
Boston, MA 02133
617.722.2040
774.722.0554

Sent from my iPad

Begin forwarded message:

From: Sacco, Anthony (HOU)
Sent: Wednesday, March 16, 2016 1:18 PM
To: Cary, Jocelyn (HOU)
Subject: Transient redraft

HOUSE No. 2645

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for local aid enhancement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>

HOUSE No. 2645

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 2645) of Sarah K. Peake and others that cities and towns be authorized to include “transient accommodations” under the room occupancy excise tax. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2692 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act providing for local aid enhancement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 64G of the General Laws as appearing in the 2010
2 official edition, is hereby amended by inserting after the word “motel” in line 29, the following
3 words:- “or other transient accommodations”

4 SECTION 2. Section 1 of Chapter 64G as appearing in the 2010 official edition is further
5 amended by inserting after the word “rooms” in line 33, the following words:- “or other transient
6 accommodations”

7 SECTION 3. Section 1 of Chapter 64G as appearing in the 2010 official edition is further
8 amended by adding the following subsections: (k) “Transient accommodations” any vacation or
9 leisure accommodation, including but not limited to apartment, single or multiple family

10 housing, cottage, condominium and time-share unit which is rented to occupants for a period of
11 90 consecutive days or less regardless of whether such use and possession is as a lessee, tenant,
12 guest or licensee. (l) "Vacation or leisure accommodation", occupancy for a price to be paid and
13 intended at the time of contract or agreement to be for a period of 90 consecutive days or less
14 regardless of whether such use and possession is as lessee, tenant, guest or licensee.

15 SECTION 4. Chapter 64G is further amended by adding the following section:-

16 Section 13. (i) Any city or town which accepts or has accepted the provisions of
17 section 3A may, by a separate vote, accept the provisions of this section and expand the
18 imposition of room occupancy excise to include transient accommodations. Such vote of the city
19 or town shall be by vote as described in section 3A of this chapter. The city or town, in
20 accepting the provisions of this section, may revoke or otherwise amend the applicable rooms tax
21 rate no more often than once in any twelve month period.

22 (ii) For transient accommodations subject to this section, the owner of the apartment,
23 single or multiple family housing, cottage, condominium or time-share unit shall be responsible
24 for assessing, collecting, reporting, and paying over the tax as described for operators in sections
25 3, 4, 5, 6 and 7A, and shall be liable in the same manner as operators in section 7B. If a property
26 owner has a manager or management company collecting the rent such manager or management
27 company shall collect the room occupancy excise and forward it to the owner along with the
28 accommodation fee.

29 SECTION 5. Said provisions shall not apply to accommodations provided to seasonal
30 employees by employers or to rental of one's primary residence as such transient rental.

31 SECTION 6. Section 3 of Chapter 64G of the General laws shall be amended in the first
32 sentence by deleting the word, “or” after the word, “house,” and by adding, after the word,
33 “motel”, the words, or other transient accommodations as defined in section 1 of this chapter”.

34 SECTION 7. The Department of Revenue shall be authorized to promulgate, implement
35 and enforce regulations for the reporting, collecting and enforcement of this tax.

MEMORANDUM OF AGREEMENT
BETWEEN THE TOWNS OF ORLEANS AND
EASTHAM
TO PERMIT THE TOWN OF EASTHAM TO INSTALL, OPERATE AND MAINTAIN
A MUNICIPAL WATER SYSTEM PIPE AND APPURTENANCES ALONG
CERTAIN ROADS IN THE TOWN OF ORLEANS

Article I. Recitals

WHEREAS, the Town of Eastham and Orleans share a boundary that runs along Eastham's Bridge Road and Orleans' Rock Harbor Road, and returns to Eastham at Smith Lane; and

WHEREAS, in May 2014 and May 2015 the Town of Eastham Annual Town Meeting voted to install municipal water in Town; and

WHEREAS, the system design goals are best served with a continuous loop to facilitate system redundancy and flushing; and

WHEREAS, the Town of Orleans may benefit from the installation of an emergency interconnection along a portion of the pipe as it runs through Orleans; and

WHEREAS, the Town of Eastham is prepared to install said pipe and appurtenances based on a plan to be prepared by Environmental Partners Group of Quincy Ma., consulting engineers; and

WHEREAS, said plan is prepared in accordance with State regulations for municipal water systems;

NOW THEREFORE, the undersigned Towns, in consideration of the mutual covenants contained herein, hereby agree as follows:

Article II. Policy and Purpose

1. This agreement shall govern the installation, operation, and maintenance of distribution system pipes, valves, hydrants, and other appurtenances of Eastham's municipal water system located in Orleans.
2. The Town of Eastham shall be responsible for all costs associated with the installation, operation and maintenance of the municipal water pipe and appurtenances, including but not limited to repair of the road to an agreed upon standard. Said standard shall be set in advance of the installation. The Town of Eastham shall not be responsible for road repair or improvements neither related to ordinary wear and tear, nor responsible for the expansion of the road system beyond its current limits except as disturbed by the installation of the water pipe

and appurtenances.

3. The Town of Eastham shall not provide drinking water to individual customers in the Town of Orleans except as may be requested by and negotiated with, the Town of Orleans through its Board of Selectmen and Water Commissioners, and the Town of Eastham Water Commissioners.

Article III: Renewal and Termination

1. The effect of this Intermunicipal Agreement shall be to establish for a period of ninety-nine years (99) years, the right of the Town of Eastham to operate and maintain water pipes and appurtenances as described above and as shown on a plan attached here. This agreement may be amended or renewed by town meeting with the effect being that no amendment can require the removal of the system before the expiration of the term.
2. This agreement shall be subject to the applicable provisions of General Laws, Chapter 40, Section 4A governing contracts between municipalities except such provisions of Chapter 40, Section 4A requiring Town Meeting approval in which case each town's process shall be governed by applicable provisions of that town's Home Rule Charter.

Signed this _____ day of 2016

Board of Selectmen – Eastham

Board of Selectmen - Orleans

EXHIBIT A

MARCH 2016

EXHIBIT A

MARCH 2016



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aergrid, IGN

OPM – Municipal Water Project

**Update from Sheila Vanderhoef, Chair,
Capital Projects Committee**

Elizabeth Shaw

VI A 7

From: ed McManus [mcmanused@msn.com]
Sent: Wednesday, March 09, 2016 8:09 AM
Subject: CCSCA Action Item For Friday
Attachments: Ltr_to_GovBaker_Coastal-zone-letter_081115.pdf
Categories: Yellow Category

ADMINISTRATION
MAR 09 2016
RECEIVED

Members,

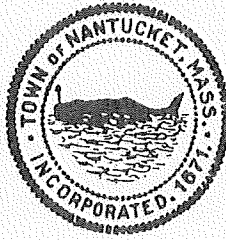
Tobias Gliden, chairman of the Nantucket Board of Selectmen, has asked that the Association vote to send a letter similar to the attached letter that they have sent to Gov. Baker. Nantucket is petitioning NOAA and the Massachusetts Division of Marine Fisheries(DMF) to extend the near coastal protection zone out to include the 12-mile territorial waters line in the area south of Boston as is the case of waters north of Boston and west of the cape. This will reflect the plans of the original coastal protection zone as drafted in 1999. The zone would restrict the use of nets with smaller than 6.5" mesh, protecting the sea bed from damage, indiscriminately killing forage fish species and significant levels of bycatch.

The Nantucket Board of Selectman have asked, that in addition to the association endorsing this petition, that each town on Cape Cod and Martha's Vineyard also endorse the petition and send similar letters of support to the Governor, State and Federal legislators and the Division of Marine Fisheries. This matter will be voted on at this Friday's meeting.

Ed McManus
Clerk, CCSCA

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
Dawn E. Hill Holdgate



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

August 11, 2015

The Honorable Governor Baker
Massachusetts State House
Room 280
Boston, MA 02133

Dear Governor Baker:

The County of Nantucket is petitioning NOAA and Massachusetts Division of Marine Fisheries (DMF) to extend the existing near coastal protection zone. The zone currently begins at Boston, extending north to the Hague Line (Herring Management Area 1A). We propose the inclusion of the 12-mile territorial waters along the coast south of Boston, along the outside of the Cape, around Nantucket, and south of Martha Vineyard to the western Massachusetts line. Our proposal is not novel, but reflects the original plans for the coastal protection zone as drafted in 1999.

This closure would be a gear-based restriction of no less than 6.5" mesh in any mobile gear, bay scallop dredges and the historic state waters squid fishery, which is open from April 23 to June 9 would be exempt. This zone is historically known as the main migratory route of whales, predator fish, birds, and forage fish such as squid and herring. Forage fish are perhaps most important, as they critically support the rich marine ecosystem and fish habitat that exists along this route.

The intent of creating the 12-mile territorial boundary along the coast, and the intention of the 1977 Magnuson Stevens Act, was to protect our marine ecosystems, habitat, and fisheries from foreign fishing fleets indiscriminately harvesting with destructive gear types. Yet, today, the state allows near-shore trawlers to use small mesh gear close to shore. Small mesh gear, used by mid-water pair trawlers and otter trawlers, often engages and disrupts the sea floor, causing indiscriminate killing, significant bycatch, and destruction of our natural resources at a massive scale. Industrial-size fishing boats and small mesh gear have the potential to enact irreversible damage and wreak havoc on our near coastal natural resources.

Due to the steady decline and, in some cases, collapse of New England ground fisheries, many fishermen have changed occupations, recognizing that if policies don't

change immediately, if ecosystems and forage fish are not protected, fisheries will collapse. At this point in time the biomass of local fish stocks can no longer handle the shifting pressures and indiscriminate harvesting that at one point in time seemed acceptable and sustainable. In our quest to become responsible stewards of the oceans and natural resources, stakeholders and regulators should no longer turn a blind eye. We recognize the shift of fisheries management policies from a single species management approach to an Eco-Based Fisheries Management (EBFM) approach. We believe the EBFM method will help improve our present course, and that this change will ultimately contribute to a sustainable near-coastal marine ecosystem and fishery for current and future generations.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tobias Glidden". The signature is fluid and cursive, with the first name "Tobias" written in a larger, more prominent script than the last name "Glidden".

Tobias Glidden
Chairman
Nantucket County Commission

Cc: Lt. Governor Karyn Polito
Senator Daniel A. Wolf
Representative Sarah Peake
Representative Timothy R. Madden
David Pierce, Division of Marine Fisheries
George Peterson
John Bullard
Terry Stockwell
Rick Robins

VI A 8

Warrant Articles

**TOWN OF EASTHAM
ANNUAL TOWN MEETING WARRANT
AND FINANCE COMMITTEE REPORT AND
RECOMMENDATIONS
7:00 P.M.**

MAY 2, 2016

**NAUSET REGIONAL HIGH SCHOOL GYMNASIUM
ANNUAL TOWN ELECTION
MAY 17, 2016**

POLLS OPEN 7:00 A.M. - 8:00 P.M.

**EASTHAM TOWN HALL
2500 STATE HIGHWAY
EASTHAM, MA**

**FOR COPIES OF THIS WARRANT IN LARGER PRINT
OR ON TAPE, PLEASE CALL 508 240-5900.**

**Also available on the town website
www.eastham-ma.gov**

Please bring this warrant to Town Meeting

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 2, 2016

ARTICLE #	SHORT TITLE	PAGE #
1	GREENHEAD FLY CONTROL	
2	DEP LIABILITY	
3	NAUSET REGIONAL SCHOOL FUNDING AGREEMENT	
4	REAUTHORIZE REVOLVING – FUNDS	
5	VISITORS SERVICES BOARD	
6	TRI TOWN DECOMMISSIONING FUNDING	
7	CHAMBER OF COMMERCE GRANT	
8	OPEB FUNDING	
9	UNION AND NON UNION JOB CLASSIFICATIONS STUDY	
10	FY16 TRANSFERS	
11	ELECTED OFFICIALS SALARIES	
12	MUNICIPAL OPERATING BUDGET	
13	FY17 CAPITAL ACQUISITION ARTICLE	
14	FIVE YEAR CAPITAL PLAN	
15	HOME RULE CHARTER CHANGE CAPITAL PROJECTS COMMITTEE	
16	ZONING – GROUNDWATER PROTECTION OVERLAY DISTRICT	
17	DEBT INTEREST PAYMENTS FROM BOND PREMIUM RESERVES	
18	ACCEPTANCE STATUTE MULLIN RULE	
19	CPA- RESERVES SET ASIDE	
20	CPA – ADMINISTRATIVE EXPENSES	
21	CPA HOUSING – EXTEND RENTAL SUBSIDY TIME AFFORDABLE HOUSING TRUST	
22	CPA HISTORIC - CHAPEL IN THE PINES HISTORIC RENOVATION	
23	CPA RECREATION - REHAB AND EXPAND FACILITIES AT FIELD OF DREAMS	
24	CPA HOUSING - AFFORDABLE HOUSING TRUST STAFFING	
25	CPA RECREATION – SHADE SHELTER AT WILEY PARK PLAYGROUND	
26	CPA OPEN SPACE – BOND PAYMENTS –HARRIS/ASCHETTINO	
27	LAYOUT/ACCEPTANCE OF PORTION OF HAY ROAD GOV PRENCE TO BRIDGE ROAD	
28	LAYOUT/ACCEPTANCE OF PORTION OF HAY ROAD GOV PRENCE TO WOODLAND WAY	
29	CHANGE – FINANCE COMMITTEE APPOINTING AUTHORITY	
30	PETITION – PURCHASE T-TIME PROPERTY	
31	PETITION – EMAIL ADDRESSES FOR ALL COMMITTEE MEMBERS, STAFF, ELECTED OFFICIALS	
32	PETITION – PURCHASE AND EXCHANGE LAND TO CREATE 40 LAYOUT ADJACENT TO HOFFMAN LANE	
33	ACCEPT PUBLISHED REPORTS	

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 2, 2016

TOWN OF EASTHAM ANNUAL TOWN MEETING WARRANT

Commonwealth of Massachusetts
Barnstable, ss. ~

To: Either of the Constables of the Town of Eastham
In the County of Barnstable

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Nauset Regional High School Gymnasium 100 Cable Road, Eastham, MA, Monday, the second day of May, Two Thousand and Sixteen, at Seven o'clock in the evening, then and there to act on the following articles in this Warrant and to meet in the Eastham Town Hall, 2500 State Highway, Eastham, MA, at 7:00 a.m. Tuesday, the seventeenth day of May next, then and there to elect the following Town Officers:

Board of Selectmen	Two Three-year terms (Vote for two)
Library Trustee	Two Three-year terms (Vote for two)
Elementary School Committee	Two Three-year terms (Vote for two)
Housing Authority	One Five-year Term (Vote for one)
Nauset Regional School Committee	One Three-year term (Vote for one)

and to act on the following question:

QUESTION 1

Question: Shall the Town of Eastham be allowed to exempt from the provisions of proposition Two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase the property located at 4790 State Highway consisting of approximately 10.860 acres and shown as Map 05, Parcel 124 on the Eastham Assessors Maps, including legal and other related costs of the purchase and debt issuance?

POLLS OPEN 7:00 A.M. AND CLOSE AT 8:00 P.M.

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 5 2014

FINANCE COMMITTEE REPORT

The role of the Finance Committee varies from town to town based on the town charter. The Commonwealth of Massachusetts allows for a range of activities and responsibilities. The statutory requirement of a finance committee is to provide the citizens of the town recommendations on articles presented in the town warrant at the time of the annual town meeting.

Respectfully submitted,

Michael Hackworth, Chair
Russ French,
Art Autorino
Jerry Cerersala
Judy Cannon
John Knox
Fred Guidi
Aimee Eckman
Peter Wade

DRAFT FOR DISCUSSION ONLY

ARTICLE 1

To see if the Town will vote to raise and appropriate or transfer from available funds **\$1,700** for Greenhead Fly Control as authorized by G.L. C.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury; or take any action relative thereto.

By Board of Selectmen

Summary:

This is a standard article to appropriate money to pay the Town's share of the Greenhead Fly Control Program.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 2

To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts; or take any action relative thereto.

By Board of Selectmen

Summary:

All Massachusetts municipalities indemnify the DEP for work in the local communities with this standard article.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 3

To see if the Town will vote to accept the provisions of G. L. C.71, §16B, which would reallocate the sum of members towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for fiscal year 2018; or take any action relative thereto.

By Nauset Regional School Committee

Summary:

This article will apportion the Nauset Regional School Assessments for FY18 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last ten years by town meeting vote.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 4

To see if the Town will vote to reauthorize revolving funds, as listed below, for certain town departments under M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2016; or take any action relative thereto.

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund	FY17 Spending Limit
Recreation – Bottles & Cans	Recreation Director	Collection & Redemption of Bottles & Cans	Beach & Recreation Programs	\$ 8,000
Home Composting Bin/Recycling Revolving Account	BOS or designee	Sale of Compost Bins	Purchase additional bins & advertise their availability	\$ 1,200
Vehicular Fuel Sales Revolving Account	BOS or designee	Sale of fuel to other government entities	Purchase additional fuel for sale to other government entities	\$ 42,000
Council on Aging/Lower Cape Adult Day Center Revolving Acct	COA Director	Funds from fees, charges for COA programs and performances	Pay for additional COA programs and performances	\$ 12,500

By Board of Selectmen

Summary:

This statute requires annual authorization of revolving funds each year.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 5

To see if the town will vote to appropriate and transfer the sum of **\$10,000** from Fiscal Year 16 Hotel Motel Excise Tax (free cash so called), in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitors Services Board on the following items: Landscaping, lighting, and holiday decorations and general improvement on Windmill Green \$3,000, Flower Island support \$500, and Summer concerts, \$6,500; or take any action relative thereto.

By Visitor Services Board

Summary:

This is an annual article to fund activities of the Visitors Services Board, which enhance and promote tourism in the Town.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(Majority vote required)

ARTICLE 6

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of **Seventy Thousand and 00/100 Dollars** (\$70,000) to be combined with other monies appropriated in Article 6, Annual Town Meeting May 5, 2014 and Article 19, Annual Town Meeting May 4, 2015, for costs associated with the closure, decommissioning, demolition permitting and design under the Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility, and to solicit bids and/or proposals as necessary, and enter into a contract or contracts and expend said funds for this purpose; or take any action relative thereto.

By Board of Selectmen/Tri Town Board of Managers

Summary: The original Tri-Town Septage Treatment plant was constructed in 1985 under an inter-municipal agreement between the Towns of Orleans, Eastham, and Brewster; this agreement will expire on December 31, 2016. The Boards of Selectmen of the member communities have voted not to extend the agreement and move ahead with plans to demolish and remove the facilities. The plant is scheduled to close on June 1, 2016 and commence a 3-month process to decommission the facilities in preparation for demolition. A contract for engineering services to oversee decommissioning and complete the permitting and design for the demolition of the facility will begin following the plant closure. The demolition project will go out to bid in early 2017 with the results presented to the annual town meetings in May 2017 for funding.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$16,000** to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth; or take any action relative thereto.

By Board of Selectman/Chamber of Commerce

Summary:

Annually the Town has supported a grant to the Chamber of Commerce to assist in paying for the operation of the Information Booth. This year the amount of the grant is \$16,000. This money is used primarily for staff salaries. The Town continues to provide maintenance services and utilities to this town owned property.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(Majority vote required)

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$50,000** to the Trust Fund for Other Post-Employment Benefits (OPEB) as provided under Chapter

40, Section 5B of the General Laws to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions; or take any action relative thereto.

By Board of Selectmen

Summary:

This article seeks to appropriate funds to add to the trust fund reserved for future post-employment benefit costs (OPEB's), which was established by Town Meeting in May 2014. The Town has joined with other municipalities in a Plymouth County based municipal trust that manages and invests the fund deposited by all participants.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 5-0

(Majority vote required)

ARTICLE 9

To see if the Town will vote to transfer from Annual Town Meeting Article _____, May 2014 available funds, the sum of **\$20,000** for the purpose of conducting a classification study for positions within the Employee Association, and other union and non-union positions in the Town, or take any action relative thereto.

By Board of Selectmen

Summary:

As part of the last negotiated settlement with the Employees Association that represents the majority of department heads and support staff, the Town agreed that a new job classification study should be done before new contract negotiations we started. The contract expires in June 30 2017. We should start the job description and reclassification study in the summer to be able to use that data as part of the next round of negotiations. The funds will be used to hire a consultant for this purpose.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE: RECOMMENDATION:

(Majority vote required)

ARTICLE 10

To see if the Town will vote to transfer and appropriate a sum of money to various accounts for meeting the remaining expenses for Fiscal Year 2016; or take any action relative thereto.

By Board of Selectmen

Summary:

This article authorizes fund transfers to cover anticipated shortfall(s) in current fiscal year funding.

BOARD OF SELECTMEN RECOMMENDATION: At Town Meeting

FINANCE COMMITTEE RECOMMENDATION: At Town Meeting

(Majority vote required)

ARTICLE 11

To see if the Town will vote to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41, General Laws, as amended, and to raise and appropriate or transfer from available funds the following sums of money for salaries:

Moderator	\$ 500
Town Clerk	\$68,664
Selectmen (5) 2,000 each	\$10,000
Total	\$79,164

or take any action relative thereto.

By Elected Officials

Summary:

The Town Clerk salary has been increased by 2%, which is the cost of living increase for all union and non-union staff this year. All other salaries in this article are level funded.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(Majority vote required)

ARTICLE 12

To see if the Town will vote to act on the operating budget, including recommendations and reports of the Selectmen, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved, and other available funds and accounts, the sum of **\$25,756,102 and** further to transfer from the dog receipts reserved (free cash so called) the additional sum of **\$2,500** to the Library, line item 57; or take any action relative thereto.

By Board of Selectmen

Summary:

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(Majority vote required)

LINE		FY16	FY17	FIN
#		APPROVED	SELECTMEN'S	COMM
	<i>GENERAL GOVERNMENT</i>	BUDGET	BUDGET	REC
1	SELECTMEN/TN ADMINISTRATOR OFFICE SALARY	387,649.00	\$391,514.35	
2	SELECTMEN/TOWN ADMINISTRATOR EXPENSE	16,100.00	\$16,100.00	
3	RESERVE FUND	65,000.00	\$65,000.00	
4	TOWN ACCOUNTANT OFFICE SALARY	154,382.00	\$185,933.41	
5	TOWN ACCOUNTANT EXPENSE	34,620.00	\$34,620.00	
6	ASSESSOR OFFICE SALARY	190,995.00	\$191,395.48	
7	ASSESSOR EXPENSE	25,230.00	\$27,430.00	
8	TREASURER/COLLECTOR OFFICE SALARY	199,283.00	\$205,418.10	
9	TREASURER/COLLECTOR EXPENSE	7,970.00	\$7,970.00	
10	LEGAL SERVICES EXPENSE	80,000.00	\$80,000.00	
11	DATA PROCESSING SALARY	151,061.00	\$133,937.37	
12	DATA PROCESSING EXPENSE	153,755.00	\$165,829.00	
13	TAX TITLE EXPENSE	7,000.00	\$7,000.00	
14	CENTRAL PURCHASING SUPPLY & SERVICE	77,889.00	\$103,205.19	
15	TOWN CLERK/ELECTIONS OFFICE SALARY	95,113.00	\$104,389.81	
16	TOWN CLERK /ELECTIONS EXPENSE	10,740.00	\$10,740.00	
17	NATURAL RESOURCES/CONSERVATION SALARY	331,355.00	\$334,870.19	
18	NATURAL RESOURCES/CONSERVATION EXPENSE	26,841.00	\$26,865.00	
19	ENVIRONMENTAL PLANNING/ HOUSING/GIS	78,853.00	\$91,099.70	
20	ENVIRONMENTAL PLNG/ HSG/GIS EXPENSE	2,735.00	\$14,915.00	
21	MUNICIPAL BUILDINGS SALARY	152,386.00	\$155,867.80	
22	MUNICIPAL BUILDINGS EXPENSE	50,236.00	\$53,116.00	
23	ENERGY FUELS EXPENSE	341,000.00	\$263,040.45	
24	ENGINEERING & SUPPORT SERVICES EXPENSE	4,000.00	\$4,000.00	
		\$2,644,193.00	\$2,674,256.84	
	<i>PUBLIC SAFETY & INSPECTIONAL SERVICES</i>			
25	POLICE SALARY	1,609,009.00	\$1,610,266.58	
26	POLICE EXPENSE	145,501.00	\$116,195.00	
27	POLICE CAPITAL		\$14,000.00	
28	FIRE SALARY	1,750,682.00	\$1,759,497.11	
29	FIRE EXPENSE	127,730.00	\$143,776.00	
30	FIRE CAPITAL EXPENSE	104,500.00	\$272,065.00	
31	DISPATCHING SALARY	316,062.00	\$322,553.44	
32	DISPATCHING EXPENSE	2,700.00	\$2,700.00	
33	BUILDING/PLMBG/ELEC INSPECTION SALARY	207,843.00	\$210,476.99	
34	BUILDING INSPECTION EXPENSE	3,049.00	\$4,935.00	
35	EMERGENCY MANAGEMENT EXPENSE (CIVIL DEFENSE)	100.00	\$100.00	
36	TREE WARDEN EXPENSE/DUTCH ELM/INSECT PEST	7,590.00	\$7,590.00	
		\$4,274,766.00	\$4,464,155.11	
	<i>EDUCATIONAL SERVICES</i>			
37	ELEMENTARY SCHOOL OPERATIONS	3,528,246.00	\$3,457,837.00	
38	NAUSET REGION CAPITAL ASSESSMENT	113,296.00	\$59,461.36	
39	NAUSET REGION OPERATING ASSESSMENT	4,994,191.00	\$4,932,370.00	
40	CAPE COD REGIONAL TECHNICAL SCHOOL	216,660.00	\$315,567.00	
		\$8,852,393.00	\$8,765,235.36	
	<i>PUBLIC WORKS & SANITATION</i>			
41	GENERAL MAINTENANCE SALARY	501,615.00	\$514,922.30	
42	GENERAL MAINTENANCE EXPENSE	131,087.00	\$155,587.00	
43	GENERAL MAINTENANCE CAPITAL	0.00	\$53,810.85	
44	SNOW & SANDING EXPENDITURES	51,612.00	\$83,132.00	

LINE		FY16	FY17	FIN
#		APPROVED	SELECTMEN'S	COMM
45	STREET LIGHTING EXPENSE	7,600.00	\$7,600.00	
46	WASTE COLLECTION & DISPOSAL SALARY	185,528.00	\$190,965.12	
47	WASTE COLLECTION & DISPOSAL EXPENSE	529,027.00	\$600,022.60	
		\$1,406,469.00	\$1,606,039.87	
	HEALTH & HUMAN SERVICES			
48	VETERANS' GRAVE OFFICER	75.00	\$75.00	
49	PUBLIC HEALTH SALARY	188,830.00	\$190,892.17	
50	PUBLIC HEALTH EXPENSE	24,620.00	\$24,620.00	
51	INSPECTION OF ANIMALS EXPENSE	250.00	\$250.00	
52	COUNCIL ON AGING/ADC SALARY	250,699.00	\$238,203.36	
53	COUNCIL ON AGING/ADC EXPENSE	21,141.00	\$20,807.00	
54	VETERANS' SERVICES - EXPENSE	19,900.00	\$20,237.00	
55	VETERANS' SERVICES - BENEFITS	13,000.00	\$13,000.00	
56	HUMAN SERVICES AGENCIES	67,000.00	\$68,980.00	
		\$585,515.00	\$577,064.53	
	CULTURE & RECREATION			
57	LIBRARY SALARY	250,026.00	\$319,616.68	
58	LIBRARY EXPENSE	72,325.00	\$86,777.00	
59	BEACH & RECREATION SALARY	279,498.00	\$215,087.70	
60	BEACH & RECREATION EXPENSE	60,830.00	\$67,670.00	
		\$662,679.00	\$689,151.38	
	DEBT AND BANKING SERVICES			
61	FIRE STATION	150,000.00	\$0.00	
62	LIBRARY BOND.	225,000.00	\$225,000.00	
63	INTEREST EXPENSE (LONG/SHORT TERM)	398,320.00	\$916,881.64	
64	TAX ANTICIPATION NOTES/BANS	60,000.00	\$10,000.00	
65	SEPTIC BETTERMENT LOANS	20,400.00	\$20,400.00	
66	PURCELL LAND PURCHASE	40,000.00	\$45,000.00	
67	EASTHAM ELEMENTARY SCHOOL RENOVATION	410,000.00	\$410,000.00	
68	MUNICIPAL WATER	395,000.00	\$395,000.00	
69	MUNICIPAL WATER SRF		\$561,627.00	
70	BANK AGENT PYAING FEES & CHARGES	3,000.00	\$175,191.07	
		\$1,701,720.00	\$2,759,099.71	
	OTHER EXPENSES (GENERAL GOVERNMENT)			
71	EMPLOYEE BENEFITS	13,500.00	\$13,500.00	
72	BARN. COUNTY RETIREMENT ASSESSMENT	1,325,677.00	\$1,438,962.00	
73	TOWN INSURANCE - UNEMPLOYMENT EXPENSE	10,000.00	\$20,000.00	
74	TOWN INSURANCE - EMPLOYEE EXPENSE HEALTH	2,115,000.00	\$2,335,000.00	
75	TOWN INSURANCE - TOWN PROTECTION (PROP & LIAB)	340,000.00	\$331,900.00	
		\$3,804,177.00	\$4,139,362.00	
	TOTAL	\$23,931,912.00	\$25,674,364.81	

DRAFT FOR DISCUSSION

ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$622,500** to purchase the following capital items, make improvements to capital facilities as listed below; or take any action relative thereto.

By Board of Selectmen

Summary:

Article 13 is the annual capital acquisition list. All items were shown on a previously approved plan. This article will be funded using \$421,500 of Free Cash, \$116,000 transferred from Ambulance Receipts, \$5,000 from the Boat Excise Receipts Reserved, and \$80,000 from the tax levy.

There is a heavy emphasis this year on safety and technology. IT is a fast moving area and equipment upgrades and software upgrades and additions are necessary to take advantage of improvements in customer service in this area. We have identified the need to step up our investment significantly this year so amounts included on the capital plan have been increased and some items have been accelerated on the schedule to acquire them now instead of later. We have included funding in this article but we are also competing for a major grant to help fund necessary improvements. Correcting and improving communications in phones, computer email, and public access to information. We will be using the funds to enhance software used for permitting and website activities and these funds are expected to be supplemented by grants for which we are eligible.

Included in this request is the first year of a three-year lease for a vehicle for the assessing department. We have been using used cars that have been replaced in other departments. The last such vehicle was the former Fire department vehicle that had a major mechanical problem and had to be removed from service. We will try to purchase an energy efficient vehicle primarily for use by the Data Collector in the Assessing department.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 6-0

(Majority vote required)

FY17 CAPITAL ARTICLE ARTICLE 13

ITEM	DEPARTMENT	ITEM	FY17
DATA PROCESSING			
1		COMPUTER HARDWARE/SPECIALIZED SOFTWARE	\$69,000.00 F
2		SERVER UPGRADES/NETWORK ENHANCEMENTS	\$12,000.00 F
3		FIBER OPTIC CABLE/OPEN CAPE CONNECTION	\$10,000.00 CT
4		VIDEO EQUIPMENT UPGRADES/DIGITAL CAMERAS	\$5,000.00 CT
5		COMPUTER SOFTWARE/EMAIL UPGRADE	\$22,000.00 F
6		UPGRADE TELEPHONE SYSTEM - ALL BLDGS (VOIP)	\$10,000.00 F
		SUB-TOTAL	\$128,000.00
ASSESSING/INSPECTION VEHICLES			
7		DATA COLLECTOR/ PLANNER/INSPECTOR VEHICLE (THREE YR LEASE NEW)	\$8,000.00 F
		SUB TOTAL	\$8,000.00
MUNICIPAL BUILDINGS EQUIPMENT			
8		VACUUM/CARPET CLEANERS/ LADDERS	\$2,000.00 F
		SUB-TOTAL	\$2,000.00
MUNICIPAL BUILDINGS IMPROVEMENTS			
9		PROJECT CONTINGENCY: MAJOR REPAIRS, PAINTING ETC	\$30,000.00 F
10		CONNECT MUNICIPAL BUILDING TO TOWN WATER	\$25,000.00 F
		SUB-TOTAL	\$55,000.00
11	T.H.	REPLACE EXISTING A/C UNITS	\$40,000.00 F
12	INFO/WMILL	WINDMILL/INFO/ANCIENT CEMETERIES/BRACKETT PORT	\$10,000.00 F
		SUB-TOTAL	\$50,000.00
13	DPW/NR	NR BLDG PAINT EXTERIOR	\$5,000.00 F
		SUB-TOTAL	\$5,000.00
14	POLICE	REPLACE SHINGLES, ROOF & SIDEWALL & WALKWAY	\$50,000.00 F
		SUB-TOTAL	\$50,000.00
15	SCHOOL	ROUTINE PAINTING ROTATION	\$5,000.00 F
16		BUILDING MAINTENANCE/IMPROVEMENTS	\$25,000.00 F
		SUB-TOTAL	\$30,000.00
BEACHES/RECREATION			
17		WALKWAYS/DUNE MAIN FENCING/MOBI MAT EXTEND	\$10,000.00 F
		SUB-TOTAL	\$10,000.00
DPW			
18		ORDINARY ROAD M & R (NOT CHAP 90)	\$60,000.00 T
19		NEW TRASH TRAILERS	\$70,000.00 F
		SUB-TOTAL	\$130,000.00
POLICE			
20		DEFIBRILATORS REPLACEMENT	\$2,500.00 F
21		PORTABLE RADIOS (3)	\$10,000.00 T
22		LAP TOP COMPUTER IN CAR REPLACEMENT (4)	\$26,000.00 F
		SUB-TOTAL	\$38,500.00
FIRE (EQUIP)			
23		REPLACE SELF CONTAINED BREATHING APPRATUS	\$116,000.00 A
		SUB-TOTAL	\$116,000.00
		TOTAL	\$622,500.00

ARTICLE 14

To see if the Town will, in accordance with Chapter 6-6A of the Eastham Home Rule Charter, vote to accept the Capital Improvement Plan for FY18-FY22 as printed below; or take any action relative thereto.

By Board of Selectmen

Summary:

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 6-0

(Majority vote required)

DRAFT FOR DISCUSSION ONLY

FIVE YEAR CAPITAL PLAN FY18-FY22

ITEM	DEPARTMENT	ITEM	FY18	FY19	FY20	FY21	FY22
DATA PROCESSING							
1		COMPUTER HARDWARE/SPECIALIZED SOFTWARE	\$44,000.00 F	\$20,000.00 F	\$25,000.00 F	\$25,000.00 F	\$25,000.00 F
2		SERVER UPGRADES/NETWORK ENHANCEMENTS	\$12,000.00 F		\$25,000.00 F	\$15,000.00 F	\$15,000.00 F
3		FIBER OPTIC CABLE/OPEN CAPE CONNECTION					\$10,000.00 F
4		VIDEO EQUIPMENT UPGRADES/DIGITAL CAMERAS		\$5,000.00 CT		\$5,000.00 CT	
6		LASER/FICHE UPGRADES/EXPANSION	\$30,000.00 F				\$20,000.00 F
7		REPLACE PLOTTER/SCANNER(S)					
8		MOBILE COMPUTING & TABLET ACQUISITION/REPLACEMENT	\$3,000.00 F	\$3,000.00 F		\$5,000.00 F	
9		SOFTWARE UPGRADES /CLOUD APPLICATIONS		\$20,000.00 F		\$50,000.00 F	\$25,000.00 F
10		GIS FLYOVER/DATA COLLECTION AND ORTH PHOTOS					
SUB-TOTAL			\$89,000.00	\$48,000.00	\$50,000.00	\$108,000.00	\$95,000.00
11	COA/ADULT DAYCARE	VAN REPLACEMENT		\$34,000.00 FHST		\$36,000.00 FHST	
SUB-TOTAL			0.00	34,000.00	0.00	\$36,000.00	\$0.00
ASSESSING/INSPECTION VEHICLES							
12		DATA COLLECTOR VEHICLE	\$8,000.00 F				\$10,000.00 F
		PLANNER/INSPECTOR VEHICLE	\$8,000.00 F		\$8,000.00 F		
SUB TOTAL			\$16,000.00	\$16,000.00	\$8,000.00	\$0.00	\$10,000.00
NATURAL RESOURCES							
13		4x4 PICK UP TRUCK	\$15,000.00 F		\$15,000.00 F		
14		4X4 PICK UP TRUCK				\$35,500.00 F	
15		SAND DRIFT FENCE - VARIOUS LOCATIONS					
16		BOAT MOTOR 130HP/50HP	\$15,000.00 F			\$15,000.00 F	
17		EQUIPMENT CHAINSAWS/PRESSURE WASHER				\$2,500.00 F	
18		HERRING RUN GATE & IMPROVEMENTS	\$3,000.00 F			\$2,500.00 F	
19		PORTABLE GPS					
20		KUBOTA TRACTOR TRAILER REPLACEMENT					\$7,500.00 F
SUB-TOTAL			\$33,000.00	\$15,000.00	\$15,000.00	\$57,500.00	\$7,500.00
HARBOR IMP.							
21		DREDGE ROCK HARBOR/DOCK WALKWAY IMPROVEMENTS.	\$50,000.00 D		\$50,000.00 D		\$50,000.00 D
SUB TOTAL			\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
MUNICIPAL BUILDINGS EQUIPMENT							
22		VACUUM/CARPET CLEANERS/ LADDERS					
23		VAN REPLACEMENT		\$2,000.00 F		\$2,000.00 F	
24		COPIERS/POSTAGE METERS		\$15,000.00 F	\$25,000.00 F		
25		FLOOR MACHINE/SNOW BLOWER	\$1,400.00 F			\$1,400.00 F	
SUB-TOTAL			\$1,400.00	\$17,000.00	\$25,000.00	\$3,400.00	\$0.00
MUNICIPAL BUILDINGS IMPROVEMENTS							
26	ALL	PROJECT CONTINGENCY, MAJOR REPAIRS, PAINTING ETC.	\$30,000.00 F		\$45,000.00 F	\$45,000.00 F	\$45,000.00 F
27	T.H.	GREEN ENERGY ENHANCEMENTS		\$45,000.00 F			
28		CONNECT MUNICIPAL BUILDING TO TOWN WATER					
29		MECHANICAL SYSTEMS OVERHAUL	\$15,000.00 F			\$20,000.00 F	
30		REPLACE VAULT A/C UNITS	\$9,000.00 F				\$9,000.00 F
31		REPLACE CIRCULATOR PUMPS	\$3,000.00 F				
32		REPLACE HOT WATER TANK				\$3,000.00 F	
33		REPLACE EXISTING A/C UNITS					

ITEM	DEPARTMENT	ITEM	FY18	FY19	FY20	FY21	FY22
34	INFO/WMILL	WINDMILL/INFO/ANCIENT CEMETERIES/BACKETT PORTA	\$6,000.00 F		\$7,000.00 F		
35	REC BLDG	FURNISHINGS		\$10,000.00 F			
36	COA	RENOVATION/EXPANSION HEAT/AIR COND/ SENIOR CENTER		\$3,000,000.00 D			
37	DPW/NR	COPIER REPLACEMENT				\$5,000.00 F	
38		AIR/HEATING SYSTEM OVERHAUL/REPLACE	\$20,000.00 F				
39		EXTERIOR MAINTENANCE - STUCCO DPW BLDG	\$10,000.00 F				
40		EXPAND DPW GARAGE SPACE/INTERIOR RENOVATION		\$1,500,000.00 D		\$20,000.00 F	
41		NR BLDG PAINT EXTERIOR				\$15,000.00 F	
42	POLICE	REPLACE HOT WATER TANK				\$3,000.00 F	
43		REPLACE SHINGLES, ROOF & SIDEWALL					
44		REPLACE 2 OF 4 AIR HANDLING UNITS		\$11,000.00 F			
45		KITCHEN/LOCKER RM/TRAINING RM UPGRADES	\$250,000.00 D				
46		BUILDING ENTRANCE IMPROVEMENTS/REPAIRS					
47	FIRE	BUILDING MAINTENANCE (VARIOUS ITEMS BLDG 5+ YRS OLD)	\$20,000.00 A		\$25,000.00 F		
48		PAINTING INTERIOR/EXTERIOR				\$20,000.00 A	\$25,000.00 A
49		REPLACE ROOF					
50	LIBRARY	FURNISHING, COMPUTERS FINAL FINISHING NEW BUILDING		\$45,000.00 F			
SUB-TOTAL			\$363,000.00	\$4,656,000.00	\$77,000.00	\$131,000.00	\$70,000.00
51	SCHOOL	ROUTINE PAINTING ROTATION		\$5,000.00 F			
52		REPLACE PLAYGROUND/BASKETBALL COURT SURFACE	\$30,000.00 F			\$5,000.00 F	
53		GROUNDS MAINTENANCE - DRAINAGE/FENCING		\$6,000.00 F		\$10,000.00 F	
54		GYM FLOOR REFINISHING		\$15,000.00 F			
55		COMPUTER HARDWARE/REPLACEMENTS/UPGRADES	\$25,000.00 F		\$25,000.00 F		\$25,000.00 F
56		BUILDING MAINTENANCE/IMPROVEMENTS		\$25,000.00 F		\$25,000.00 F	\$50,000.00 F
57		SEPTIC IMPROVEMENTS					
58		PHONE SYSTEM UPGRADE					
59		SOUNDPROOF CAFE/MUSIC ROOM			\$13,000.00 F		
60		REPLACE CAFE TABLES				\$9,000.00 F	
61		GYM ELECTRIC BACKSTOP					\$8,000.00 F
62		PORTABLE WIRELESS SOUND SYSTEM			\$1,000.00 F		
63		PORTABLE SLIDE OUT STAGE IN GYM			\$25,000.00 F		
64		CAFE FLOOR EPOXY		\$5,000.00 F			
65		MAIN CORRIDOR TILE REPLACEMENT					\$10,000.00 F
66		CLASSROOM TILE REPLACEMENT				\$20,000.00 F	
67		REPLACE CARPET MUSIC/LIBRARY ROOM		\$4,000.00 F			
68		REPLACE/UPGRADE CLOCK - COMPUTERIZED					\$5,000.00 F
69		HVAC OVERHAUL/REPLACE			\$7,000.00 F		\$20,000.00 F
70		INDOOR/OUTDOOR LIGHTING REPLACE/UPGRADE					
71		KITCHEN PROOFER/WARMER REPLACEMENT	\$2,500.00 F				
72		BOOSTER WATER HEATER/KITCHEN				\$1,500.00 F	
73		KITCHEN REFRIDGERATOR REPLACEMENT		\$6,000.00 F			
74		REPLACE CONVECTION OVEN	\$5,500.00 F				
SUB-TOTAL			\$63,000.00	\$66,000.00	\$71,000.00	\$70,500.00	\$115,000.00
BEACHES/RECREATION							
75		UPGRADE/ADA BATH HOUSES		\$15,000.00 F	\$20,000.00 F		
76		PARKING LOT REPAIRS (VARIOUS LOCATIONS)	\$10,000.00 F			\$10,000.00 F	
77		ADA BEACH CHAIR	\$3,000.00 F			\$3,500.00 F	
78		4 X 2 TRUCK	\$30,000.00 F			\$32,000.00 F	
79		4 X 2 TRUCK		\$30,000.00 F			
80		B-BALL RESURFACE/BASEBALL BACKSTOP REPL/FENCING	\$15,000.00 F			\$90,000.00 F	
81		PICKLEBALL COURTS (NEW ACTIVITY)				\$10,000.00 F	
82		BEACH GATE SHACKS				\$9,000.00 F	
83		WALKWAYS/DUNE MAIN FENCING/MOB MAT EXTEND	\$20,000.00 F			\$20,000.00 F	\$20,000.00 F
84		REPLACE SOFT BALL SHEDS (2)					\$35,000.00 F
85		OUTDOOR SHOWERS @ WILEY PARK/COOKS BROOK			\$50,000.00 F		
86		NEW BATHHOUSE FIRST ENCOUNTER		\$750,000.00 D			
SUB-TOTAL			\$78,000.00	\$820,000.00	\$70,000.00	\$174,500.00	\$55,000.00

ITEM	DEPARTMENT	ITEM	FY18	FY19	FY20	FY21	FY22
DPW							
87		REPLACE/REFURBISH HYDRAULIC TRUCK LIFT					
88		ONE TON DUMP	\$45,000.00 F	\$55,000.00 F	\$55,000.00 F		
89		3/4 TON PICK UP				\$20,000.00 F	\$20,000.00 F
90		SANDER	\$15,000.00 F	\$15,000.00 F		\$20,000.00 F	\$20,000.00 F
91		INTERL DUMP 6 WHEEL LARGE/LEASE/purchase	\$18,000.00 F	\$35,000.00 F	\$35,000.00 F	\$35,000.00 F	\$30,000.00 F
92		EXTRA LARGE DUMP 10 WHEELER (LEASE PURCHASE 5 YR)	\$35,000.00 F	\$40,000.00 F	\$40,000.00 F	\$40,000.00 F	\$40,000.00 F
93		ORDINARY ROAD M & R (NOT CHAP 90)	\$40,000.00 F	\$190,000.00 T	\$200,000.00 T	\$250,000.00 T	\$300,000.00 T
94		NEW TRASH TRAILERS	\$180,000.00 T	\$60,000.00 F			
95		SLOPE MOWER				\$30,000.00 F	
96		REPLACE/ADD RECYCLING COMPACTOR					
97		LOADER REPLACEMENT (544)		\$20,000.00 F	\$40,000.00 F	\$40,000.00 F	\$35,000.00 F
98		TWO (2) 40 YARD OPEN TOP ROLL OFF CONTAINERS	\$8,000.00 F	\$8,000.00 F	\$8,000.00 F		
99		ONE (1) 40 YARD CLOSED TOP ROLL OFF REFRYR	\$8,500.00 F				
100		STORM DRAIN UPGRADE/IMPROVEMENT/REPLACEMENTS	\$75,000.00 F		\$80,000.00 F		\$90,000.00 F
101		MOWER REPLACEMENTS (2 mowers)			\$20,000.00 F		
102		SWEEPER REPLACEMENT (FIVE YEAR LEASE, \$150k)	\$30,000.00 F		\$30,000.00 F		\$20,000.00 F
103		AIR COMPRESSOR (185 CFM) MOBILE					
104		STATIONARY AIR COMPRESSOR	\$5,000.00 F				
105		"Mini" EXCAVATOR			\$35,000.00 F		
106		ROLL OFF TRUCK (YARD USE ONLY)				\$26,000.00 F	
SUB-TOTAL			\$479,500.00	\$433,000.00	\$583,000.00	\$499,000.00	\$535,000.00
POLICE							
107		DEFIBRILATORS REPLACEMENT			\$7,000.00 T		
108		UNMARKED ADMIN VEHICLE 4X4(3 YR LEASE)	\$11,000.00 T	\$11,000.00 T			
109		CRUISER/w video	\$34,000.00 T	\$34,000.00 T	\$34,000.00 T	\$34,000.00 T	\$36,000.00 T
110		CRUISER	\$34,000.00 T	\$36,000.00 T	\$36,000.00 T	\$36,000.00 T	\$38,000.00 T
111		REPLACE (800mbz) PORTABLE RADIOS				\$315,000.00 F	\$25,000.00 F
112		LAP TOP COMPUTER IN CAR REPLACEMENT (4)					
113		BULLET PROOF VEST REPLACEMENT (ALL)			\$20,000.00 F		
114		NEW SPEED TRAILER	\$8,000.00 F				
115		RADAR EQUIPMENT UPGRADE/REPLACEMENT			\$6,000.00 F		\$8,000.00 F
116		DIGITAL VIDEO FOR CRUISERS				\$40,000.00 F	
117		TASER REPLACEMENTS	\$9,000.00 F				
118		HANDGUN REPLACEMENT				\$15,000.00 F	
SUB-TOTAL			\$96,000.00	\$81,000.00	\$103,000.00	\$440,000.00	\$107,000.00
FIRE (EQUIP)							
119		REPLACE AMBULANCE (CHG BUY TWO SAME TIME)	\$175,000.00 A				\$200,000.00
120		ENGINE REPLACEMENT (1992) (5 YR LEASE PUR. \$550,000)					
121		SQUAD 1 REPLACEMENT (TRUCK 160)	\$40,000.00 A				
122		ADMINISTRATIVE VEHICLE DEP/CHIEF) REPLACE		\$28,000.00 A		\$28,000.00 A	
123		TANKER REPLACEMENT (98)		\$250,000.00 A			
124		REPLACE SPECIAL HAZARDS TRUCK (91)		\$100,000.00 A			
125		REPLACE COPIER					
126		UPGRADE AIR PACKS - 4.5L		\$50,000.00 A			
127		THERMAL IMAGER	\$10,000.00 A			\$12,000.00 A	
128		UPGRADE AND REPLACE TURNOUT GEAR (AS NEEDED)	\$10,000.00 A			\$10,000.00 A	
129		HYDRANT STANDPIPE SYS SPECIAL EQUIPMENT	\$15,000.00 A			\$50,000.00 A	
130		REPLACE GAS METER			\$2,000.00 A		
131		COMPUTER SOFTWARE ENHANCEMENTS	\$20,000.00 A			\$20,000.00 A	
132		MOBILE/DESKTOP COMPUTER HARDWARE ENHANCEMENT/ADDITIONS		\$20,000.00 A			
133		FIRE SUPPRESSION UPGRADE/REPLACEMENT/FOAM	\$5,000.00 A				\$5,000.00 A
134		RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT					
135		CARDIAC MONITORS (2)					
136		JAWS/AIR BAGS EXTRACTION EQUIPMENT		\$10,000.00 A		\$30,000.00 A	
137		SPECIALTY GEAR, TURNOUT SUITS, SURVIVAL SUIT	\$15,000.00 A				
138		RADIO REPLACEMENT/UPGRADES			\$10,000.00 A		
139		FIRE HOSE (VARIOUS SIZES) CONTINUOUS REPL.			\$10,000.00 A		
		PORTABLE GENERATOR (REPLACEMENT)	\$2,500.00 A				
SUB-TOTAL			\$292,500.00	\$438,000.00	\$27,000.00	\$150,000.00	\$205,000.00

ARTICLE 15

To see if the town will vote to authorize the Board of Selectmen to petition the Great and General Court to approve a Home Rule Petition generally stated as follows, provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT REALTIVE TO THE CHARTER OF THE TOWN OF EASTHAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Chapter C9-5N of the charter of the town of Eastham, which is on file in the office of the archivist of the commonwealth as provided in [section 12 of chapter 43B](#) of the General Laws, is hereby amended by changing in the last sentence the word "three" to "five", so that the sentence reads:-

The Capital Projects committee shall consist of five **(5)** voting members and other nonvoting members, as follows;"

Section 2: Chapter C9-5N is further amended by adding in subsection (1) the words "and two at-large members", so that the subsection reads:-

(1) A Selectman and two at-large members, to be appointed by the Board of Selectmen (voting members);

or take any action relative thereto.

By Board of Selectmen

Summary:

This article will increase this number of members in the capital projects committee to a more workable number for operations.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE: RECOMMENDATION:

(Majority vote required)

(2/3 rds Majority vote required)

ARTICLE 16

To see if the Town will vote to amend the Eastham Zoning Bylaw, **Section II - ZONING DISTRICTS** by adding a new Overlay District entitled "Groundwater Protection Overlay District" by adding the following text:

District J: Groundwater Protection Overlay District:

For the purposes of this Bylaw, there is hereby established within the Town of Eastham a Groundwater Protection Overlay District. This area is delineated on a map entitled Town of Eastham Groundwater Protection Overlay District dated January 7, 2016 which is hereby

made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

Also, amend **SECTION V - USES** by adding the following text:

DISTRICT J: GROUNDWATER PROTECTION OVERLAY DISTRICT:

SECTION 1: INTRODUCTION AND PURPOSE OF DISTRICT

1.1. The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this Bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

1.2. The purpose of this Groundwater Protection District is to:

- a. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Eastham;
- b. preserve and protect existing and potential sources of drinking water;
- c. conserve natural resources in the Town of Eastham; and
- d. prevent temporary and permanent contamination of the environment.

SECTION 2: DEFINITIONS

Automobile Graveyard: An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.

Aquifer: A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

CMR: Code of Massachusetts Regulations.

Commercial Fertilizer: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

Groundwater Protection District: The land area consisting of aquifers and Zone II recharge areas as identified on a map and adopted pursuant to this Bylaw.

Hazardous Material: Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when

improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under G.L. c. 21E. This term shall not include hazardous waste or oil.

Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.

Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.

MassDEP: Massachusetts Department of Environmental Protection.

G.L.: Massachusetts General Law.

Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane, or butane.

Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a) (b), or state regulations and criteria for solid waste disposal.

Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility

Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for controlling storm water.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas, which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A.

Zone I: The protective radius around a public water supply well or well field that must be owned by the water supplier, or controlled through recorded conservation restriction. In most cases, it is a four hundred (400) foot radius around the well (less for wells pumping less than one hundred thousand (100,000) gallons per day (gpd)).

Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00. The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined by 310 CMR 22.00 and as approved by the Massachusetts Department of Environmental Protection (DEP).

SECTION 3: ESTABLISHMENT AND DELINEATION OF GROUNDWATER PROTECTION DISTRICT

3.1. For the purposes of this Bylaw, there is hereby established within the Town of Eastham a Groundwater Protection Overlay District. This area is delineated on a map entitled Town of Eastham Groundwater Protection Overlay District dated January 7, 2016, which is hereby made part of the Groundwater Protection District Bylaw and is on file in the office of the Town Clerk.

SECTION 4: SPECIAL PERMIT

4.1. The Planning Board may issue a special permit for any use prohibited within the Groundwater Protection District, as set forth in Section 6 hereof, if the applicant can adequately demonstrate to the Planning Board that the groundwater beneath the parcel and the water runoff from the parcel does not contribute to existing or potential sources of drinking water. Any application for a special permit for this purpose shall be accompanied by adequate documentation.

4.2. The burden of proof shall be upon the applicant to demonstrate that the groundwater beneath the parcel and the water runoff from the parcel does not contribute to existing or potential sources of drinking water. The Town may engage professional engineers, hydrologists, geologists, or soil scientists to determine more accurately the boundaries of the groundwater watershed with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation in accordance with Eastham Zoning Bylaw Section XII (G). If determined that a particular parcel does not in fact contribute to an existing or potential source of drinking water, a special permit may be granted subject to such conditions, as the Planning Board deems necessary and appropriate. The grant of a special permit does not alter the boundary of the Groundwater Protection District. Changes to the boundaries of the Groundwater Protection District require town meeting approval.

4.3. Where the boundary line of the Groundwater Protection District divides a lot or parcel, the requirements established by this Bylaw shall apply to the entire lot or parcel.

SECTION 5: PERMITTED USES

5.1. All uses permitted in the underlying zoning districts are permitted in the Ground Water Protection District except those specifically prohibited in Section 6 of this Bylaw.

5.2. All property used for municipal purposes by or on behalf of the Town of Eastham are exempt from the regulations of this Bylaw.

SECTION 6: PROHIBITED USES

6.1. The following land uses and activities are prohibited unless such uses and activities comply with the specified conditions provided herein:

- a. landfills and open dumps;
- b. automobile graveyards and junkyards;
- c. facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310 CMR 30.000, except for:
 1. very small quantity generators as defined under 310 CMR 30.000;
 2. household hazardous waste centers and events under 310 CMR 30.390;

3. waste oil retention facilities required by MGL c. 21, s.52A;
4. water remediation treatment works approved by MassDEP for the treatment of contaminated waters.
- d. petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
- e. storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
 1. in container(s) or above ground tank(s) within a building; or
 2. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.

however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

- g. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- h. storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- i. storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- j. storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- k. stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection District;
- l. earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40; and
- m. treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
 1. treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and

2. publicly owned treatment works.

- n. The use, generation, storage, treatment or disposal of toxic or hazardous materials or wastes, including but not limited to: pesticides, herbicides, fungicides, rodenticides, nitrate fertilizers in quantities greater than those associated with normal household use or as regulated in the underlying zoning district.
- o. rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.

SECTION 7: ENFORCEMENT

7.1. Written notice of any violations of this Bylaw shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.

7.2. A copy of such notice shall be submitted to the Town of Eastham Water Commissioners, the Eastham Board of Health and the Eastham Planning Board. The cost of containment, clean up, or other action of compliance shall be borne by the owner/operator of the premises.

7.3. A person aggrieved by a notice of violation may appeal said notice to the Eastham Zoning Board of Appeals. All appeals shall be brought within thirty (30) days from the date of the notice, which is being appealed.

SECTION 8: SEVERABILITY

8.1. If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Bylaw shall not affect the validity of the remainder of this Bylaw; or take any other action in relation thereto

By Planning Board

Summary:

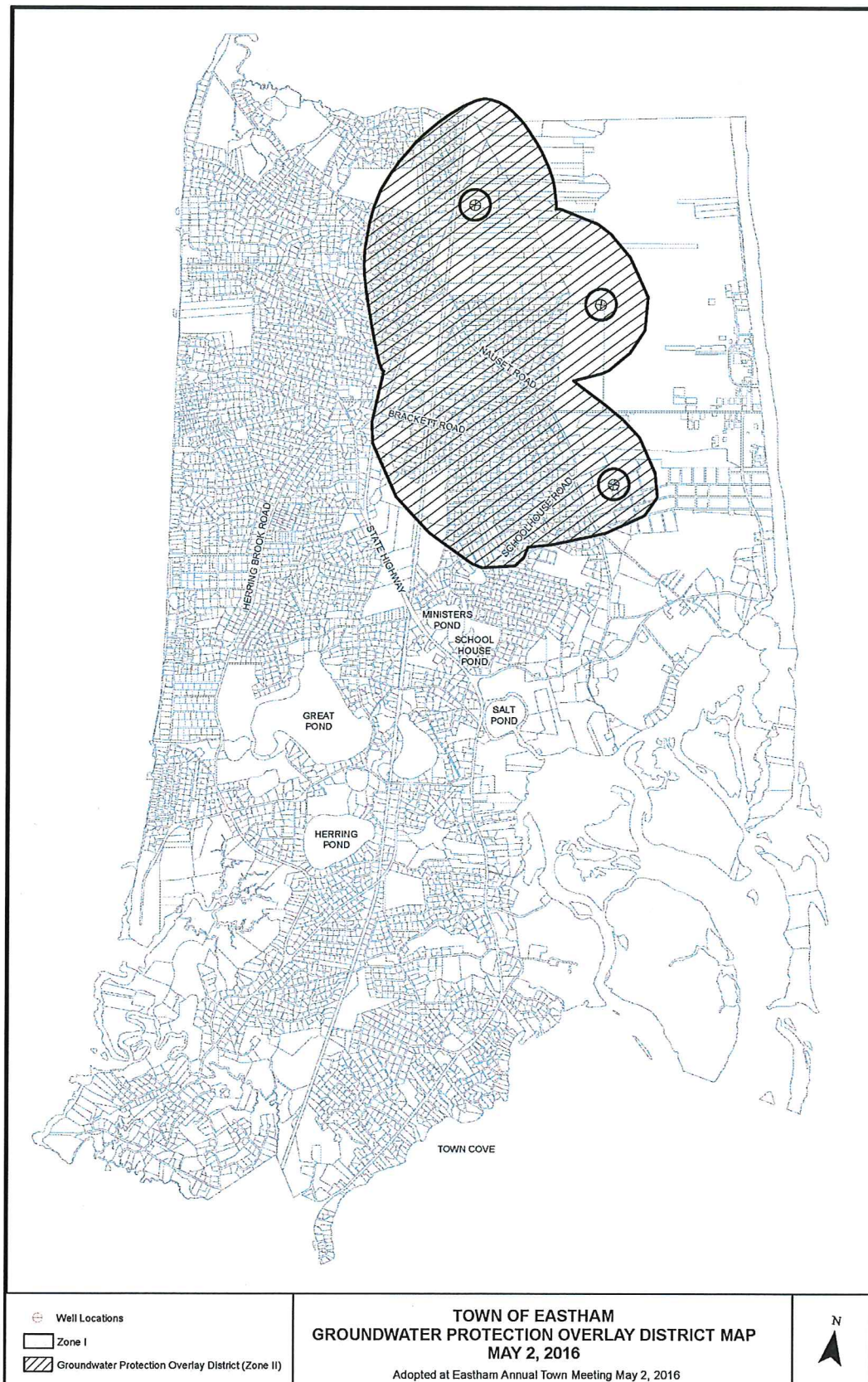
As part of the Municipal Water Project, the Town is required by the State Department of Environmental Protection to establish a Groundwater Protection District. The establishment of this district will create the regulatory framework that will allow the Town to properly manage and protect the public water supply by regulating the types of activities that can take place within the areas that contribute to the public water supply

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PLANNING BOARD:

(2/3 rds Majority vote required)



ARTICLE 17

To see if the Town will vote to transfer from the Reserved for Debt Account **\$348,461.66** and further to transfer **\$41,538.34** from available funds (free cash) for a total of **\$390,000** to the Interest on Long Term Debt Account; or take any action relative thereto.

Town Treasurer/Tax Collector /Board of Selectmen

Summary:

Funds are required to pay the interest on bond anticipation notes .At the time of borrowing the Town received a bond premium. The state allows communities to use these funds to offset the interest on the borrowing. However, the bond premium did not offset the total cost therefore, the Town must appropriate the balance from available funds.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18

To see if the town will vote to accept the provisions of G.L. c.39, section 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 or take any action relative thereto.

By Board of Health, Board of Selectmen, Planning Board, Zoning Board of Appeals

Summary:

This acceptance statute will allow committee members of the above named committees to vote on decisions, wherein evidence was taken in more than one session, to vote at a subsequent session where such voting will take place. Per the statute in order to be eligible to vote in this subsequent session, the member can have missed no more than one session at which evidence was taken and must be present for the vote. Currently members, who miss one meeting of a multi session hearing, cannot vote on the case.

The relevant statute reads 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.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE:

(Majority vote required)

ARTICLE 19

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of G.L. C44B (6) from the FY2017 estimated community preservation revenues to reserves in the following amounts: \$75,754 open space purposes, \$75,754 historic preservation purposes \$75,754 affordable housing purposes, and \$75,754 active recreation purposes and \$454,527, to the FY17 Community Preservation budgeted reserve for appropriation for a total of \$757,543 as recommended by the Community Preservation Committee; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article seeks to set aside 10% of the estimated community preservation revenue for open space, historic resources, and affordable community housing, and active recreation, with the remaining estimated revenue reserved for appropriation as required by G.L. Chapter 44B (6).

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 20

To see if the Town will vote to transfer \$37,877 from the Community Preservation Undesignated Fund Balance, for the purpose of administrative expenses; or take any action relative thereto

By Community Preservation Committee

Summary:

The State Legislation for the Community Preservation Act permits up to five percent (5%) of the estimated Community Preservation revenues to be used by the Community Preservation Committee for administrative purposes. These funds reflect the 5% limit and will be used to provide various administrative support services, including but not limited to membership dues, and professional and clerical support services. Any unused balance each year reverts to the Community Preservation Fund Balance.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 21

To see if the Town will vote to extend Article 27 of the 2013 Annual Town Meeting for an additional year (until May 31, 2017); or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

Article 27 funded \$175,000 for the Rental Subsidy Program for a period of three years. Currently there is a balance of \$26,890.22. This article will extend the life beyond the three (3 year limitation), for an additional year so that the Eastham Affordable Housing Trust may expend these funds for the Rental Subsidy program.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 22

To see if the Town will vote to transfer the sum of **\$207,000** from Community Preservation Historic Preservation Reserve and/or Undesignated Fund Balance as a grant to the Nauset Fellowship, a non-profit corporation, for the purpose of restoring and preserving the historical structure located on its property at 220 Samoset Road known as the "Chapel in the Pines"; and further to authorize the Board of Selectmen to enter into a grant agreement with said Nauset Fellowship, which agreement shall require that said Nauset Fellowship grant to the Town an historic preservation restriction on said property meeting the requirements of G.L. c. 184 and upon such other terms and conditions as the Town Administrator shall deem appropriate, and further to authorize the Board of Selectmen to acquire an historic preservation restriction on the property; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article will provide funding to restore and preserve one of the oldest and most historic properties in Eastham. The Chapel in the Pines is listed for eligibility on the National Register of Historic Places. The project is intended to restore and maintain the historic appearance of the Chapel. The project will also improve handicapped access, ensuring that the facility is fully accessible for all members of the community. The Nauset Fellowship has committed \$18,000 of its own funds to this project and will seek to offset the use of CPC funding through fundraising efforts.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 23

To see if the Town will vote to transfer the sum of **\$500,000** from Community Preservation Active Recreation Reserve and/or Undesignated Fund Balance, for expenditure under the direction of the Board of Selectmen for the construction of new recreational facilities or the repair of existing recreational facilities located at the Field of Dreams (rear of Town Hall); or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

These funds would be used to reconstruct the existing basketball court, install new pickle ball courts; new children's play area, new shade shelters, and upgrade the surrounding area adjacent to the facilities in order to improve access to the facilities and provide additional amenities to the many groups and individuals who use the facilities. The proposal has been endorsed by the Eastham Recreation Commission.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 24

To see if the Town will vote to transfer **\$36,000** from the Community Preservation Affordable Housing Fund Reserves and/or the Undesignated Fund Balance, to the Town of Eastham Affordable

Housing Trust for securing staff assistance; under such terms and conditions which the Board of Selectmen may require; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

The Eastham Affordable Housing Trust relies on staff expertise to advise the Trust and to carry out specific day-to-day duties. This article funds a position/consultant with an affordable housing background for a period of 12 months.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 25

To see if the Town will vote to transfer the sum of **\$8,500** from Community Preservation Active Recreation Reserves and/or Undesignated Fund Balance, for expenditure under the direction of the Board of Selectmen for the construction of a new shade shelter at Wiley Park or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

The project entails purchase of and installation of a shade umbrella ("pyramid shade") to cover a portion of the playground area of Wiley Park. Providing shade will increase the use of this area throughout the summer when the sun & heat is extreme. This project will provide Eastham's young children a place to play without the hazards of the summer sun & heat.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE: 8-0

(Majority vote required)

ARTICLE 26

To see if the Town will vote to appropriate **\$428,500** from the Community Preservation Undesignated Fund Balance for the purpose of paying debt payments for the following land acquisitions; Dyer Prince (Harris) Land Purchase **\$350,000** and the Aschettino Land Purchase **\$78,500**; or take any action relative thereto.

By Community Preservation Committee

Summary:

These are yearly debt payments for purchases approved at Town Meeting for land acquisitions for open space. The State Legislation for the Community Preservation Act allows the principal and interest payments to be funded through the Community Preservation Fund, but only recently required that a separate article be voted each year of the debt payment.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION:

COMMUNITY PRESERVATION COMMITTEE:

(Majority vote required)

ARTICLE 27

To see if the Town will vote to accept as a public way, the layout of the portion of the dirt road known as **Hay Road from Governor Prentice to Bridge Road**, shown on a plan entitled, "Plan of

Land Showing a Portion of Hay Road, Eastham Ma,” Scale: 1”=40’, dated December, 2015, prepared by Schofield Brothers of Cape Cod, Orleans MA, on file with the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, the easement in said road to sue for all purposes for which public ways are used in the Town of Eastham and all related easements thereto; and further to see if the Town will raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of acquiring said easements or for any costs incidental or related thereto; or take any action relative thereto.

By Board of Selectmen

Summary:

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE: RECOMMENDATION:

PLANNING BOARD:

(2/3 rds Majority vote required)

ARTICLE 28

To see if the Town will vote to accept as a public way, the layout of the portion of the dirt road known as **Hay Road from Governor Prentice to Woodland Road**, shown on a plan entitled, “Plan of Land Showing a Portion of Hay Road, Eastham Ma,” Scale: 1”=40’, dated December, 2015, prepared by Schofield Brothers of Cape Cod, Orleans MA, on file with the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, easements to use such land for all purposes for which public ways are used in the Town of Eastham, and all easements related thereto; and further to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of acquiring said easements or for any costs incidental or related thereto ; or take any action relative thereto.

By Board of Selectmen

Summary:

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE: RECOMMENDATION:

PLANNING BOARD:

(2/3 rds Majority vote required)

ARTICLE 29

To see if the town will vote to amend the Town of Eastham Code, Part 1, The Bylaws, Chapter 49, Section 4 Paragraph A, by deleting in its entirety and replacing it with the following:

A. In the event of a vacancy or vacancies occurring on the Finance Committee, the original appointing authority for that member shall be notified and the original appointing authority shall appoint a new member to complete the remainder of the term.

or take any action relative thereto.

By Moderator/Board of Selectmen

Summary:

Currently the Bylaw directs that a joint meeting of the remaining Finance Committee members and the Board of Selectmen fill mid-term vacancies. The result is that an appointment that was originally made by the moderator then, in a mid-term reappointment, is not made the original appointing authority. This language change would ensure that the original appointing authority would make mid-term appointments.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE: RECOMMENDATION:

(Majority vote required)

ARTICLE 30

To see whether the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, grant, and/or eminent domain pursuant to M.G.L. c. 79, for general municipal purposes, including, but not limited to public housing, recreational purposes, economic development opportunities, or under terms and conditions agreeable to the Selectmen, fee, easement and/or any other property interests in, on, over, across all or a portion of a parcel of land in Eastham located at 4790 State Highway of approximately 10.860 acres, more or less, together with any structures, improvements, and trees thereon, shown as Map 05, Parcel 124, on the Eastham Assessors Maps as more particularly identified in deeds recorded in the Barnstable County Registry of Deeds in Book 27046, Page 73, for the fair market price of **\$1,400,000**, or any other fair market value that may be determined by a certified land appraiser retained by the Town to conduct an independent appraisal of the property, and with any other related costs associated therewith, or such lower sum acceptable to the Board of Selectmen, and incidental and related costs of debt issuance, and/or borrow said total sum which shall be reduced by the amount of any grants, or gifts received, provided that such appropriation and debt authorization shall be contingent upon the passage of a Proposition 2½ debt exclusion referendum under Massachusetts General Laws Chapter 59, Section 21C(k), and to authorize the Treasurer under the direction of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose, as authorized by Massachusetts General Laws Chapter 44, Section 7(3A) or any other general or special law; funds to be expended by the Board of Selectmen for such acquisition, and further, to determine whether the Town will authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing; or take any action relative thereto.

By Petition

Summary:

This article authorizes the Selectmen to purchase the property at 4790 State Highway, known as the Tee Time Property, from the current owners, for municipal purposes for the sum of \$1,400,000, or an otherwise negotiated sum, to be funded through a borrowing. Concerned citizens concluded that it is unlikely that a negotiated purchase agreement can be reached with the company. The petitioners believe it may be in the Town's best interests to take the property by eminent domain. State law allows town government to take private property by eminent domain, provided doing so serves a public purpose. The property can be used for public housing, recreational uses, or to encourage small business/trade opportunities for residents of Eastham. The property has current assessed value of \$1,261,300 and a purchase and sale agreement was in place for \$1,400,000. A taking by eminent domain requires that a new independent appraisal be conducted.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

(2/3 rds Majority vote required)

ARTICLE 31

To see if the Town will amend Section 100 of the Town of Eastham Bylaws to add a new Article III- Each Town Employee, elected official and appointed board member shall be provided an email account within the town electronic mail system and said account will be used for all official correspondence of the town; or take any action relative thereto.

By Petition

Summary:

Massachusetts General Law 66 Section 10. (a) "Every person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an

independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee.” The Secretary of the Commonwealth has determined the Public Records Law applies to all government records generated, received or maintained electronically, including computer records, electronic mail, video, and audiotapes. Currently, the Town has no control over public emails generated or received by elected officials, committee members or certain town employees.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE: RECOMMENDATION:

(Majority vote required)

ARTICLE 32

To see if the Town will purchase the northernmost 40 foot portion of 1895 State Highway (map and parcel 15-120-A) from State Highway to 35 Hoffman Lane (map and parcel 15-120-B} for constructing a public way. Furthermore, exchanging the northernmost 40 foot portion of 35 Hoffman Lane belong to the Eastham Conservation Trust for that portion of town property at 75 Hoffman Lane not required for a public way to connect to Deacon Paine Road; or take any action relative thereto.

By Petition

Summary:

The Town of Eastham has public ways that cannot be reached by public roads between Route 6 and Hay Road. This will allow public access to these roads with the minimum impact upon the Town, abutters of Hoffman Lane and Hay Road.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE: RECOMMENDATION:

(Majority vote required)

ARTICLE 33

To see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2014 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting.

You are directed to serve this Warrant by posting attested copies thereof at the Post Office in Eastham and North Eastham fourteen days at least before the date of holding said meeting.

Hereof, fail not and make due return of this Warrant and your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands and seals this ____ day of April in the year of our Lord, Two Thousand and Sixteen.

Linda S. Burt

Elizabeth Gawron
Chair

William O'Shea

Wallace F. Adams
Clerk

John F. Knight
Vice Chair

BOARD OF SELECTMEN

Greetings:

In a pursuance of the conditions of the foregoing warrant, I have posted attested copies, one each at the Post Office in Eastham and North Eastham fourteen days before time of said meeting.

Constable

A True Copy Attest:

Sue Fischer, Town Clerk

PROCEDURES FOR TOWN MEETING

In accordance with Section C2-8.B of the Eastham Town Charter, the following procedures will be followed:

1. A registered voter wishing to speak at Town Meeting shall proceed to one of the microphones. Once recognized the voter shall give his or her name and address, speak to the question for not more than three minutes, and shall not speak again until all those wishing to speak thereon have done so. Persons making articles and demonstrations are exceptions to this rule.
2. Non-voters who wish to address Town Meeting and have identified themselves in advance to the Moderator may only speak if permitted by majority consent of voters.
3. Registered voters will be seated first. Additional seating for non-voters may be available only after the Town Clerk has determined that there are an adequate number of seats for all registered voters in attendance. **Voters who sit in the Non-Voter Section cannot vote.**
4. Discussion on each article shall terminate when no one wishes to speak or the discussion becomes redundant in the opinion of the Moderator or a motion to call the question is approved.
5. Votes may be taken by voice (Majority to be determined by the Moderator), by a show of hands or by electronic devices. Articles requiring a 2/3 vote will be by hand count or electronic device count, at the Moderator's discretion, unless unanimous. If seven Town Meeting members question a voice vote, the Moderator may then choose an alternative counting method.
6. An article may be reconsidered on the same day, no more than sixty (60) minutes from the time the vote on such article is declared by the Moderator. The Town Clerk's minutes shall record such times.
7. TOWN MEETING TIME, A Handbook of Parliamentary Law, Third Edition, 2001, is the Eastham Town Meeting parliamentary handbook.

The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters.
Persons with handouts of any nature must be outside the building or in a designated area.

**PLEASE BE COURTEOUS
ALLOW EACH SPEAKER TO PRESENT THEIR IDEAS WITHOUT INTERRUPTION.**

INFORMATION

Elizabeth Shaw

From: Gillespie-Lee, Laurie [admin2@eastham-ma.gov]
Sent: Monday, March 14, 2016 3:19 PM
To: Elizabeth Shaw
Subject: FW: T-Time

T-time letter

ADMINISTRATION

MAR 14 2016

RECEIVED

Laurie Gillespie-Lee
Administrative Assistant
Town of Eastham
2500 State Highway
Eastham, MA 02642

Telephone: 508-240-5900, ext 3207
Fax: 508-240-1291
E Mail: admin2@eastham-ma.gov

From: Scott Andersen [<mailto:skarock111@yahoo.com>]
Sent: Saturday, March 12, 2016 3:24 PM
To: gawronsoncapecod@comcast.net; knightflight12@hotmail.com; burtl@nausetschools.org;
wallace.adams@comcast.net; boshea@navizone.com; Gillespie-Lee, Laurie
Subject: Fwd: T-Time

Good Afternoon

We are following up to our February 7th email (attached) to reiterate our thanks for your no vote regarding the Stratford Capital T-Time proposal and ask you to vote no again on March 21st.

Eastham has made great progress on affordable housing over the past months including renewed focus on the Purcell property, and we are all collaborating and compromising on the issues and are ready to move forward with plans that are best for Eastham. The Citizens Group has thoroughly researched the Stratford proposal and has determined it to be bad for Eastham. Stratford is not willing to compromise and is only holding us back and wasting valuable time, therefore it's time to say goodbye to them for good and focus our time and effort on moving forward with responsible affordable housing. We support the proposal to take T-Time by eminent domain so that the town can decide how to use that land, not a developer like Stratford that is only concerned with profit margin.

Once again, we ask you to give Stratford a final no vote so we can all work together to shape the future of affordable housing.

Thank you,
Scott and Patti Andersen
630 Herringbrook Road

Sent from my iPad

Begin forwarded message:

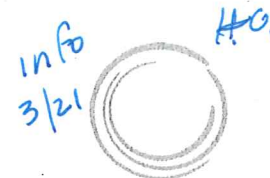
From: Scott Andersen <skarock111@yahoo.com>
Date: February 7, 2016 at 11:13:08 AM EST
To: gawronsoncapecod@comcast.net, knightflight12@hotmail.com, burtl@nausetschools.org,
wallace.adams@comcast.net, boshea@navizone.com, admin2@eastham-ma.gov
Subject: T-Time

Thanks again,
Scott and Patti Andersen
630 Herringbrook Road

Sent from my iPad

Cape Cod Joint Transportation Committee (CCJTC)

3225 MAIN STREET, P.O. BOX 226, BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828, Fax (508) 362-3136. www.capecodcommission.org



Cape Cod Joint Transportation Committee, Public Meeting Agenda

CAPE COD
COMMISSION

Date/Time: March 11, 2016 @ 8:30 AM

Place: Cape Cod Commission Conference Room, 3225 Main Street, Barnstable, MA 02630

Call to order/potential approval of the DRAFT minutes of February 12, 2016

Cape Cod Joint Transportation Committee Bylaws: Cape Cod Commission staff will review draft amended bylaws for the Cape Cod Joint Transportation Committee (CCJTC) with its members. The CCJTC members will potentially vote to release the draft bylaws for public comment and conduct their own review of the bylaws at its April 8, 2016 CCJTC meeting. – Jessica Wielgus, Cape Cod Commission counsel

Complete Streets Policy: Cape Cod Commission staff will present a draft Complete Streets policy to those in attendance to encourage municipalities to regularly and routinely include complete streets design elements and infrastructure on roads. The Joint Transportation Committee will discuss the draft Complete Streets policy that is presented. - Steve Tupper, CCC Transportation Planner

Cape Cod Transportation Improvement Program Project Evaluation Criteria: Cape Cod Commission staff will describe the proposed project evaluation criteria scoring system to be used on future projects included in the Federal Fiscal Year 2017 – 2021 Transportation Improvement Program. The Joint Transportation Committee will discuss and potentially vote to make recommendations on the criteria to be used in the proposed project selection criteria scoring system. - Steve Tupper, Cape Cod Commission Transportation Planner

2017-2021 Transportation Improvement Program (TIP) Development: The TIP is a recommended list of transportation projects to be advertised and eventually constructed using Massachusetts Department of Transportation, Federal Highway Administration and Federal Transit Administration funding for Federal Fiscal Years 2017 to 2021 (October 1, 2016 to September 30, 2021). Cape Cod Commission staff will give a presentation further explaining the process of developing the TIP. The Joint Transportation Committee will discuss which potential projects could be included in the 2017-2021 Transportation Improvement Program (TIP). - Steve Tupper, Cape Cod Commission Transportation Planner

Cape Cod Regional Transit Authority Comprehensive Service Assessment: Cape Cod Commission staff on behalf of the Cape Cod Regional Transit Authority (CCRTA) has completed a Comprehensive Service Assessment of the existing operations at the CCRTA to meet the mobility needs of residents, human service agency consumers and visitors to Cape Cod. Commission staff will present the finding of this study to the Cape Cod Joint Transportation Committee. - Patrick Tierney, Cape Cod Commission Transportation Planner

Reports: MassDOT Highway Division District 5 Staff will give a status report on existing and planned transportation projects underway across Cape Cod. Cape Cod Regional Transit Authority and Cape Cod Commission staff will report on recent and upcoming activities that staff has participated in.

Public Comment / Adjourn

This meeting is accessible to people with disabilities. The Cape Cod Metropolitan Planning Organization (MPO) provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print, as available). For accommodations or language assistance please contact the Cape Cod MPO by phone: (508) 362-3828, fax (508) 362-3136, TTY (508) 362-5585 or email frontdesk@capecodcommission.org. Title VI Notice of Nondiscrimination: The Cape Cod MPO complies with Title VI of the Civil Rights Act of 1964 and related federal and state statutes and regulations. It is the policy of the Cape Cod MPO to ensure that no person or group of persons shall on the grounds of Title VI protected categories, including race, color, national origin, or under additional federal and state protected categories including sex, age, disability, sexual orientation, gender identity or expression, religion, creed, ancestry, veteran's status (including Vietnam-era veterans), or background, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by the Cape Cod MPO. To request additional information about this commitment, or to file a complaint under Title VI or a related nondiscrimination provision, please contact the MPO's Title VI Coordinator by phone at (508)362-3828, TTY at 508-362-5885, fax (508) 362-3136 or by e-mail at mhevenor@capecodcommission.org. If this information is needed in another language, please contact the MPO's Title VI Coordinator by phone at (508)362-3828. Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone 508-744-1299. The public discussion of the Transportation Improvement Plan (TIP) at CCJTC, MPO, and transportation meetings satisfies the Program of Projects (POP) public hearing requirements of the Federal Transit Administration (FTA).

40

CAPE COD JOINT TRANSPORTATION COMMITTEE
Transportation Advisory Group for the Cape Cod Metropolitan Planning Organization

C/O CAPE COD COMMISSION
P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630-0226

.....

Telephone: (508) 362-3828

Facsimile: (508) 362-3136

e-mail: ccjtc@capecodcommission.org

World Wide Web address: <http://www.gocapecod.org/tip>

BYLAWS

FOR THE

CAPE COD

JOINT

TRANSPORTATION

COMMITTEE

(CCJTC)

EFFECTIVE DATE: August 14, 1995

Amended: September 11, 1995

Amended: May 8, 1998

Amended: August 10, 2001

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ARTICLE I NAME, PURPOSE, AND DUTIES

1. Name . This joint transportation planning advisory group to be known as the Cape Cod Joint Transportation Committee (CCJTC) is established under agreements with its co-sponsoring agencies, which comprise the Cape Cod Metropolitan Planning Organization (MPO). The MPO includes: Cape Cod Commission (CCC), Massachusetts Highway Department (MHD), Cape Cod Regional Transit Authority (CCRTA) and Executive Office of Transportation & Construction (EOTC).
2. Purpose . The purpose of the CCJTC is to provide the mechanism for an open and broadly participatory intermodal transportation planning process with maximum involvement on the part of local officials and local citizenry. This will lead to a forum for regional consensus on aspects of the transportation system in keeping with the goals of the planning process as undertaken by the Cape Cod MPO. The CCJTC will advise the MPO on transportation planning programs.
3. Responsibility . The CCJTC is advisory to its co-sponsoring agencies. The CCJTC is also responsible to and will seek the participation of the citizenry of Barnstable County in formulating its decisions. Responsibilities of the CCJTC include comment, guidance and obtaining input on compliance documents of the CCC transportation program prepared under the "3C" (comprehensive, cooperative and continuing) transportation planning and programming process. These compliance documents include the Unified Work Program, the Long Range Transportation Plan and the Transportation Improvement Program.
4. Staff . The CCC under the supervision of the Executive Director will provide staff support to the CCJTC. The CCJTC will review and comment on the Unified Planning Work Program to provide direction to the staff.

ARTICLE II MEMBERSHIP IN THE PLANNING GROUP

1. Membership . Membership in the CCJTC is inclusive rather than exclusive in order to provide for the "open and broadly participatory" transportation planning process.
2. The composition of the CCJTC shall consist of members and alternates selected in the following manner and from the following sources:
 - a. One member representative of each of the towns of Cape Cod appointed annually by the local appointing authority of each community.
 - b. One alternate member representative of each of the towns of Cape Cod appointed annually by the local appointing authority of each community.
 - c. Each town member present is eligible to vote on business requiring such action. In the absence of the member, the alternate member from the town may vote.

3. Ex-officio membership (members who shall be present at meetings, but are non-voting) shall consist of members selected in the following manner from the following sources:
 - a. Representatives of the Massachusetts Highway Department, including a representative of the District Office, appointed by the Massachusetts Highway Department Commissioner.
 - b. A representative of the Executive Office of Transportation and Construction / Bureau of Transportation Planning and Development, appointed by the Secretary.
 - c. A representative of the Cape Cod Commission, appointed by the CCC Chair.
 - d. A representative of the CCRTA, appointed by the CCRTA Chair.
 - e. A representative of the Barnstable County Commissioners appointed by the Chair of the County Commissioners.
 - f. A representative of the Assembly of Delegates, appointed by the Speaker.
 - g. In addition, provisions shall be made for the addition of other members appointed by the CCJTC, such as: elected officials, representatives of the public and private institutions, and/or representatives of major transportation providers.

ARTICLE III OFFICERS AND EXECUTIVE BOARD

1. Officers and executive board . The officers of the CCJTC will consist of chair, a vice-chair, and such additional members as the CCJTC may direct, who will be members of an executive board to direct the carrying out of the business of the CCJTC including: keeping records, directing correspondence, preparing agenda, minutes, position papers, news releases, and such other matters as the CCJTC may direct. The executive board shall notify the CCJTC of all matters that are acted upon.
2. Duties of officers :
 - A. The duties of the chair are:
 - the chair has the duty, when present, of chairing all meetings of the CCJTC;
 - to call all meetings to order at the hour scheduled in the presence of a quorum or to take up business not requiring action in absence of a quorum;
 - to announce the business of the meeting in accordance with the agenda;
 - to abstain from any appearance or practice of partisanship;
 - to facilitate discussion by those representatives and others in attendance who need encouragement to speak and also to see that those who need no such encouragement state their positions clearly, succinctly, and without repetitiveness, and to encourage those who support a position already stated by another to indicate their concurrence, with or without stated reservations;

- to attend to the discussion of each matter before the CCJTC and to present the sense of such discussion for the approval of the meetings;
- to accept motions and call for votes, as required;
- to restrain those in attendance within the rules of order;
- to decide all points of order or practice;
- to sign and authenticate all the acts, resolutions, proceedings and correspondence of the CCJTC and, in general, to represent and stand for the CCJTC, declaring its will, and obeying its command.

B. The duties of the vice-chair are:

- in the absence of the chair, the vice-chair will chair the CCJTC meeting

3. Selection and term of office . Following the selection of a nominating committee as provided in Article V of these bylaws, the nominating committee will annually, at a June meeting report out a slate of one or more names for each office and for each additional position on the executive board as such positions may be established by the CCJTC. Such slate will be mailed to all members and representatives to the CCJTC. At the following meeting, the chair will declare the meeting open to nominations from the floor and any such nominations will be recorded and added to the slate proposed by the nominating committee as the first order of business. The next order of business to take place will be selection of officers. In the event that there is but one nominee for chair, the chair will, after a short discussion declare the nominee to be selected to fill that office for the ensuing year or until a successor has been declared. The vice-chair and any additional members of the executive board will be selected in like manner. In the event that there be two or more nominees for any office, it will be the duty of chair, after an appropriate period of discussion, to declare that the sense of the discussion is the selection of one candidate and so declare it or to declare that no sense of the discussion is apparent and ask for a motion to select a candidate by a majority (50%+) vote or representatives and individuals present and voting, provided that a quorum votes. The term of office will be for one year or until a successor be declared by the chair. Officers may be selected for two or more terms at the will of the CCJTC. In the event of a vacancy in an office or on the executive board, the chair will so declare it and commit the matter to the nominating committee.

ARTICLE IV TASK FORCES

1. Task Forces . The CCJTC will organize such subordinate task forces as are necessary to carry out its duties. It may also, in cooperation with its co-sponsoring agencies, and with other regional planning agencies, organize such inter-regional task forces as may be helpful in dealing with inter-regional transportation issues which transcend regional planning boundary lines.
2. Membership in task forces . Each task force established by the CCJTC may include elected local public officials or their representatives and also those persons with a

technical or planning or other experience or training helpful to the declared purposes of the task force. Such persons may be drawn from the representatives to the CCJTC, or from the municipal or organizational membership of the CCJTC where feasible, but membership on a task force will not be restricted to representatives of the CCJTC and may include any person who can make a substantial contribution.

ARTICLE V STANDING COMMITTEES OF THE CCJTC

1. The CCJTC may establish in these bylaws such standing committees, as may be necessary for the proper conduct of its business. Members of standing committees will be appointed by the chair with the approval of the CCJTC on an annual basis and, in the normal course of events, a majority of the members will continue in that capacity from year to year.
2. Nominating Committee . Annually in April or May, the Chair will appoint a convener of a nominating committee. At the same meeting, the convener will in turn choose four more members of the proposed nominating committee, taking care that the proposed committee is well distributed, both geographically and occupationally. The convener will present for approval, proposed nominating committee to the CCJTC. After being approved, the nominating committee will meet within thirty-one (31) days. This meeting shall be prior to the June CCJTC meeting at the call of the convener to choose at least one nominee for each office. In addition, the nominating committee will convene to make nominations to fill vacancies as they occur. In every case, names of nominees will be mailed to the CCJTC with the announcement of the meeting at which selection of officers or the filling of a vacancy is to take place.
3. Review Committee . The duties of the review committee include the review of any reports or any matter referred to it.
4. Bylaw Committee . The duties of the bylaw committee will include the review of bylaws and amendments thereto, of tables of organization and the interrelationships of the several agencies and committees.

ARTICLE VI MEETINGS OF THE CCJTC

1. Call of Meetings. Meetings of the CCJTC will be called by the Cape Cod Commission (CCC) staff with the approval of the chair on a regular, usually monthly, basis. Special meetings will be called as may be required by urgent business. Any eight (8) member municipalities or organizations may issue a call to a CCJTC meeting in the form of a petition to the representatives of the CCJTC over their signatures, which petition will state the agenda, time, day, and place of the called meeting. Notice of each meeting with a preliminary agenda will be mailed not less than seven (7) days in advance to all CCJTC representatives, and to the mailing list encoded "CCJTC agendas only" to ensure that meetings be open and broadly participatory. Any person may request placement on the

mailing list to receive CCJTC agendas. When the chair deems that special effort should be taken to publicize a meeting in order to obtain public participation on a particularly involved issue, the chair will cause appropriate notice to the media including the date, time, and place of the meeting.

2. Quorum . A quorum for any meeting of the CCJTC will consist of a minimum of five (5) voting members.
3. Conduct of meetings . All meetings of the CCJTC will be conducted on the basis of an open and broadly participatory process to which the citizenry of Barnstable County and other interested parties are invited and in which all voices may be heard. All meetings will be held with an absolute minimum of parliamentary procedure required for the efficient conduct of the meeting. The conduct of the meeting, the selection of officers, and the resolution of issues will be on the basis of the rules set forth in these Bylaws. It is the policy of the CCJTC that every meeting will be adjourned to another day or dissolved at an early hour in order to encourage continued participation of both representatives of the CCJTC and the citizenry. To this end the CCJTC meetings shall begin promptly at the announced time and shall be no longer than two (2) hours duration, except by consent of the members. The chair will actively work to encourage participation by representatives and others attending the meeting, taking special care to encourage participation by those who have not spoken on an issue which should concern them. The chair will also work to encourage those more willing participants to keep their remarks both short and to the point. The chair will be concerned that the discussion not be repetitious and, when a point has been well stated, will encourage others taking the same or a similar position to state that they support the position or a previous speaker either unreservedly or with specified reservations, rather than to repeat a statement already well made. The chair will interrupt anyone making a repetitious statement, requiring the speaker either to make new points or to yield the floor to the next speaker. The chair will assess when the discussion of an issue has run its course and will, at that time, attempt to state the sense of the discussion. If the statement from the chair is received with general approval, of the members present, the chair will declare it to be the position of the CCJTC and it will be so recorded in the minutes. The chair, at his discretion, may call for a motion and a vote, when necessary to clarify the position on a particular matter. An alternate shall vote only in the absence of the member.
4. Policy-Formulation . Policy will be formulated by a discussion of each issue properly before the CCJTC and no decision will be reached until all present have had a reasonable opportunity to be heard. In the event that a matter deemed routine and signed off by the executive board is challenged by five (5) or more representatives, it will be returned to the CCJTC for discussion and resolution.
5. Divergent viewpoints . As not all issues will be readily resolved, the chair may, in due course of the discussion of an issue, decide that two or more divergent viewpoints are emerging. In such event, the chair will so declare it and appoint the person or persons best formulating each position to become part of an ad hoc committee to attempt to formulate a common position on the issue under discussion. The chair will also appoint a

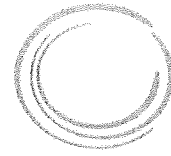
convener to head the ad hoc committee who will be neutral on the issue in question. Attendees may serve on such committees but position statements will, in every case, be written by representatives to the CCJTC. The chair will then commit the issue to the said committee and the meeting may, at the discretion of the chair, be recessed or adjourned to allow the ad hoc to proceed with the matter at once. If the ad hoc committee can resolve the issue and report out a common position, it will reduce the position to writing and inform the chair. In the event that no resolution of divergent positions is possible in committee, the two or more divergent positions will be reduced to writing, signed by those committee members holding each position, and the convener will so inform the chair. Upon receiving the report or reports of the committee, the chair will cause said report or reports to be read before the CCJTC.

ARTICLE VII COMMUNICATIONS

1. Communications . In accordance with its established policy of an open and broadly participatory transportation planning process, the CCJTC will make every effort to establish and maintain strong two-way lines of communications with boards of selectmen and town boards, with elected and appointed officials at municipal, district, and county levels of governments, with state and federal agencies, with the Cape Cod Commission, its delegates, alternates, and staff, with other regional planning agencies and above all, with the general public in its fifteen (15) municipality planning region.

ARTICLE VIII AMENDMENTS AND EFFECTIVE DATE

1. Amendments to the Bylaws . These Bylaws may be amended after a notice to that effect containing the section or sections of the Bylaws affected and the text of the proposed amendment has been sent with the announcements of two successive regular meetings of the CCJTC to all municipalities in the Region and to all representatives of record. The proposed amendment will be on the agenda of the first meeting for discussion only and on the agenda of the second meeting for action under the rules of Article VI of these Bylaws. Copies of amended sections as passed will be included in the next mailing.
2. Effective date of these instruments . The effective date of adoption of these instruments shall be following notification to the membership and discussion and affirmative action by the CCJTC. The effective date will be recorded on the cover. These Bylaws are the original instruments of the Cape Cod Joint Transportation Committee.



CAPE COD
COMMISSION

**ByLaws for the Cape Cod Joint
Transportation Committee (CCJTC)**
Transportation Advisory Group for the Cape Cod
Metropolitan Planning Organization

Effective Date: August 14, 1995, as amended April __, 2016

c/o Cape Cod Commission staff
P.O. Box 226
3225 Main Street
Barnstable, MA 02630 – 02630 – 0226
Telephone: (508) 362 – 3828
Facsimile: (508) 362 – 3136
Email: ccjtc@capecodcommission.org



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Article 1: Name, Purpose, Duties and Compliance

Name: The Cape Cod Joint Transportation Committee (CCJTC) operates as an advisory group to the Cape Cod Metropolitan Planning Committee, and has been established by agreement among its co-sponsoring agencies, including the Cape Cod Metropolitan Planning Organization (Cape Cod MPO), the Massachusetts Department of Transportation (MassDOT), Massachusetts Department of Transportation (MassDOT) Highway Division, and the Cape Cod Regional Transit Authority (CCRTA).

Purpose: The Cape Cod Joint Transportation Committee was established for three main missions:

- (1) to advise the Cape Cod Metropolitan Planning Organization on all matters of policy affecting the region in its implementation of the Federal 3C Transportation Planning Process, that is, a process that is Comprehensive, (integrates the stages and levels of transportation planning for the Cape Cod region); Continuing (plans for short and long range needs of the regional transportation system); and Cooperative (coordination among public officials and invites participation at all stages of the transportation planning process);
- (2) to make recommendations on regional transportation work activities, plans, studies, project priorities and financial constraints as may be required for the effective operation of the Cape Cod MPO;
- (3) To provide maximum participation in the transportation planning and programming process by creating a forum to bring together officials of local government, public agencies, transportation providers, interest groups and residents for open dialogue and the exchange of views on current transportation issues.

Duties: The Cape Cod Joint Transportation Committee is advisory to the Cape Cod MPO, Massachusetts Department of Transportation and its Highway division, and the Cape Cod Regional Transit Authority Its responsibilities include obtaining public input and making recommendations to the Cape Cod MPO on compliance documents prepared under the

Federal 3C Planning process, including but not limited to the Unified Work Program, the Transportation Improvement Program, the Regional Transportation Plan, and the Public Participation Plan. The Cape Cod Commission (CCC) provides the staff to support the work of the CCJTC under the supervision of the CCC Executive Director.

Compliance: The Cape Cod Joint Transportation Committee complies with Title VI of the Civil Rights Act of 1964 and related federal and state statutes and regulations. In addition to federal transportation legislation, the transportation planning process complies with the Americans with Disabilities Act (ADA); the Clean Air Act; Title VI of the Civil Rights Act of 1964; Executive Order 12898; Executive Order 13330; the Global Warming Solutions Act; and GreenDOT Policies.

It is the policy of the Cape Cod Joint Transportation Committee to ensure that no person or group of persons shall on the grounds of Title VI protected categories, including race, color, national origin, or under additional federal and state protected categories including sex, age, disability, sexual orientation, gender identity or expression, religion, creed, ancestry, veteran's status (including Vietnam-era veterans), or background, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by the Cape Cod Metropolitan Organization (Cape Cod CMPO). To request additional information about this commitment, or to file a complaint under Title VI or a related nondiscrimination provision, please contact the CCMPO's Title VI Coordinator by phone at (508)362-3828, TTY at 508-362-5885, fax (508) 362-3136 or by e-mail at TitleVI@capecodcommission.org.

If this information is needed in another language, please contact the Cape Cod MPO's Title VI Coordinator by phone at (508)362-3828.

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone 508-744-1299.

Article 2: Membership

The Cape Cod Joint Transportation Committee (CCJTC) shall be comprised of sixteen voting members.

The voting members of the CCJTC shall be derived as follows:

- (1) One member representative shall be from each of the fifteen towns in Barnstable County. This shall, by operation of these bylaws, be the Director of Public Works unless the Board of Selectmen/Town Council of the town appoint a different representative and file its vote with the Chair of the CCJTC. The member representative shall appoint a designee to serve in his/her absence as an alternate and notify the Chair of the CCJTC of this designation. An alternate may only vote if the member is absent.
- (2) A bicycle representative and his/her alternate shall be appointed by a majority vote of the CCJTC.
- (3) In the event a voting member is no longer serving the board in that capacity (i.e. has resigned his/her position in writing, is no longer the active Director of Public Works, or has failed to attend four or more consecutive meetings, that voting member may be replaced by that town's Board of Selectmen/Town Council or, in the case of the bicycle representative, by the CCJTC, as provided by clause (1) and (2) above.

These sixteen members (or in his/her absence, his/her alternate) shall each be eligible to vote at CCJTC meetings on business requiring such action provided the member (or his/her alternate) is present at the meeting, or has properly utilized remote participation in accordance with the Open Meeting law and its enabling regulations. Each member town has one vote; the bicycle representative has one vote.

Other attendees: Attendance and participation are encouraged by representatives of the following groups, who are non-voting, but whose input in the process is important:

- a) Representatives from the Massachusetts Department of Transportation and its Highway Division, including the District offices;
- b) A representative of the Cape Cod Commission;
- c) A representative of the CCRTA;
- d) A representative of the Barnstable County Commissioners;
- e) A representative of the Assembly of Delegates;
- f) A representative of the Mashpee Wampanoag Tribe;
- g) A representative of the Association to Preserve Cape Cod;
- h) Any other individuals who may assist the CCJTC in its role of making recommendations to the Cape Cod MPO including such as elected officials, members of the public, representatives of the public and private institutions, and representatives of major transportation providers.

Article 3: Officers

Officers: The Officers of the CCJTC will consist of a chairman and vice-chairman to direct and carry out the business of the CCJTC.

Selection of officers: At the CCJTC's meeting in May, the chair will declare the meeting open to officer nominations from the floor and any such nominations will be recorded and added to a slate of officers to be voted at the next monthly meeting held by the CCJTC. At the following meeting, if only one candidate is on a ballot, that person may be confirmed by motion. Any member who wishes to submit an absentee ballot shall request one of Cape Cod Commission staff; all absentee ballots received by CCC staff by the close of business the day before the CCJTC meeting shall be opened and counted at the meeting.

If there is more than one candidate, the chair will take a roll call vote of each voting member present and open any absentee ballots submitted

during the CCJTC meeting. The candidate with the most votes shall be declared. This process will be followed for each office. The Chair will abstain from voting and shall only vote in the case of a tie. Each officer term shall be for one year.

Duties of officers: The Chairman has the duty, when present, to chair the CCJTC meetings. This will include calling the meetings to order, of announcing the business of the meeting in accordance with the agenda (but has discretion to call the agenda items out of order if he/she deems appropriate), of setting the future agendas, to facilitate discussion by those in attendance at the CCJTC meetings, to accept motions and call for votes as required, to decide all points of order and to sign all resolutions, proceedings and correspondence of the CCJTC and any other discretionary powers as the CCJTC may deem necessary. In the Chairman's absence, the vice-chair will chair the meeting. All duties are to be performed in accordance with the Massachusetts Open Meeting Law.

Article 4: Standing Committees/ Subcommittees

The CCJTC may establish standing committees or subcommittees as may be necessary for the proper conduct of its business. Members of standing committees and/or subcommittees and their Chair will be appointed by the Chair of the CCJTC on an as needed basis.

Article 5: Meetings of the CCJTC

Call of meetings: Meetings of the CCJTC will be scheduled by the Cape Cod Commission staff with the approval of the Chair on a regular, usually monthly basis. Special meetings may be called as may be required by urgent business. All meetings shall comply with all requirements of the Massachusetts Open Meeting law. Any person may request placement on the mailing list to receive CCJTC agendas.

Quorum: A quorum for any meeting shall consist of a simple majority of the members of the public body.

Article 6: Amendments

Amendments to the Bylaws: These bylaws may be amended after notice to that effect containing the sections of the Bylaws affected and the text of the proposed amendment has been sent with the agendas of two successive regular meetings of the CCJTC to the town clerk of all municipalities in the County and to all current CCJTC representatives. The proposed amendment will be on the agenda of the first meeting to explain the draft and on the second CCJTC meeting for discussion and potential vote.

The comment period for these bylaws officially begins after the Cape Cod Joint Transportation Committee voted to release the Bylaws for the public review/ comment period on March 11, 2016. The CCJTC is expected to consider the CCJTC bylaws at their April 8, 2016 meeting at the Cape Cod Commission Office at 3225 Main Street (Route 6A) in Barnstable, MA 02630. Comments on these bylaws may be sent by close of business on April 1, 2016 via mail, hand delivered, by facsimile, or via e-mail, as follows:

Mailed or dropped off:

Cape Cod Commission Transportation Program
Glenn Cannon, Technical Services Director
3225 Main Street (Route 6A)
PO Box 226
Barnstable MA 02630-0226

Sent by facsimile to the attention of Glenn Cannon, Technical Services Director, CCC: FAX: 508-362-3136

Electronic mail "email"—please put "CCJTC Bylaws" in the subject line and send to: gcannon@capecodcommission.org

Comments / Questions received on these Bylaws:

The attached Public Comment Summary Grid presents a summary of the comments received during the 21-day public comment period. The comments were presented in their entirety to the Cape Cod Joint Transportation Committee during their April 8, 2016 meeting where the body considered the comments. Consideration of the comments is detailed in the meeting minutes for that meeting. The response and any action taken by the CCJTC are summarized in this table.

BOS into 3/21
File
Library

MASSACHUSETTS PUBLIC LIBRARY CONSTRUCTION PROGRAM
CONSTRUCTION GRANT ROUND
REQUEST for PAYMENT

Vendor Code VC6000191779
Library Eastham Public Library
Address 190 Samoset Road
City & Zip Eastham, MA 02642

Payment (circle): 1 2 3 (4) Final

Prepared by Debr.-DeJongh Berry Title Library Direct Date 3-10-16

This is to certify, in accordance with the terms and Agreement executed by and between the Massachusetts Board of Library Commissioners and the Municipality of Eastham, Massachusetts and the Eastham Public Library and all the Regulations and Assurances in the Grant Application and Grant Agreement, and that further local/other monies are as of this date available in the amount necessary to continue and complete the local public library construction and to match subsequent payments of State funds.

Total State Grant:	\$ <u>4,331,923</u>
Total State Payments to Date:	\$ <u>2,599,155</u>
Balance of State Grant:	\$ <u>1,732,768</u>
STATE PAYMENT REQUESTED	\$ <u>866,385</u>
Total Local/Other Funds Budgeted:	\$ <u>4,500,000</u>
Total Local/Other Funds Expended:	\$ <u>2,959,090</u>
Balance of Local/Other Funds to be Expended:	\$ <u>1,540,910</u>
Total Project Cost:	\$ <u>8,684,717</u>

Dated at Eastham this 10th day of March, 20 16

Sheila Vanderhoeve
Signature of Person Authorized to
Requisition State Aid Funds

Chairman, Board of Trustees &/or
Local Awarding Authority

SIGNING AND RETURNING THIS FORM INDICATES YOUR UNDERSTANDING THAT IF THE PROJECT IS NOT COMPLETED ALL FUNDS RECEIVED MUST BE REPAID IN FULL TO THE MASSACHUSETTS BOARD OF LIBRARY COMMISSIONERS.



Debra DeJonker-Berry <ddejonkerberry@clamsnet.org>

Second reminder

1 message

Stara, Lauren (BLC) <lstara@massmail.state.ma.us>
To: "Waltos, Rosemary (BLC)" <rosemary.waltos@state.ma.us>

Mon, Mar 7, 2016 at 2:55 PM

Hi,

I sent out an email in January about your Payment Request form. This is a reminder that we need to have this form before April 1 in order to process the payment in this fiscal year. We are asking that you send in this request regardless of where you are with the milestones achieved.

Please get in touch if you have questions!

Lauren

Lauren Stara

Library Building Specialist

Massachusetts Board of Library Commissioners

98 North Washington Street, Suite 401

Boston, MA 02114

617-725-1860 x245

800-952-7403 x245 (in-state)

lauren.stara@state.ma.us