

AGENDA

Monday

March 28, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, March 28, 2016
5:00 p.m.
(Joint Meeting with Finance Committee)**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEM INFORMATION

II. PUBLIC HEARING

5:10 p.m. Public Hearing: the Board of Selectmen in a joint meeting with the finance committee will present the town budget for FY17 with the school budget, and the five year capital plan. (Public statements and questions taken & vote anticipated)

5:30 p.m. Public Hearing: on recommended changes to public mooring fees. The recommendation is Great Pond Wait List fee of \$10, Transient (up to two weeks) Mooring Fee of \$25, and Transient (up to two weeks) vessel storage fee of \$25 (Public statements and questions taken & vote anticipated)

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

III. APPOINTMENTS

IV. ADMINISTRATIVE MATTERS

A. Open Meeting Law Complaint Acknowledgment: Open Meeting Law Complaint from Paul Fleming, dated March 9, 2016 and received March 10, 2016, concerning an alleged violation of the Open Meeting Law. (Acknowledge receipt of complaint, consider possible responses, and vote to resolve)

B. Update - Phase 1 Municipal Water Project Budget

V. TOWN ADMINISTRATOR'S REPORT

VI. OTHER BUSINESS

Upcoming Meetings

March 30, 2016	3:00 p.m.	Timothy Smith Room	Work Session
April 4, 2016	5:00 p.m.	Earle Mountain Room	Regular Session
April 6, 2016	3:00 p.m.	Timothy Smith Room	Work Session
April 25, 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. 5:10pm

LEGAL NOTICE
TOWN OF EASTHAM
PROPOSED FY18-22 FIVE YEAR CAPITAL IMPROVEMENT PLAN
AND FY17 OPERATING BUDGET
PUBLIC HEARING

In accordance with Sections C6-5 and C6-2(3) of the Eastham Home Rule Charter, the Board of Selectmen and the Finance Committee will hold a public hearing on Monday, March 28, 2016 at 5:10 PM at the Eastham Town Hall, in the Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, on the Proposed FY18-22 Five Year Capital Improvement Plan and FY17 Operating Budget. The Capital Plan, covering all departments and the Eastham Elementary School includes vehicles, technology upgrades, and improvements to municipal buildings. Major additions this year include computer/data processing expenditures, replace Fire Department air packs, replace laptops in Police Department cruisers, and new trash trailer for the Transfer Station.

All amounts and items shown in said capital improvement plan are estimates and are subject to review, refinement, additions and deletions at each Annual Town Meeting where the plan is authorized. Copies of the proposed plan and budget 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 Friday, March 11, 2016 Edition of the Cape Codder
Posted: Town Hall Lobby, Town Hall Outside Board

II. 5:30 p.m.

LEGAL NOTICE
TOWN OF EASTHAM
PROPOSED FY 16/17 MOORING FEES
PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Monday, March 28, 2016 at 5:30 PM at the Eastham Town Hall, in the Earle Mountain Room, 2500 State Highway, Eastham, MA 02642, on proposed changes to mooring fees and boat storage fees.

Copies of the proposed fees 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 Friday, March 11, 2016 Edition of the Cape Codder
Posted: Town Hall Lobby, Town Hall Outside Board

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

TO: Board of Selectmen

FROM: Shana Brogan, Conservation Agent *SB*

DATE: December 28, 2015

RE: Natural Resources Fee Proposal

The Natural Resources Department proposes to implement permitting fees for a waiting list at Great Pond, transient moorings and transient vessel storage.

Fee Type	Current Fee	Increase	New Fee
Mooring Wait List – Great Pond	n/a	\$10	\$10
Transient Mooring Fee	Free	\$25	\$25
Transient Vessel Storage	n/a	\$25	\$25

Great Pond Waiting List

The Great Pond mooring area has reached capacity for the past few years. The Natural Resources Department proposes to implement a waiting list with annual renewal for mooring space at Great Pond. Great Pond moorings generally consist of small sail boats and a few motor boats. The fee would compensate for postage, compiling annual renewals and establishing and updating the waiting list. The waiting list details are included in our mooring regulation revisions request for review.

Transient Mooring Fee

The Harbormaster has permitted temporary moorings for up to two weeks in Cape Cod Bay. This is not popular but is increasing slightly and it is generally for vacationers. However, currently the permit is issued for free and the permit holder must submit a valid boat registration and obtain a mooring sticker to place on their vessel. The Natural Resources Department proposes to implement a fee for a transient mooring of \$25 for up to two weeks.

Transient Vessel Storage

Vessel Storage for kayaks and canoes has been a very popular program. The fee for seasonal storage from April to November is \$50. This past season, some residents expressed the need for transient vessel storage. To accommodate this need, we propose to begin by allocating limited spaces as transient vessel storage whereby a resident or visitor can obtain a permit for storage for \$25 per boat for up to two weeks. The transient spaces would be implemented starting at our most popular locations: Hemenway Landing and Great Pond. The transient procedure is detailed in our Vessel Storage regulation revision request for your review.

Attached are the fees imposed for waiting lists and transient vessel storage in other Cape Cod towns.

Town	Mooring Wait List Fee
Barnstable	\$25 initial application, \$10 for renewal
Bourne	\$10
Brewster	\$10
Chatham	\$5 for residents, \$15 for non-residents
Dennis	\$20
Eastham	\$10 proposed (Great Pond only)
Falmouth	\$10
Harwich	\$10
Orleans	\$5
Truro	\$10
Wellfleet	\$11
Yarmouth	\$30 for initial application, \$15 for renewal

Town	Transient Mooring Fee
Bourne	\$25 nightly
Chatham	\$25 nightly, two weeks maximum
Eastham	\$25 proposed for up to two weeks
Wellfleet	\$39 daily

Towns not listed either have no transient moorings, only have transient dockage, or transient moorings are held by private marinas

Town	Vessel Storage Fee - Transient
Brewster	\$25 for two weeks, issued by lottery
Eastham	\$25 proposed for up to two weeks, issued by reservation
Wellfleet	\$30 per month

Towns not listed either issue vessel storage permits April - November only or do not allow vessel storage other than for mooring tenders.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

IV. A

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: PAUL Last Name: FLEMING

Address: 555 HAY ROAD

City: EASTHAM State: MA Zip Code: 02642

Phone Number: 508-255-7843 Ext. _____

Email: CHANBOGGER AT COMCAST.NET

Organization or Media Affiliation (if any): NONE

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual

☐ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

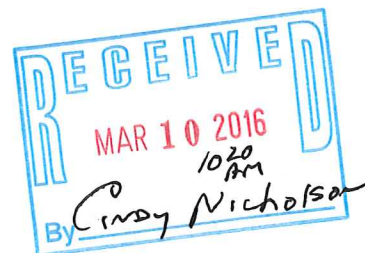
☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable): BOARD OF SELECTMEN EASTHAM, MASS

Specific person(s), if any, you allege committed the violation: ELIZABETH LANE TOWN COUNSEL
LINDA BURT LONGEST SITTING SELECTMEN

Date of alleged violation: SOMETIME IN 2010



Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

My complaint is that the selectmen and the town administrator of Eastham, Massachusetts never had an open meeting about the stopping of the maintenance and plowing to Hoffman Lane, a private road that had been maintained and plowed by the town since 1965. Fifty five homes have legal deeded rights to use Hoffman Lane and the other seventy homes have been using Hoffman Lane since 1965. By stopping the maintenance and plowing of Hoffman Lane, the selectmen have created a public nuisance for the people that live in the housing development. Since the stopping of maintenance and plowing, sometime in 2010, Hoffman Lane has worsened to almost impassable above 2 miles per hour. No one benefitted by the ceasing of maintenance and plowing to Hoffman Lane. No one! The selectmen have said they stopped the maintenance of Hoffman Lane because an abutter complained and said it was a private road. The town council also added that not everyone had deeded rights to use Hoffman Lane. There was no open meeting, just a questionable decision to stop maintaining and plowing the only paved road access to 125 households. This decision did not promote the public good and does not protect the public interest. The people who bought into this development had the only paved access road that led to their town accepted, maintained and plowed roads essentially taken away from them. Why?! Now, because Hoffman Lane is so bad, the town uses a private one lane dirt road, Hay Road, to access the development for maintenance, sanding and plowing. Hay road abuts some of the roads in the development but is not part of the development. The town wants to take Hay Road by eminent domain on the May 2016 Town Warrant to give access to the abutting housing development. It is believed that the agenda of the selectmen and others was to stop maintaining Hoffman Lane to force the taking of Hay Road to solve a problem of access that they, the selectmen created by stopping the maintenance and plowing of Hoffman Lane. These elected officials should not be allowed to use their positions to carry out their personal agenda of paving Hay Road from Governor Prence Road to Bridge Road under the guise that they are solving the Hoffman Lane access problem that they created by stopping the maintenance and plowing of Hoffman Lane. This is an abuse of power that was entrusted in those elected and paid officials to serve all the people, not just a handful who have their own personal agenda. Showing total disregard for the town's own by-laws and state laws these officials are stepping over a line. They took an oath to uphold the laws and serve the people. They have hurt the people in the development, no denying it, now they are trying to hurt the people of Hay Road by forever altering and changing our quiet and peaceful Hay Road. This is not how a democratic town government is supposed to work.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

These selectmen need to reverse the abhorrent decision that was made sometime in 2010, to stop maintaining Hoffman Lane. These selectmen should take control and order D.P.W. to fix Hoffman Lane to the standard it has been from 1965 through 2010. Also, with the fixing of Hoffman Lane, there is now no reason to take the abutting one lane private dirt road, Hay road, by eminent domain. I ask that the articles to take Hay road by eminent domain be removed from the 2016 Annual Town Warrant.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Paul F...

Date: _____

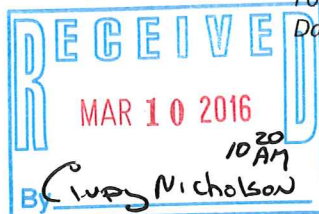
3-9-2016

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



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These selectmen need to reverse the abhorrent decision that was made sometime in 2010, to stop maintaining Hoffman Lane. These selectmen should take control and order D.P.W. to fix Hoffman Lane to the standard it has been from 1965 through 2010. Also, with the fixing of Hoffman Lane, there is now no reason to take the abutting one lane private dirt road, Hay road, by eminent domain. I ask that the articles to take Hay road by eminent domain be removed from the 2016 Annual Town Warrant.



Abstracted in:

1702 5/27/20

Section 22. If a town neglects to repair any way which it is obliged to keep in repair, or neglects to make the same reasonably safe and convenient when encumbered with snow, it shall pay such fine as the court may impose.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

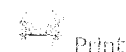
TITLE XIV PUBLIC WAYS AND WORKS

CHAPTER 82 THE LAYING OUT, ALTERATION, RELOCATION AND DISCONTINUANCE OF PUBLIC WAYS, AND
SPECIFIC REPAIRS THEREON

Section 21 Authority to lay out ways

Section 21. The selectmen or road commissioners of a town or city council of a city may lay out, relocate or alter town ways, for the use of the town or city, and private ways for the use of one or more of the inhabitants thereof; or they may order specific repairs to be made upon such ways; and a town, at a meeting, or the city council of a city, may discontinue a town way or a private way.

General Laws: CHAPTER 40, Section 6C



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 6C Removal of ice and snow from private ways; conditions

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.

General Laws: CHAPTER 40, Section 6N



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 6N Private ways; temporary repairs, ordinances or by-laws

Section 6N. Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.

Eastham Water System

Version: 22 March 2016

Phase 1 Budget Forecast and Total Completed Through February 2016

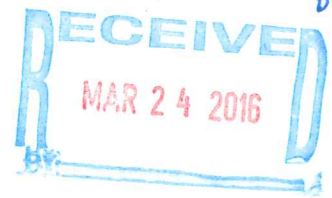
	Original Budget	Current Budget	Total Completed Through 2/29/16	% of Budget Spent
TOWN MEETING APPROPRIATION	\$ 45,800,000	\$ 45,800,000	\$ 45,800,000	
CONSTRUCTION				
Contract 1 awarded	\$ 2,000,000	\$ 2,410,330	\$ 1,783,887	74%
Contract 2 awarded	\$ 1,840,000	\$ 2,613,688	\$ 1,363,119	52%
Contract 3 awarded	\$ 4,750,000	\$ 3,995,849	\$ 3,021,245	76%
Contract 4 awarded	\$ 4,830,000	\$ 4,317,469	\$ 2,632,931	61%
Contract 5 awarded	\$ 6,010,000	\$ 4,856,256	\$ 2,475,548	51%
Contract 6 awarded	\$ 6,010,000	\$ 4,848,442	\$ 2,368,795	49%
Contract 7 awarded	\$ 4,730,000	\$ 3,518,355	\$ -	
Contract 8 pending award	\$ 5,500,000	\$ 6,008,000 ¹	\$ -	
Construction Subtotal	\$ 35,670,000	\$ 32,568,389	\$ 13,645,525	42%
Police Details	\$ 2,320,000	\$ 2,320,000	\$ 413,494	18%
Engineering	\$ 5,400,000 ³	\$ 5,400,000	\$ 2,885,242	53%
TOTAL ESTIMATED CONSTRUCTION COST	\$ 43,390,000	\$ 40,288,389	\$ 16,944,261	40%
NON-CONSTRUCTION PROJECT COSTS				
OPM Services (Weston & Sampson)		\$ 79,000	\$ 55,643.00	70%
Asset Management		\$ 120,000	\$ 99,543.00	83%
Legal Easements		\$ 225,000 ²	\$ 82,306.56	37%
Meters (If Town pays for residential meters)		\$ 750,000 ³	\$ -	
Eversource/NSTAR		\$ 230,000	\$ 179,891.00	78%
Permit Complaine (Turtles, PAL, Grass)		\$ 55,000	\$ 50,724.00	92%
Orleans loop		\$ 470,000	\$ -	
Eastham properties served by Orleans system		\$ 25,000	\$ -	
Mandatory Connections Landfill Area		\$ 1,000,000	\$ -	
DEP Required Business Plan for Operations		\$ 70,000	\$ -	
Operations Start-up, FY17		150,000.00	\$ -	
Total		\$ 3,174,000	\$ 468,107.56	15%
BALANCE (REMAINING BUDGET)	\$ 2,410,000	\$ 2,337,611		

Appropriation Balance: 5.1%

Notes:

1. Bids for Contract 8 being received on April 14, 2016
2. Budget for easements has been increased due to the large amount of private road easements in Contract 7
3. Bids for meters to be received April 7, 2016

INFORMATION



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

March 18, 2016

Sheila Vanderhoef
Town Administration
Town of Eastham
2500 State Highway
Eastham, MA 02642

RE: Eastham Water System, Eastham, MA. MHC # RC.48184. EEA #15273.

Dear Ms. Vanderhoef:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the technical report addendum, *Addendum to PAL Report No.3065 Intensive (Locational) Archaeological Survey, Contractor Cultural Resource Training, and Archaeological Monitoring, Eastham Water System Project, Eastham, Massachusetts*, prepared and submitted by the PAL, received March 15, 2016, for the project referenced above.

Results of the archaeological monitoring conducted within portions of Contracts 3, 5, 6 and 8 did not identify any significant archaeological resources or unmarked human burials.

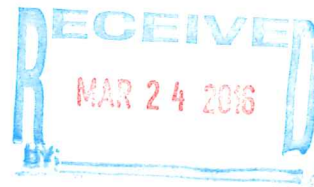
After review of the information provided and the MHC's files, in the MHC's staff opinion, no historic properties will be affected by the project as proposed (36 CFR 800.4(d)(1)). The MHC looks forward to continued consultation to avoid, minimize or mitigate adverse effects to significant historic and archaeological resources consistent with the Post-Review discoveries plan implemented for the project. If project plans change for future project phases, then current project information should be submitted to the MHC for review and comment.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800) and M.G.L Chapter 9, Sections 26-27C (950 CMR 70-71). If you have any immediate questions or require additional information please contact Jonathan K. Patton, Archaeologist/Preservation Planner, at this office.

Sincerely,

Brana Simon
State Historic Preservation Officer
Executive Director
State Archaeologist
Massachusetts Historical Commission

xc: John F. Knight, Eastham Water Commission Chairman
Neil Andres, Superintendent, Eastham Department of Public Works
Marty Mickle, Assistant Superintendent, Eastham DPW
Joe Delaney, DEP-BRP
Secretary Matthew A. Beaton, EEA, Attn: Alex Stryksy, MEPA Unit
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
Ramona Peters, Mashpee Wampanoag Tribe
George E. Price, Jr. Superintendent, Cape Cod National Seashore, Attn: Bill Burke
Jim Harmon, NPS
Eastham Historical Commission
Mark N. White, Environmental Partners Group, Inc.
Deborah C. Cox, PAL, Attn: Holly Herbster



Bos mfb

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

March 22, 2016

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

RE: *In from the Streets* (IFTS) Program Request

Dear Ms. Vanderhoef:

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

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

We ask your town to join this important, life-saving effort.

For the past three years, Duffy Health Center on behalf of homeless service providers, requests a grant from the Cape & Islands United Way that serves as a match for town contributions. The Town of Barnstable has led the way in 2014 and 2015 with matching contributions of \$5,000 in each year. We are also pleased to report that in the past year seven other towns – Brewster, Chatham, Falmouth, Harwich, Orleans, Sandwich, and Truro have all followed Barnstable's lead and have provided at least \$1,000 in funding for IFTS in response to our request for funds.

In 2015 our IFTS outcomes included a decrease in homelessness, improvement in oncome stability and /or enrollment into benefit programs for 43 persons from all 15 Cape towns. Of those, 25 (58%) were placed in transitional or permanent housing, or with other programs. Of those who did not achieve housing, nine (36%) were placed in shelters or in a DMH program, with six of those having attained housing vouchers and on a wait list. Homeless men and women are fairly evenly divided, with the main reason for needing temporary housing being a

medical condition (52%). There was an array of reasons for requesting IFTS support, such as needing a safe place to stay due to power outage; weather, emergency, or waiting to move into permanent housing.

It is important to recognize that by the time Duffy staff are able to engage with persons eligible for IFTS, most are fairly compromised in terms of physical or behavioral health conditions, compounded by trauma and a lack of social supports.

All funds for IFTS go directly to providing housing. Duffy Health Center provides in-kind case management services for clients, including developing a housing plan of action and assisting with benefits enrollment and health, behavioral health, and other community resources.

We ask the Town of Eastham to join this regional effort which has documented its effectiveness in reducing homelessness.

Please consider this request to help serve the Cape's most vulnerable population.

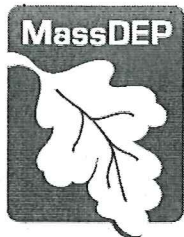
Sincerely,



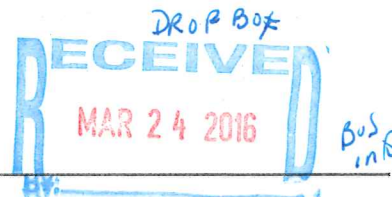
Heidi Romans Nelson, FACHE
CEO

A snapshot of a native Cape Codder helped last year by Duffy and IFTS:

A Cape Cod resident, a woman in her late 50's, became homeless. For a year she lived with different friends and then finally had to live in her car. She came to Duffy for help and with staff assistance accessed enough resources so that today she is a school bus driver, is renting her own place with a Section 8 voucher, and is self-sufficient.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

March 22, 2016

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

RE: EASTHAM – Public Water Supply
Eastham Water Department
PWS ID#: 4086095
BRPWS32, Distribution System
Modifications, Contract 8 Water Mains
Transmittal No.: X268813

Dear Ms. Vanderhoef:

Attached please find an approval to construct the Contract 8 Water Mains in the Town of Eastham, Massachusetts.

The signature on this cover letter indicates formal issuance of the attached document. If you have any questions concerning this document, please contact Jim McLaughlin at (508) 946-2805.

Sincerely,

Richard J. Rondeau, Chief
Drinking Water Program
Bureau of Water Resources

JM/encl.

Y:\DWP Archive\SERO\Eastham-4086095-System Modifications-2016-03-22

cc: Mr. Ryan J. Trahan, P.E.
Environmental Partners Group, Inc.
1900 Crown Colony Drive, Suite 402
Quincy, MA 02169
rit@envpartners.com

cc: Eastham Board of Health
Ashraf Gabour, DEP-SRF

Eastham Water Department
Eastham, Massachusetts
PWS ID #4086095
Contract 8 Water Mains
BRP WS 32, Distribution System Modifications
Of PWS Systems Serving > 3,300 People
Transmittal No. X268813

The Massachusetts Department of Environmental Protection (the Department) has reviewed the plans and specifications submitted relative to the proposal to install water mains in the southwestern section of the Town of Eastham, Massachusetts. The application has been prepared and submitted on behalf of the Eastham Water Department (the "PWS") by Environmental Partners Group, Inc., over the seal and signature of Mr. Ryan J. Trahan, Massachusetts Registered P.E. No. 47241. The plans reviewed consist of thirty-three (33) sheets, the first of which is titled:

"CONTRACT 8
WATER MAINS – SOUTHERN SYSTEM BACKBONE
WATER SYSTEM CONSTRUCTION
EASTHAM, MASSACHUSETTS
FEBRUARY 2016"

The Town of Eastham intends to construct a new, municipally-owned water system which will ultimately provide water service throughout the entire town. The project proposed in this application consists of installing water mains in the general area of Bridge Road, Herring Brook Road, Samoset Road, Governor Prentice Road, and Kingsbury Beach Road. The project will include installation of approximately 22,800 feet of 12-inch diameter class 50 ductile iron cement lined (DICL) water main, 14,600 feet of 8-inch diameter DICL, and 1,300 feet of 6-inch diameter DICL. Most of the 6-inch pipe is for hydrant connections; however, side streets with six houses or less will be serviced by 6-inch main. The distribution system is being designed utilizing computer hydraulic modeling. The smaller diameter pipe is being used to decrease water age while still providing 1,000 gallons per minute at minimum water pressure. Approximately 19,500 feet of pipe will be wrapped in anti-microbial, low density polyethylene to protect the pipe from corrosion in areas subject to salt water intrusion to the ground water. Appurtenant items in this construction contract will include, but not be limited to, tees, reducers, gate valves, valve boxes, fire hydrants, and service connections. Project financing is partially through the Department's State Revolving Fund under project number DWSRF-4038.

The project includes a bridge crossing over the Boat Meadow River. Please note that the bridge structural design review is beyond the Department's capabilities and the applicant is advised to seek technical assistance from the Massachusetts Department of Transportation Bridge Division.

This project has been reviewed pursuant to the Massachusetts Environmental Policy Act (MEPA) as EEA No. 15273. The Secretary of Energy and Environmental Affairs (EEA) issued a certificate on December 24, 2014, on the Single Environmental Impact Report (EIR) and "determined that it adequately and properly complies with MEPA and its implementing regulations." EEA issued a certificate on June 19, 2015, on the Notice of Project Change expanding the water system to the entire town and determined a supplemental EIR would not be required.

Pursuant to the Department's authority under 310 CMR 22.04(7) to require that each supplier of water operate and maintain its system in a manner that ensures the delivery of safe drinking water to consumers, this approval is made subject to the following conditions:

1. Construction shall be completed in strict accordance with the submitted plans. Any changes made to the submitted plans or specifications affecting the capacity, hydraulic conditions, operating units, functioning of water treatment processes or quality of water to be delivered, shall receive prior written approval of the Department's Southeast Regional Office Drinking Water Program.
2. All submittals required by this approval shall be directed to the Department's Southeast Regional Office Drinking Water Program unless otherwise specified. All submittals required by this approval shall reference the date of this approval letter and Transmittal Number X268813.
3. Water main installation shall comply with TR-16 "Guides for the Design of Wastewater Treatment Works" Section 2.8.3 "Relation to Water Mains." TR-16 contains certain horizontal and vertical separation requirements between water mains and sewer lines, as well as trench construction techniques, and pipe and joint specifications. Similarly, construction shall adhere to offset requirements contained in 310 CMR 15.00, The State Environmental Code, Title 5.
4. In accordance with the submitted specifications, the Department's Guidelines And Policies for Public Water Systems as revised through 2010 ("*Guidelines*"), and AWWA Standard C-651, thorough consideration should be given to the impact of discharge of highly chlorinated water to the environment. If there is any possibility that chlorinated discharge will cause damage to the environment, a neutralizing chemical, as listed in AWWA standard C-651, shall be applied to the water to be wasted to thoroughly neutralize the chlorine residual remaining in the water. Where necessary, federal, state, and local regulatory agencies should be contacted to determine special provisions for the disposal of heavily chlorinated water.
5. Prior to being placed in service, the water main, piping, valves, and appurtenances, shall be disinfected in accordance with AWWA standards.
6. The PWS shall not place the distribution system in service until such time as satisfactory results for the following contaminants are provided to the Department from a Massachusetts-certified testing laboratory: bacteria.
7. The PWS shall establish a Cross Connection Control Program, along with staff assigned and administrative procedures established for supporting the program. Program requirements include device testing at required intervals, record keeping, annual reporting, local enforcement procedures, and providing customer education. The program shall be established prior to installing any service connections. A form, available on the Department's website, titled, "Cross Connection Control Program Plan," is required to be submitted for Department review and approval. Contact the Department for technical assistance with establishing this program.
8. The PWS shall perform a cross connection survey of non-residential facilities prior to activating each water service. The survey documentation shall be available at all times at the PWS's office.
9. The PWS shall submit a Total Coliform Sampling Plan prior to activating the water system.
10. The PWS shall submit a Lead and Copper Sampling Plan prior to activating the water system.
11. The PWS shall update the following managerial and operational documents as each phase is added to the water distribution system: distribution system map; asset management system; flushing plan; hydrant maintenance list; valve exercise plan; leak detection plan; and any other applicable records. The distribution system operators shall become thoroughly familiar with the new system locations

through field inspections and meetings with the contractors prior to final acceptance of new phases by the PWS.

12. The PWS shall complete its registration as a Public Water System prior to activating its distribution system. Registration requirements include developing a Department-approved Business Plan, along with establishing the managerial and administrative components noted above. Once operational, the PWS will be required to prepare and submit annual reports such as the Annual Statistical Report and the Consumer Confidence Report. Establishing robust administrative systems will facilitate generating the data necessary to comply with the regulatory reporting requirements.
13. This permit approval is not intended to grant water withdrawal to exceed thresholds stipulated by the Water Management Act (M.G.L. c. 21G; 310 CMR 36.00).
14. A Massachusetts registered professional engineer shall submit a request, on behalf of the owner, for final inspection at least thirty (30) days prior to the completion of the construction in accordance with the *Guidelines* and Department Policy 88-19. The PWS shall not place the subject system into service until such time as the Department conducts its final inspection of the completed works in conjunction with other contracts pertaining to this project and approves the use of the completed water works in writing. The request shall include:
 - a. A statement certifying that the facilities have been constructed in accordance with the plans and specifications, and are in compliance with the Department's regulations, guidance and policies.
 - b. A statement that the facilities are fully operational, tested and ready to be put on-line.
 - c. A statement certifying that the piping has been disinfected in accordance with ANSI/AWWA C 651.
 - d. A statement certifying that pressure testing of the water mains has occurred. A copy of the test results shall be submitted to this office. If a pressure test has not been performed then this office will require one according to the manufacturer's specifications. (See *Guidelines*, Section 9.7.6). The Department acknowledges that water may not be available at the end of the contract, and that the required certifications may be submitted in phases in order to start the system.

Both the Administrative and Technical Reviews of the following application have been completed: BRP WS 32 Distribution System Modifications of PWS Systems Serving > 3,300 People, Transmittal No.: X268813. This approval pertains only to the water supply aspects of the proposal and therefore, does not negate the responsibility of the PWS to comply with other applicable laws and/or regulations.