

AGENDA

Monday

April 25, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Monday, April 25, 2016
5:00 p.m.**

Location: Earle Mountain Room

I. PUBLIC/SELECTMEM INFORMATION

II. APPOINTMENTS

5:10 p.m. Water Project Update, Mark White & Ryan Trahan, Environmental Partners Group. Water Project Update with overview of spring/summer schedule & Budget Update. (Discussion & questions)

III. ADMINISTRATIVE MATTERS

- A. Water Project Meter Procurement Recommendation (Discussion & vote needed)
- B. Water Project Contract 8 Award (Discussion & vote needed)
- C. Seasonal Licenses- (Vote Needed on each type of license)
 - 1. *Common Victualler* : Inn at the Oakes, Atlantic Oaks Campground, Beach Plum Motor Lodge, Ben & Jerry's, Captain's Quarters Motel, Friendly Fisherman, Gift Barn, Jerope, Inc. dba Arnolds, Laura and Tony's Kitchen, Lobster Shanty, Nauset Ice Cream, Poit's, Stewart's Mambo Gelato, Stewart's Seafood Restaurant and Tavern, Viking Shores Motor Lodge, Whale Walk Inn
 - 2. *Entertainment*: Captain's Quarters Motel , Stewarts Restaurant & Tavern
 - 3. *Coin-Op*: Gift Barn, Poit's
 - 4. *Mini Golf*: Jerope, Inc. dba Arnolds, Gift Barn, Poit's
 - 5. *Hawker-Peddler*: Chocolate Café Buzz Bus, Good Times Ice Cream Truck, Local Scoop, Winterbottom Ice Cream LLC #1, Winterbottom Ice Cream LLC #2
 - 6. *Transient Vendor Permits*: List on attached memo
- D. Permission for Eagle Scout Project on town property (Wiley Park) (Vote needed)
- E. Eagle Scout Letter of Recognition (See packet for draft letter, vote requested)
- F. Declaration of Surplus Property (Vote needed)
- G. Town Meeting Preparation & Motions-discussion of any pending Town Meeting issues and motions or issues related to town meeting process (General discussion & votes may be taken)
- H. Baywood Road Land Sale Documents (Signature only needed)

IV. TOWN ADMINISTRATOR'S REPORT

V. OTHER BUSINESS

VI. EXECUTIVE SESSION

Orleans v. Eastham Conservation Commission - To discuss litigation strategy with respect to the litigation when an open meeting may have a detrimental effect on the litigating position of the public body and the chair is so declaring

Upcoming Meetings

May 2, 2016	7:00 p.m.	Nauset High School	Town Meeting
May 4, 2015	3:00 p.m.	Timothy Smith Room	Work Session
May 16, 2016	5:00 p.m.	Earle Mountain Room	Regular Session
May 18, 2016	3:00p.m.	Timothy Smith Room	Work Session

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

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

II. 5:10 pm

Eastham Water System

Board of Selectmen Meeting

April 25, 2016

Environmental  Partners

GROUP

A partnership for engineering solutions.

www.envpartners.com

Items

- Spring-summer construction program
- Bid results for Contract 8 (SW area to Rt 6)
- Phase 1 budget status
- Meter procurement
- Ramping toward fall and operations startup



Spring Construction Activities: April Water Storage Tank

- Crews back onsite week of April 11th
- Painting of the bowl (exterior)
- Raise the bowl – this week or next
- Painting of the interior
- Filling and testing – June/early July



Storage Tank – Exterior Painting



A partnership for engineering solutions.



Spring Construction Activities: April Well Fields

- Well Station Buildings delivery: mid-June
- Installation completed: early July
- Startup testing: July



Spring Construction Activities: April Landfill Area

- Water Main work completed
- Spring/Summer Work
 - Punch list items
 - Pavement settlement
 - Loaming & Seeding
- Flushing and testing of water mains: July and August
- Service connections – Fall 2016



Spring Construction Activities: April Route 6

- Work began week of April 4
- Work zones
 - North: Massasoit Rd to Salt Pond Road
 - South: S. Eastham St to Rotary
- All water main work anticipated to be complete this Spring
- No work Memorial Day to Labor Day



Spring Construction Activities: April Route 6

- Return September 2016 to complete services once water is available
- Final paving
 - Entire westbound (south) travel lane to be paved
 - Spring 2017 (mill and overlay)



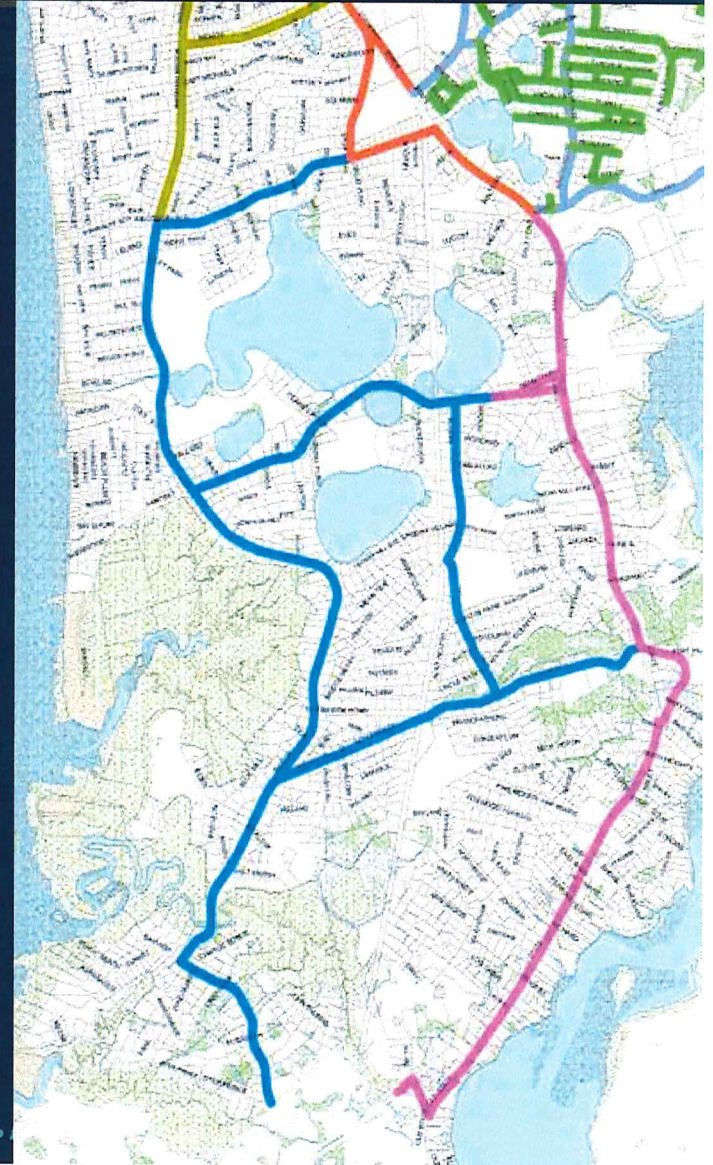
Spring Construction Activities: April Contract 7 - NW Area of Town

- Contractor – Robert B. Our
- Mid-Late May construction start
- Prioritize roads to beaches before summer season



Contract 8: Southwest System

- Bids received April 14th
- 5 bids received: \$3.8 - \$5.0 Million
- Estimate - \$4.0M
- Recommended: RJV Construction
- Construction Start: mid-May



Phase 1 Budget Status

		Original Budget	Current Budget	Total Completed
TOWN MEETING APPROPRIATION		\$ 45,800,000	\$ 45,800,000	\$ 45,800,000
Construction		\$ 35,670,000	\$ 30,173,038	\$ 13,645,525
Police Details		\$ 2,320,000	\$ 2,320,000	\$ 413,494
Engineering		\$ 5,400,000	\$ 5,400,000	\$ 2,885,242
Additional Items			\$ 3,174,000	\$ 468,107.56
TOTAL		\$ 43,390,000	\$ 41,067,038	\$ 17,412,369
BALANCE, Phase 1		\$ 2,410,000	\$ 4,732,962	



Phase 1 Funding

- DEP State Revolving Fund
 - Continue to remain #1 on their funding list
 - Principal Forgiveness on 2015 borrowing
- USDA-Rural Development
 - Town awarded funding for non-SRF costs
 - Low interest rate; 40 year term
- All Phase 1 costs have received special funding by Feds and State



Meter Procurement

- Qualifications Based Request for Proposals
- Deadline April 7: Five Proposals Received
- Basis: Automatic Meter Reading System, Water Meters and Meter Pits
- Highest Ranked Offeror:
- Range of Price Proposals:
- Recommendation for Award



Ramping Toward Operations

- Wellfield startup and testing - July
- Water main flushing and testing
July and August
Water, water everywhere
- Service connection coordination
Public information sessions
Letter to Homeowners coming soon!



Public Outreach & Information

- Eastham web page

<http://easthamwaterproject.weebly.com>

- Eastham Water Projects Email Address:

easthamwater@envpartners.com

- Eastham Water Project Phone Number

617-657-0279



DISCUSSION

A partnership for engineering solutions.





TOWN OF EASTHAM

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

III, A.

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Water Meter Procurement Update
DATE: 4/21/16

In response to our RFP for a vendor to supply meters for our new water system we received bids from five companies: Prescott, Stiles, Itrone, Waterworks, and TiSales. Copies of the bid responses were distributed to the Capital Projects Committee, staff, and project engineers for their review. Environmental Partners Group is completing a technical review of the proposals and will present this to the Capital Projects Committee at their meeting on 4/25/16. We are anticipating that the CPC will have a recommendation for the board for their 4/25/16 meeting.

DATE: April 7, 2016 **TIME:** 2:30PM

BID/PROJECT: Municipal Water Project Meter Procurement

WITNESS: Laurie GillespieLee, Jacqui Beebe, Environmental Partners Group – Ryan Trahan

Name of Company / Individual	8 Copies of Technical Proposal	Sample Meter	Certificate of Non Collusion	Certificate of Tax Compliance	Price Proposal
Everett J. Prescott, Inc.	√	√	√	√	√
Stiles Company, Inc.	√	√	√	√	√
Itrone	√	√	√	√	√
H.D. Supply Waterworks	√	NO	√	√	√
Ti Sales, Inc.	√	√	√	√	√



TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
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III. B.

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Water System Contract 8 Award
DATE: 4/21/16

Sealed bids for Contract 8 were opened on April 14, 2016. Bids were received from five companies: RJV Construction, Robert B. Our Construction, Celco Construction, C.C. Construction & Borlotti Construction. All proposals were checked for completeness and accuracy, and references checked for the apparent low bidder. The complete bid package is located in Dropbox.

The lowest bidder is RJV Construction, with a base bid price of \$3,765,816.32. There will be an additional bid alternate for private road easements for \$153,167.09 once the private easements are secured.

Sheila will make the formal award and then the total package will be sent to MADEP/SRF for approval. With your permission, once SRF approves, the contract must be signed.

April 15, 2016

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

**RE: Recommendation to Award
Contract 8 Water Mains – Southern System Backbone, Eastham, MA
217-1501.08**

Dear Ms. Vanderhoef:

Sealed bids for the subject contract were opened on April 14, 2016 at 2:30 p.m. Bids were received from 5 Contractors. Environmental Partners has checked the bid proposals for completeness and accuracy, in accordance with the Project Documents and the provisions and requirements of M.G.L. Chapter 30, Section 39M. Enclosed is a detailed Bid Tabulation of the bid prices included with each bid.

The Base Bid consists of water main installation on town-owned roads, a bridge crossing, and road surface restoration. The Additive Bid Alternate consists of work on property not yet secured via easement, and therefore the Department of Environmental Protection cannot currently give the Town authorization to award the Additive Bid Alternate. Therefore we advise the Town only award the Base Bid at this time. Based on our review of Base Bid prices, RJV Construction Corp. is the apparent low bidder, with a total bid price of \$3,612,649.23. RJV Construction was also the low bidder for the Additive Bid Alternate with a total price of \$3,765,816.32. The work on private easements (the difference between the Base Bid and Additive Bid Alternate, \$153,167.09) will be added to the contract once the private easements are secured.

As required by the bid documents, RJV Construction submitted references with their bid. We contacted 1 of their references and they had a good overall experience with RJV Construction. Telephone Log Records for RJV Construction's reference is attached for your use and information. In addition, we have a great working history with RJV Construction on similar projects, specifically on Contract 6 of the Eastham Water System. Based on the information provided herein, we have determined that RJV Construction is the lowest responsible and eligible bidder under the provisions of M.G.L. Chapter 30, Section 39M. As a result, we recommend award of Contract 8 Water Mains to RJV Construction.

Therefore, please find enclosed a "Notice of Award" which reflects Environmental Partners' recommendation. If you are in agreement with our recommendation, please sign the attached "Notice of Award", and return it to my attention. We will forward the signed Notice of Award to RJV Construction, along with the other contract document requirements. RJV Construction will then have 10 days to sign and execute the contract, and return it to the Town for execution.

Ms. Sheila Vanderhoef
April 15, 2016

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Please feel free to contact me at (617) 657-0253 or rjt@envpartners.com with any questions or concerns.

Very truly yours,
Environmental Partners Group, Inc.



Ryan J. Trahan, P.E.
Principal

enc. Bid Tabulation, Bid Checklist, Telephone Log Records, Notice of Award (00510-1)

cc: Jacqui Beebe, Neil Andres, Mark White

CONTRACT 8 WATER MAINS - SOUTHERN SYSTEM BACKBONE

Town of Eastham
Contract Number: 217-1501.08

BID TABULATION, CONTRACT 8 - BID OPENING APRIL 14, 2016 AT 2:30 P.M.

- A red value denotes a clerical error (the actual value that was written in words or the corrected value from a mathematical error).

Item No.		Bid Quantity	Units	RJV Construction Corp.		Robert B. Our Co. Inc.		Celes Construction Corp.		C.C. Construction, Inc.		Bortolotti Construction, Inc.	
				Canton, MA		Harwich, MA		Pembroke, MA		South Dennis, MA		Marion's Mills, MA	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization and Demobilization	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 115,400.00	\$ 115,400.00	\$ 50,000.00	\$ 50,000.00	\$ 100,000.00	\$ 100,000.00	\$ 120,000.00	\$ 120,000.00
2a	12-inch Ductile-Iron Water Main, Class 50 pipe	22,600	LF	\$ 48.00	\$ 1,084,800.00	\$ 49.00	\$ 1,107,400.00	\$ 54.00	\$ 1,220,400.00	\$ 49.00	\$ 1,107,400.00	\$ 65.00	\$ 1,469,000.00
2b	8-inch Ductile-Iron Water Main, Class 50 pipe	14,700	LF	\$ 47.00	\$ 617,400.00	\$ 35.50	\$ 521,850.00	\$ 44.00	\$ 646,800.00	\$ 41.00	\$ 602,700.00	\$ 50.00	\$ 735,000.00
2c	6-inch Ductile-Iron Water Main, Class 50 pipe	1,800	LF	\$ 30.00	\$ 54,000.00	\$ 34.00	\$ 61,200.00	\$ 45.00	\$ 81,000.00	\$ 39.00	\$ 70,200.00	\$ 45.00	\$ 81,000.00
2d	Polyethylene Encasement	19,500	LF	\$ 1.00	\$ 19,500.00	\$ 3.50	\$ 68,250.00	\$ 1.00	\$ 19,500.00	\$ 2.95	\$ 57,525.00	\$ 3.50	\$ 68,250.00
3a	Not Used												
3b	Not Used												
3c	Not Used												
4a	12-inch Gate Valves and boxes	50	ea.	\$ 1,900.00	\$ 95,000.00	\$ 1,820.00	\$ 91,000.00	\$ 2,300.00	\$ 115,000.00	\$ 2,195.00	\$ 109,750.00	\$ 2,100.00	\$ 105,000.00
4b	8-inch Gate Valves and boxes	73	ea.	\$ 1,050.00	\$ 73,000.00	\$ 1,060.00	\$ 77,380.00	\$ 1,300.00	\$ 94,500.00	\$ 1,195.00	\$ 87,235.00	\$ 1,200.00	\$ 87,600.00
4c	6-inch Gate Valves and boxes	91	ea.	\$ 700.00	\$ 63,700.00	\$ 782.00	\$ 71,162.00	\$ 1,000.00	\$ 91,000.00	\$ 900.00	\$ 81,500.00	\$ 1,000.00	\$ 91,000.00
5	Fire Hydrants	79	ea.	\$ 2,500.00	\$ 197,500.00	\$ 2,440.00	\$ 192,760.00	\$ 3,200.00	\$ 252,800.00	\$ 2,700.00	\$ 213,300.00	\$ 3,500.00	\$ 276,500.00
6a	1-inch service tape (complete)	332	ea.	\$ 650.00	\$ 215,800.00	\$ 1,030.00	\$ 341,960.00	\$ 925.00	\$ 307,100.00	\$ 1,000.00	\$ 332,000.00	\$ 900.00	\$ 298,800.00
6b	Not Used												
6c	Not Used												
7a	1-inch polyethylene (PE) tubing	8,300	LF	\$ 20.00	\$ 166,000.00	\$ 11.50	\$ 95,450.00	\$ 29.00	\$ 166,000.00	\$ 17.00	\$ 141,100.00	\$ 20.00	\$ 166,000.00
7b	Not Used												
7c	Not Used												
8a	Not Used												
8b	Not Used												
8c	Not Used												
9	Exploratory Excavations	1200	sv.	\$ 0.01	\$ 12.00	\$ 0.01	\$ 12.00	\$ 0.01	\$ 12.00	\$ 0.01	\$ 12.00	\$ 0.01	\$ 12.00
10	Rock Excavation	800	sv.	\$ 0.01	\$ 8.00	\$ 0.01	\$ 8.00	\$ 0.01	\$ 8.00	\$ 0.01	\$ 8.00	\$ 0.01	\$ 8.00
11	Additional Excavation	1400	sv.	\$ 0.01	\$ 14.00	\$ 0.01	\$ 14.00	\$ 0.01	\$ 14.00	\$ 0.01	\$ 14.00	\$ 0.01	\$ 14.00
12a	Gravel Borrow	8,000	sv.	\$ 0.01	\$ 80.00	\$ 0.01	\$ 80.00	\$ 0.01	\$ 80.00	\$ 0.01	\$ 80.00	\$ 0.01	\$ 80.00
12b	Processed Gravel	7,600	sv.	\$ 0.01	\$ 76.00	\$ 0.01	\$ 76.00	\$ 0.01	\$ 76.00	\$ 0.01	\$ 76.00	\$ 0.01	\$ 76.00
12c	Crushed Stone	300	sv.	\$ 0.01	\$ 3.00	\$ 0.01	\$ 3.00	\$ 0.01	\$ 3.00	\$ 0.01	\$ 3.00	\$ 0.01	\$ 3.00
12d	Not Used												
13a	Not Used												
13b	Trench Pavement (1" Depth)	20,100	sv.	\$ 30.00	\$ 603,000.00	\$ 37.86	\$ 760,986.00	\$ 32.00	\$ 643,200.00	\$ 34.00	\$ 683,400.00	\$ 35.00	\$ 703,500.00
13c	Pavement Repair (sidewalks, driveways, etc.)	300	sv.	\$ 40.00	\$ 20,000.00	\$ 46.00	\$ 23,000.00	\$ 32.00	\$ 16,000.00	\$ 37.00	\$ 18,500.00	\$ 40.00	\$ 20,000.00
13d	Not Used												
13e	Not Used												
13f	Not Used												
13g	Cape Cod Berm Replacement	5,000	LF	\$ 5.00	\$ 25,000.00	\$ 3.50	\$ 17,500.00	\$ 3.00	\$ 15,000.00	\$ 5.00	\$ 25,000.00	\$ 3.50	\$ 17,500.00
13h	Not Used												
14a	Traffic Management	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 11,000.00	\$ 11,000.00	\$ 4,000.00	\$ 4,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00
14b	Not Used												
14c	4-inch Pavement Markings	1,000	LF	\$ 1.00	\$ 1,000.00	\$ 1.00	\$ 1,000.00	\$ 1.00	\$ 1,000.00	\$ 1.00	\$ 1,000.00	\$ 1.50	\$ 1,500.00
14d	Not Used												
14e	12-inch Pavement Markings	100	LF	\$ 5.00	\$ 500.00	\$ 3.00	\$ 300.00	\$ 4.00	\$ 400.00	\$ 3.00	\$ 300.00	\$ 2.50	\$ 250.00
14f	Not Used												
15a	Deep-Sump Catch Basins	2	ea.	\$ 1,800.00	\$ 3,600.00	\$ 2,500.00	\$ 5,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,950.00	\$ 5,900.00	\$ 5,600.00	\$ 11,200.00
15b	Leaching Basins	6	ea.	\$ 2,500.00	\$ 15,000.00	\$ 3,300.00	\$ 19,800.00	\$ 4,500.00	\$ 27,000.00	\$ 3,950.00	\$ 23,700.00	\$ 6,000.00	\$ 36,000.00
15c	12-inch Corrugated HDPE Drain Pipe	200	LF	\$ 40.00	\$ 8,000.00	\$ 32.00	\$ 6,400.00	\$ 50.00	\$ 10,000.00	\$ 29.00	\$ 5,800.00	\$ 30.00	\$ 6,000.00
16	Loam and Seed	1,200	sv.	\$ 8.00	\$ 9,600.00	\$ 6.00	\$ 7,200.00	\$ 5.00	\$ 6,000.00	\$ 3.95	\$ 4,740.00	\$ 5.00	\$ 6,000.00
17a	Erosion Control Devices - Filter Sock	12,500	LF	\$ 5.00	\$ 62,500.00	\$ 6.50	\$ 81,250.00	\$ 6.00	\$ 75,000.00	\$ 6.95	\$ 86,875.00	\$ 6.00	\$ 75,000.00
17b	Sedimentation Control at Catch Basins	63	ea.	\$ 0.01	\$ 0.63	\$ 75.00	\$ 4,725.00	\$ 75.00	\$ 4,725.00	\$ 79.00	\$ 4,977.00	\$ 100.00	\$ 6,300.00
18	Additional Gratings	6,000	sq.	\$ 0.01	\$ 60.00	\$ 0.01	\$ 60.00	\$ 0.01	\$ 60.00	\$ 0.01	\$ 60.00	\$ 1.00	\$ 6,000.00
19	Additional restrained joints	160	joints	\$ 0.01	\$ 1.60	\$ 0.01	\$ 1.60	\$ 0.01	\$ 1.60	\$ 0.01	\$ 1.60	\$ 50.00	\$ 8,000.00
20	Bridge Street Bridge Crossing	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 171,000.00	\$ 171,000.00	\$ 130,000.00	\$ 130,000.00	\$ 224,000.00	\$ 224,000.00	\$ 100,000.00	\$ 100,000.00
21	Miscellaneous Items	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 45,000.00	\$ 45,000.00	\$ 10,000.00	\$ 10,000.00	\$ 0.01	\$ 0.01	\$ 100,000.00	\$ 100,000.00
BASE BID TOTAL				\$	\$ 3,612,649.23	\$	\$ 3,898,221.60	\$	\$ 3,995,073.60	\$	\$ 3,997,550.61	\$	\$ 4,790,314.00

Telephone Log

By: Maria Proulx

Talked with: Steven Callahan, CDM Smith, Inc.

Phone No.: (617) 452-6000

Date/Time: April 15, 2016 11:30 am

Subject: Eastham Water System Construction – Contact 8, Southern System Backbone

Purpose of the call:

Reference check for RJV Construction Corporation

Telephone Conversation:

What project did you work with them on?

Route 1 Water Main Improvements in Saugus, MA

How was their quality of work?

Good

How was their ability to stay on schedule?

Very good. All the work was done at night, RJV managed the traffic controls and were off the road in time every morning.

How were they with change orders?

Change orders were client driven. The client had two funding sources, one of which was not secured at the time of the bid which included a base bid and bid deduct. The bid deduct was eventually added back in, and additional work was requested by the client. RJV was accommodating.

Was it easy or difficult to work with them?

Easy. There was a full time field engineer, and RJV had a full time superintendent. “99% of issues were handled in the field.” No follow-up sit-down meeting was required with the client.

Do you have any other comments about them?

“I have worked with them in the past, RJV is one of the better ones to deal with.”

Would you recommend them?

Yes. “The client was very happy with the project.”

Hyannis:

396 North Street, Hyannis, MA 02601
TL 508.568.5103 • FX 508.568.5125

Headquarters:

1900 Crown Colony Drive, Suite 402, Quincy, MA 02169
TL 617.657.0200 • FX 617.657.0201

Woburn:

18 Commerce Way, Suite 2000, Woburn, MA 01801
TL 781.281.2542 • FX 781.281.2543

Notice of Award

Date: April 15, 2016

Project: CONTRACT 8 – WATER MAINS – SOUTHERN SYSTEM BACKBONE

Owner: Town of Eastham, MA

Owner's Contract No.: -

Contract: Contract 8

Engineer's Project No.: 217-1501.08

Bidder: RJV Construction Corp.

Bidder's Address: PO Box 626

21 Lincoln Street

Canton, MA 02021

You are notified that your Bid dated April 14, 2016 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Contract 8 – Water Mains – Southern System Backbone.

The Contract Price of your Contract is Three million, six hundred twelve thousand, six hundred forty nine, Dollars and twenty three Cents (\$ 3,612,649.23).

5 copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

0 sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within 10 days of the date you receive this Notice of Award.

1. Deliver to the Engineer fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security (Bonds) as specified in the Instructions to Bidders, General Conditions, and Supplementary Conditions.
3. It is acknowledged that 9 of your bid prices are abnormally low. It is understood that this will be waived as an informality as to form in your Bid. However you are hereby notified that the unrealistically low unit prices not reflecting the actual cost of the work bars you from any equitable adjustment of unit price bid items described in paragraph 5.1 of Section 00500 of the Contract Documents. The specific bid items of note are: 9, 10, 11, 12a, 12b, 12c, 17b, 18, and 19.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner

By: _____
Authorized Signature

Title

Copy to Engineer



TOWN OF EASTHAM

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

III.C 1-5

Memorandum

TO: Board of Selectmen
FROM: Planning Department
DATE: April 13, 2016
RE: 2016 Seasonal BOS License Renewals: Non-Liquor

Please find enclosed 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:

- Not all hawker and peddler renewal applications have been received at the time of this memo. Updated route information will be provided before your meeting on April 25, 2016.

Should you approve these licenses, please sign them where indicated. Thank you.

enc. Eastham PD memo regarding renewals
List of businesses due for license renewals
Licenses (19 individual cards) to be signed



EASTHAM POLICE DEPARTMENT

2550 State Highway • Eastham, MA 02642
508-255-0551 • Fax: 508-255-5412



EDWARD V. KULHAWIK
Chief of Police

KENNETH J. RODERICK
Deputy Chief

MEMO:

To: Debbie Cohen
Building and Planning Assistant

FROM: Edward V. Kulhawik
Chief of Police

DATE: March 1, 2016

RE: 2016 Seasonal Board of Selectmen License Renewals

As per your request dated March 1, 2016, I find no issues, from a public safety point of view, which may preclude the renewal of the Common Victualer, Entertainment, Coin-Op, Mini-Golf, Hawker-Peddler, and Liquor Licenses for the establishments forwarded to this department.

Please feel free to contact me if you have any questions or concerns.

Common Vic

Inn at the Oaks
Atlantic Oaks Campground
Beach Plum Motor Lodge
Ben & Jerry's
Captains Quarters Motel
Friendly Fisherman
Gift Barn
Jerope Inc. dba Arnold's
Laura & Tony's Kitchen
Lobster Shanty
Nauset Ice Cream
Poit's
Stewarts Mambo Gelato
Stewarts Seafood Restaurant & Tavern
Viking Shores Motor Lodge
Whale Walk Inn

Entertainment

Captains Quarters Motel
Stewarts Seafood Restaurant & Tavern

Coin-Op

Gift Barn
Poit's

Mini Golf

Jerope Inc. dba Arnold's
Gift Barn
Poit's

Hawker-Peddler

Chocolate Café Buzz Bus
Good Times Ice Cream Truck
Local Scoop
Winterbottom Ice Cream LLC #1
Winterbottom Ice Cream LLC #2

April 25, 2016

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

Re: Transient Vendor Permits

Hands on the Arts- June 18 & 19, 2016

SPAT- July 20, 21, 2016

Windmill Weekend- September 10 & 11, 2016

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

The following permits are valid as stated below.

Judith Remmes 7 Joan Avenue Stoneham, MA 02180 Valid: April 25, 2016- April 25, 2017	Richard Kelly 12 Lombard Street Plymouth, MA 02360 Valid: April 25, 2016- April 25, 2017
Barbara Ehle 30 Elisabeth Drive Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017	Jean Tempesta 10 Tiller Road East Falmouth, MA 02536 Valid: April 25, 2016- April 25, 2017
Robert D. Handel 210 Schoolhouse Road Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017	Edith Yerardi 9 Main Street, Apt 2K Orleans, MA 02653 Valid: April 25, 2016- April 25, 2017
Debbie Greiner 33 Rocky Way Harwich, MA 02645 Valid: April 25, 2016- April 25, 2017	Susan Hawley 12 Kildee Road Harwichport, MA 02646 Valid: April 25, 2016- April 25, 2017
Michael R. McCarthy 189 North Street Mattapoisett, MA 02739 Valid: April 25, 2016- April 25, 2017	Susan Silver 15 Gull Lane Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017
Caitlan Nadolny 44 Meetinghouse Lane Westbrook, CT 06498 Valid: April 25, 2016- April 25, 2017	Catherine Oliver 34 Ravena Avenue Riverside, RI 02915 Valid: April 25, 2016- April 25, 2017

Bridget Lucey 135 Wonderstrand Way Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017	Nancy Wagstaff 26 Turning Way Harwich, MA 02642 Valid: April 25, 2016- April 25, 2017
Janis Porter 6 Aunt Abigail's Way Orleans, MA 02653 Valid: April 25, 2016- April 25, 2017	Francis J. Kennedy 3 Driscoll Circle Randolph, MA 02368 Valid: April 25, 2016- April 25, 2017
Susan Milsky 30 Cedar Lane Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017	Syd Milliken P.O. Box 209 Eastham, MA 02642 Valid: April 25, 2016- April 25, 2017
Mary Lynne Boisvert 93 Vincent Road Bristol, CT 06010 Valid: April 25, 2016- April 25, 2017	Elizabeth Best P.O. Box 1418 Wellfleet, MA 02667 Valid: April 25, 2016- April 25, 2017
Carol Ginandes 11 Center Street Watertown, MA 02472 Valid: April 25, 2016- April 25, 2017	Laura Jane Bouton P.O. Box 593 West Falmouth, MA 02574 Valid: April 25, 2016- April 25, 2017
Donna Roy 159 Pittroff Avenue South Hadley, MA 01075 Valid: April 25, 2016- April 25, 2017	Josephine Glazebrook 774 Main Street Brewster, MA 02631 Valid: April 25, 2016- April 25, 2017
Dolores P. Chase 10 Pinas Way Harwich, MA 02645 Valid: April 25, 2016- April 25, 2017	



TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
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III.D

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Eagle Scout Service Project
DATE: 4/22/16

Resident Sam Palmer, has applied to the Conservation Commission to complete a project at Wiley Park. The project is a requirement for the Eagle Scout Badge, and Sam plans to place a wooden plank system and water bars near the Bridge Pond bridge area within Wiley Park.

This project has been approved by the Cons Com pending approval by the Board of Selectmen to allow the work on Town Property.

Request for Amended Order of Conditions for DEP SE 19-1395 filed by Anthony P. Schoener to expand an existing screened porch and deck at property located at 16 Keene Way, Map 19, Parcel 43H.

Request for Determination of Applicability filed by Massachusetts Audubon/Wellfleet Bay Wildlife Sanctuary and the Town of Eastham. Applicant proposes to remove shading vegetation by hand to create five diamondback terrapin nesting areas located at 5 and 15 Dyer Prince Lane, Map 19, Parcels 108 and 109.

Request for Determination of Applicability filed by Leo & Lillian Bartolucci. Applicant proposes installation of a septic system at property located at 90 Huckleberry Lane, Map 07, Parcel 343.

Continuation for Request for Determination of Applicability filed by Linda Ravesi. Applicant proposes installation of a septic system and well located at 125 and 155 McKoy Road, Map 08, Parcel 295B, and Map 11, Parcel 359B.

Request for Certificate of Compliance for DEP SE 19-1560 for installation of a septic system located at 250 and 260 Crosby Village Road, Map 14, Parcels 205A and 205B.

Request for Certificate of Compliance for DEP SE 19-1414 for Sunken Meadow Salt Marsh Restoration at property located at 10 Ben's Way Map 1, Parcel 014, 015, 073 and 074.

Request for Certificate of Compliance for DEP SE 19-1578 for landscaping improvements and plantings at property located at 10 Ben's Way Map 1, Parcel 074.

Continuation of Notice of Intent filed by Dana Gould. Applicant proposes placement of sand at property located at 60 Cove Road, Map 18, Parcel 050A.

Continuation of Notice of Intent filed by John and Martha Sherff. Applicant proposes vista pruning and removal of three oak trees at property located at 15 Blue Bill Lane, Map 17, Parcel 520.

Continuation of Notice of Intent filed by Anthony Vicinanza. Applicant proposes construction of a 375 sq. ft. boat house, construction of a 40' by 16' (280 sq. ft.) dock in a Great Pond, construction of an observation deck, removal of invasive vegetation and planting of native vegetation at property located at 625 Kingsbury Beach Road, Map 11, Parcel 220.

Other Discussion

Proposed Conservation Restriction filed by Joanna W. Stevens and Aimee Eckman for property located at 855 Nauset Road, Map 12, Parcel 209.

Eagle Scout Service Project Proposal for Wiley Park proposed by Sam Palmer. Project includes placing wooden plank system and water bars near Bridge Pond bridge area, Map 10, Parcel 232.

Ratification of Enforcement Order for unauthorized removal of trees and understory vegetation within the 100' buffer zone to a pond and review of proposed restoration plan at property located at 640 Nauset Road, Map 12, Parcel 005.

Administrative Reviews

Placement of a temporary low fence to prevent diamondback turtles from crossing a portion of Herringbrook Road located at 655, 735, and 795, Map 14 Parcels 15, 16 A and 16 B.

Continuation of proposed tree trimming of five trees approximately six feet in height. Applicant would like to trim one third of existing height from trees and will replant shrubs at property located at 555 South Sunken Meadow Road, Map 01, Parcel 093.

Continuation of proposed limb pruning on various trees, pruning cedar trees and remove canes, vines, and bush overgrowth over a septic area located at 35 Bayberry Road Map 13, Parcel 159.



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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III. E

April 25, 2016

Devin K. Cannistraro
50 Indian Way
Eastham, MA 02642

Re: Eagle Scout Recognition

Dear Mr. Cannistraro:

Congratulations on achieving the rank of Eagle Scout!

The Board of Selectmen extends its best wishes on your great accomplishment. We know the path to the Eagle Scout is not easy and takes many years of dedication to law, service and leadership. We are honored that you chose a service project that benefitted the town and community, and thank you for all the work you performed to replace the fence and trees at the Evergreen Cemetery.

Again, congratulations for a job well done, and we wish you much future success.

Sincerely,

Eastham Board of Selectmen

Elizabeth Gawron, Chair

Wallace Adams

John Knight, Vice Chair

William O'Shea

III. F

SURPLUS EQUIPMENT

<u>BRAND</u>	<u>DESCRIPTION</u>	<u>MODEL</u>	
Netgear	Netgear Wireless Access Point	ME102	
Linksys	Wireless Access Point	WAP54G	
Hawking Tech	Wireless G Range Extender	HVWR 54G	
Hawking Tech	Wireless G Bridge	HWBA54G	
Hawking Tech	Wireless G Bridge	HWBA54G	
Trend Net	Wireless Firewall Router	TEW-432BRP	
Linksys	Wireless G Access Point	WAP 54G	
Dell	Computer Main Frame	OPTIPLEX 960	
HP	HP420N Printer	HP420N	
Netgear	Gigabit 8 Port VPN	FVs318G	
Netgear	Ethernet 8 Port Switch 10/100	FS108V2	
Netgear	5 Port 10/100/1000M Switch	GS605V3	
Linksys	Cable Modem	CM100	
Netgear	16 Port 10/100 Switch	FS116	
Netgear	16 Port 10/100 Switch	FS116	
Netgear	16 Port 10/100 Switch	FS116	
HP	Computer Main Frame	PROLIANT ML150	
Acer	2005 LCD Monitor	AC1917	
Dell	2007 Computer Mainframe DCCY	GX520	
Dell	2008 Computer Mainframe DCTA	T3400	
Dell	2010 Computer Mainframe DCSMIF	OPTIPLEX 960	
Dell	Computer Main Frame	SC430	
Linksys	Cable/DSL Router	BEFSR11	
Adtran	Wireless	NETVANTA 150	
Adtran	Wireless	NETVANTA 150	
Dell	Old Power Supply	Qty - 6	
Adtran	Switch	NETVANTA 3448	
Dell	Monitor 4X3	E152FP	
Dell	Monitor 4X3	E152FP	
HP	17" Monitor 4x3	L1706	
Adtran	Netvanta 1238 Switch 48 Port	1238	
HP	Scanner	SCANJET 7650	
HP	Scanner	L1985A	
Adtran	Netvanta 24 Port Switch	1224	
Dell	2005 Laptop	PP04X	
Dell	2007 Laptop	PP05L	
Allied Telesis	8 Port POE Switch	AT-FS708 / POE	
Panasonic	22 Key Telephone	VB - 44220A	QTY 44

<u>BRAND</u>	<u>DESCRIPTION</u>	<u>MODEL</u>
Panasonic	KXTD Portable Phone	KXTD685A
Various	Misc Power Supplies	Various
Dell	2007 Wireless Desktop	1505 Qty - 3
Cisco	Firewall	Cisco Pix 506E
Adtran	TSV	TSULT 3rd Gen
HP	Printer	1606 DN
Netgear	Router	RP614
US Robotics	Fax Modem	USR 5686E
Sony	CD-R/RW	CRX230AD
Lite On	DVD Drive	20XDVDWriter
IoMega	Zip 250 MB Atapi Drive	ZIP250MB
Linksys	Wireless - G Expander	WRE54G
Linksys	Wireless - G Router	WRT54G
Netgear	8 Port Cable / DSL Firewall	FVM318
Netgear	Wireless Router	MR814
Linksys	Cable/DSL Router	BEFSR41
Linksys	Cable / DSL Router 4 Port Switch	BEFSR41
Linksys	10/100 LAN Card	LNE100TX
Dell	2005 Floppy Drive Module	FD-05PUB
Misc	2002 Floppy Drive Module	C87649
Technics	Dual Audio Cassette Deck	RSTR575
Dell	2009 4 x 3 Monitor	CN-0X876H
HP	2006 4 x 3 Monitor	HPL1706
Dell	Laptop Latitude	E5500
Dell	2004 Laptop Latitude	110L
Lenovo	Think Centre Computer	M902
Misc	50 Foot Video Cable	
Sony	DVD Player	DVPNS57
Sony	DVD Player	DVPNS57
Sony	DVD Player	DVPNS57
Leightronic	Programmable Event Controller	MINI T-PRO

MAY 2, 2016
ATM MOTIONS

III. G

ARTICLE	MOTION	
1 MAJORITY	I move to raise and appropriate \$1,700 for the Greenhead Fly Control as printed in the warrant.	LINDA
2 MAJORITY	I move to assume liability in the manner provided in Section 29 and 29A of Chapter 91 of the General Laws, as printed in the warrant	JOHN
3 MAJORITY	I move to elect to reallocate the sum of member towns' funding obligation for the Nauset Regional School District as printed in the warrant.	JOHN
4 MAJORITY	I move to reauthorize the following revolving accounts, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44 Section 53E 1/2 RECREATION BOTTLES AND CANS \$8,000 HOME COMPOSTING BIN/RECYCLING \$1,200 VEHICULAR FUEL SALES \$42,000 COUNCIL ON AGING/LOWER CAPE ADULT DAY CENTER \$12,500 as printed in the warrant.	JOHN
5 MAJORITY	I move to transfer from Free Cash \$10,000 to the Visitors Service Board, as printed in the warrant	ELIZABETH
6 MAJORITY	I move to transfer from Free Cash \$16,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth, as printed in the warrant.	WALLY
7 MAJORITY	I move that the Town vote to transfer from free cash the sum of \$70,000 to be combined with monies from Article 6, ATM May 5, 2014 and Article 19, May 4, 2015, for the purposes as printed in the warrant.	WALLY
8 MAJORITY	I move that the Town vote to raise and appropriate the sum of \$50,000 to add to the OPEB Trust, for purposes as printed in the warrant.	BILL
9 MAJORITY	I move that the Town vote to transfer from May 2014 ATM Article 16, the sum of \$20,000 for purposes as printed in the warrant.	LINDA
10 MAJORITY	I move that the Town vote to transfer from Free Cash, the sum of \$100,000 to be apportioned as follows to the May 2015 Annual Town Meeting Article 12, Line 46 Waste Collection and Disposal Expense, \$74,000 , Line 27 Fire Salaries \$3,000 , Line 28 Fire Expense \$10,000 , Line 14 Central Purchasing \$12,000 and Line 71 Unemployment Expense \$1,000 and further the Town vote to transfer \$12,000 to Line 12 Data Processing Expense from Line 13 Data Processing Salary and transfer \$6,500 to Line 15 Town Clerk Salary from Line 8 Assessor's Salary.	LINDA
11 MAJORITY	I move to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41 of the General Laws as amended, and further to raise and appropriate \$81,664 for the various positions as printed in the warrant.	Per Moderator, motion will be made by Finance Committee Chair

12 MAJORITY	I move to set the operating budget at \$25,641,738 as printed in the warrant, and to meet this expenditure, to raise and appropriate and use estimated receipts totaling \$24,729,338 ; and transfer from the ambulance receipts reserved account \$300,000 to Line 28 Fire Salaries; and transfer from the Septic Loan Betterment Account \$20,400 to Line 65 Septic Betterment Loan; and transfer from the Windmill receipts reserved account \$1,000 to Line 60 Beach & Recreation Expense; and transfer from the Government Media Access Account \$111,000 to Line 11 Data Processing salary; and transfer from the Solar Income Account, the sum of \$80,000 to Line 23 Energy and Fuels Expense; and transfer from Free Cash \$400,000 to Line 37; and further transfer from Free Cash (dog receipts) an additional \$2,500 to Line 59, Library Expense.	LINDA
13 MAJORITY	I move to appropriate \$622,500 , and to meet this appropriation, to raise and appropriate \$70,000 ; and transfer from Free Cash \$421,500 , and transfer from the Ambulance Receipts Reserved Account \$116,000 , and transfer from the Government Media Access Account \$15,000 , for the purposes of acquiring the items and undertaking the improvements as printed in the warrant.	JOHN
14 MAJORITY	I move in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the Capital Improvement Plan for FY18-FY22, as printed in the warrant.	JOHN
15 MAJORITY	I move that the Town vote to authorize the Board of Selectmen to petition the Great and General Court to approve a Home Rule Petition as printed in the warrant.	WALLY
16 2/3 RDS	I move the town vote to amend the Town of Eastham Zoning Bylaw Section II – Zoning Districts as printed in the warrant.	BILL
17 MAJORITY	I move that the Town vote to transfer from the Debt Account the sum of \$348,461.66 and transfer from free cash \$41,538.34 for purposes as printed in the warrant	LINDA
18 MAJORITY	I move that the Town vote to accept G.L. c39, Section 23D for purposes as printed in the warrant.	WALLY
19 MAJORITY	I move to transfer from the FY2015 Estimated Community preservation revenues the following amounts: Open Space Reserve \$75,754 ; Historical Reserve \$75,754 ; Affordable Housing \$75,754 ; and \$75,754 Active Recreation Reserve, and \$454,527 to the FY17 Community Preservation Budgeted Reserve for Appropriation for a total of \$757,543 , for purposes as printed in the warrant.	ELIZABETH
20 MAJORITY	I move to transfer from the Community Preservation Undesignated Fund Balance \$37,877 to an Administrative Expense Account, for purposes as printed in the warrant.	ELIZABETH
21 MAJORITY	I move that the Town vote to extend Article 27 of the 2013 annual Town Meeting until May 31, 2017 as printed in the warrant.	ELIZABETH
22 MAJORITY	I move to transfer from the Community Preservation Fund Historic Reserve total sum of \$207,000 , as a grant to the Nauset Fellowship, under such terms and conditions as the Selectmen may request, for purposes as printed in the warrant; and further to authorize the Board of Selectmen to acquire an historic preservation restriction on the property.	ELIZABETH

23 MAJORITY	I move to transfer \$151,400 from the Community Preservation Active Recreation Reserve and \$348,600 from the Undesignated Fund Balance, for purposes as printed in the warrant.	ELIZABETH
24 MAJORITY	I move to transfer the sum of \$12,000 from the Community Preservation Affordable Housing Fund Reserves, as a grant, to the Affordable Housing Trust, for purposes as printed in the warrant.	ELIZABETH
25 MAJORITY	I move to transfer from the Community Preservation Undesignated Fund Balance, the sum of \$8,500 for purposes as printed in the warrant.	WALLY
26 MAJORITY	I move that the Town vote to transfer the sum of \$428,500 from the Community Preservation Undesignated Fund Balance, for purposes of paying debt related to open space purchases as printed in the warrant.	BILL
27 2/3 RDS	I move that the Town vote to accept as a public way, the layout of Hay Road from Governor Prence to Bridge Road as printed in the warrant; and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement in said road to use for all purposes for which public ways are used in the Town of Eastham and all related easements thereto.	LINDA
28 2/3 RDS	I move that the Town vote to accept as a public way, the layout of Hay Road from Governor Prence to Woodland Way as printed in the warrant; and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement in said road to use for all purposes for which public ways are used in the Town of Eastham and all related easements thereto..	WALLY
29 MAJORITY	I move that the Town vote to amend the Town of Eastham Code, Part 1, The Bylaws, Chapter 49, and Section 4 Paragraph A. as printed in the warrant.	BILL
30 MAJORITY	I move that the Town vote to authorize the Board of Selectmen to enter into a 99-year ground lease to assist in the development of affordable rental housing on Town owned land as printed in the warrant.	BILL
31 2/3 RDS	I move the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, grant, and/or eminent domain, pursuant to M.G.L. c. 79, a parcel of land located at 4790 State Highway and shown on Assessors Map 05, Parcel 124, and as more particularly identified in deeds recorded in the Barnstable County Registry of Deeds in Book 27046, Page 73, for general municipal purposes, including, but not limited to public housing, recreation, open space, economic development, and under such terms and conditions agreeable to the Selectmen; and that the sum of \$1,400,000 be appropriated for such acquisition; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$1,400,000 and to issue bonds and notes therefore; provided that said appropriation is contingent on the passage of a Proposition 2 ½ debt exclusion vote.	Per Moderator Petitioner will make motion
32	Per Moderator Petitioner will make motion	
33	Per Moderator Petitioner will make motion	
34	I move that the Town vote to accept the published reports	JOHN
	I move that the 2016 town Meeting be dissolved.	



TOWN OF EASTHAM

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III. H.

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Baywood Road Land Sale
DATE: 4/23/16

Town Meeting of 2013 authorized the Board of Selectmen to sell a strip of town owned land called Higgins Road to abutters living on Baywood Road. Higgins Road was a paper road gifted to the town and never developed. A group of residents requested that we divide the parcel and sell it to abutters.

After the Town Meeting vote, the residents paid to have the lot professionally surveyed and divided. Once this process was completed, the town assessed and amount to each parcel and offered them for sale to the direct abutters, with an additional charge for legal fees. A total of twelve residents purchased the land, and Kopelman and Paige has prepared the sale documents. This evening, if you will sign the purchase and sale documents, we can record them at the registry of deeds, and make these sales final.

TOWN OF EASTHAM ANNUA MAY

ARTICLE 9

To see if the town will vote to change the purpose for which the following described land is held, from general municipal purposes, to being held for general municipal purposes and for disposal and shown on Assessors Map 04 Parcel 431, consisting of 1.79 acres +/-, and also shown as 230 Higgins Road, with said land to be disposed of in a manner that it is apportioned among as many direct abutters who shall desire such land, with all costs, such as preparation of plans and deeds and filing of same, and such other costs and value of such land as estimated by the Deputy Assessor that shall be necessary to effect this transfer of land, and such other terms and conditions that the Board may deem appropriate and necessary; or take any action relative thereto.

By Board of Selectmen

Summary:

The Town acquired this long narrow strip of land as a gift, and has no particular use for this land. A few of the abutters have inquired about purchasing the area abutting their properties. This article will allow the Board of Selectmen to dispose of the land under such terms and conditions, as they may need to complete the transfer to one or more abutting owners.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 8-0

(Majority Vote Required)



ARTICLE 10

To see if the Town will vote to fix the salary and compensation of all

INFORMATION

CAPE COD & ISLANDS APPRAISAL GROUP LLP

Linda Coneen, MRA, SRA
MA Cert Gen RE Appr Lic #214

email: info@capecodappraisal.com
capecodappraisal.com

Heather Ross, SRA, Senior Partner
MA Cert Gen RE Appr Lic #1434



95 Rayber Road, Orleans, MA 02653 ~ Main Production Office

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Orleans 508-255-9269 ~ Barnstable 508-362-9050 ~ Sandwich 508-833-2224 ~ Plymouth 508-830-3433
Fax 508-255-9968

April 8, 2016

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

Opinion of Damages, if Any, Arising from the Proposed HAY ROAD Project Eastham, MA 02642

Dear Ms Vanderhoef:

I am in receipt of a copy of a DRAFT of Town Warrant Article 27 scheduled for presentation at the Spring 2016 Town Meeting, pertaining to a public taking of portions of Hay Road. The DRAFT article reads as follows:

“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, Prepared for: Town of Eastham, 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.”

The Town's objective for the accepting the road as a public way includes making road repairs and widening in areas to 14 feet; grading to repair the surface; filling potholes; minimal surface improvement (hardening, not paving); new drainage and culvert installation; and construction of paved aprons where the dirt road meets paved Governor Prence and Bridge Roads. *All of the road work will occur within the existing road layout, requiring no taking of privately owned land.*

The Town will be responsible for all costs for engineering, including a new drainage and culvert plan; all design costs; and the costs for all road work. The town will also provide on-going road maintenance and plowing services.

This appraiser personally inspected the road on April 1, 2016 with a copy of the Schofield Plan in hand. The inspection occurred after a period of rainy weather. I observed the condition of the road to be poor in many sections, with potholes, ruts, and drainage flowing from the road onto private properties. I observed several areas along the road where drivers have driven onto the road shoulders to avoid large potholes. I also observed a newer, long wooden fence located within the road layout, and a portion of the road completely outside of the road layout, cutting across the northwest corner of the private property shown on Tax Map 14 Parcel 236 (1670 Bridge Road). Overall, I conclude that the condition of the road is hazardous in many areas, a detriment to safety, and of course, a detriment to real estate values. (See photos and map labeled with locations where photos were taken, attached.)

A public hearing was held March 7, 2016, during which residents provided comments about the proposed project. I did not attend that meeting, but have been told that some residents were pleased that the Town was taking responsibility for improving the road, and some residents felt that they would be owed damages as a result of the proposed road improvements.

In real estate, "damages" are defined as: "In condemnation, the loss in value to the remainder in a partial taking of property. Generally, the difference between the value of the whole property before the taking and the value of the remainder after the taking is the measure of the value of the part taken and the damages to the remainder."¹

¹ *The Dictionary of Real Estate Appraisal*, Fifth Edition, Appraisal Institute, 2010, page 52,

Furthermore, "compensable damages" are defined as "Damages for which a condemnor is legally required to compensate the owner or tenant of the property that is being wholly or partially condemned (taken). **In most jurisdictions, physical invasion of the property by a condemning authority or the taking of some property right must occur before damages are considered compensable.**"²

According to the Plan, there will be no land taking from any owner on the street, and no limitation in their rights in real estate. Rights in real estate are referred to as the "bundle of rights" which is likened to a bundle of sticks with each stick representing a distinct and separate right of the property owner, including:

- the right to use real estate
- the right to sell it
- the right to lease it
- the right to give it away
- the right to choose to exercise all or none of these rights.

No rights in real estate will be limited by the proposed road improvements, and therefore the project does not meet the test for compensable damages.

Though I have not performed real estate appraisals of any of the individual properties on the street using a "before" and "after" method, it is my experience that rutted and potholed roads decrease the values of homes which depend on these roads for access. It is reasonable to expect that the market values of houses dependent on access via Hay Road will increase on the basis of the anticipated road improvements, and at the least, ease of travel and safety will be improved.

Yours truly,



Linda Coneen, MRA, SRA
MA Certified General Real Estate Appraiser License #214

² *The Dictionary of Real Estate Appraisal*, Fifth Edition, Appraisal Institute, 2010, page 38.

SEE ACCOMPANYING MAP FOR PHOTO LOCATIONS



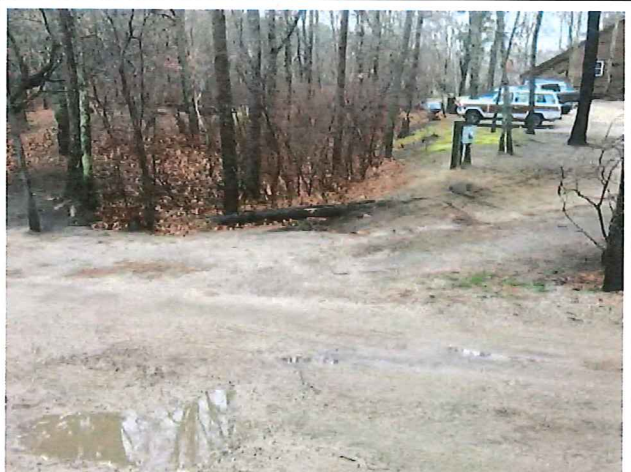
2 - Potholes on S end of dirt section of Hay @ intersection w/ Gov Prence



3 - Potholes on S end of dirt section of Hay @ intersection w/ Gov P, draining on R into wetland on E side of Hay (Eastham Conservation Foundation)



4 - Potholes on S end of dirt section of Hay @ intersection w/ Gov P



8 - Looking W across Hay @ drainage easement on parcel 18-118-A (555 Hay Road) which drains into wetland on W side of Hay



11 - Looking E @ creek leading to wetland on E side (directly across from drainage easement in photo 8), on small "panhandle" of lot owned by Eastham Conservation Foundation (parcel 18-225)



15 - End of County Lane pavement meeting Hay



20 - Looking W to see very soft sand @ end of Uncle Nates Way where it meets Hay- deep ruts



21 - Very soft sand @ end of Uncle Nates Way where it meets Hay- deep ruts



23 - Looking NNW up Hay toward Hatties Way
from between Country/Uncle Nates & Hatties
Ways



25 - Deep tire ruts on Hay between
Country/Uncle Nates & Hatties Ways



27 - Looking NNW up Hay toward Hatties Way
from between Country/Uncle Nates & Hatties
Ways



29 - Looking SSE down Hay from intersection
w/ Hatties (out of frame to R), potholes



30 - Looking N up Hay from intersection w/ Hatties (out of frame to L), Woodland Way in distance, potholes



32 - Looking E down Woodland Way from intersection w/ Hay, potholes @ end of pavement



34 - Looking NNW up Hay from intersection w/ Woodland



37 - Looking SSW across Hay from Deacon Paine intersection, potholes



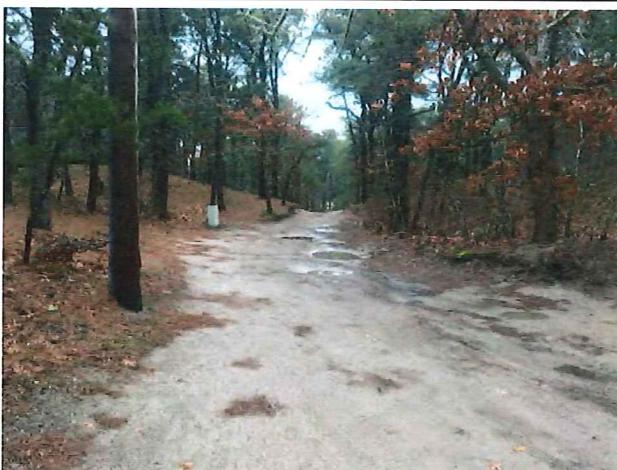
42 - Drainage problem @ SE corner of DP/Hay intersection- evidence of concrete blocks installed to prevent drainage into property (Parcel 17-551, 225 Deacon Paine Road)



43 - Drainage problem @ SE corner of DP/Hay intersection, another view



44 - Drainage problem @ SE corner of DP/Hay intersection, another view



45 - Looking NNW up Hay from D.P./Hay intersection, potholes



53 - Looking NNW up Hay from N of DP/Hay intersection, potholes, high shoulders on both sides of road



55 - To avoid the huge pothole in the road, drivers have been driving onto the shoulder of the road, exposing telecommunications line (see tire tracks around exposed line) which was formerly buried at least 24"



59 - Looking N up Hay toward north end @ Bridge Road from south end of fence (NNW of DP/Hay intersection), potholes; see illegal fence in road layout



60 - Looking N up Hay toward north end @ Bridge Road from south end of fence (NNW of DP/Hay intersection), potholes; see illegal fence in road layout



62 - Very deep pothole & drainage problem on E side of road slightly N of south end of fence (which is in the road layout), potholes



63 - Looking N up Hay toward north end @ Bridge Road from slightly N of south end of fence, potholes



67 - Looking N up Hay toward north end @ Bridge Road from N of south end of fence, potholes



71 - Looking N up Hay toward north end @ Bridge Road from N of south end of illegal fence in the road layout



84 - Looking N up Hay toward north end @ Bridge Road, potholes



91 - Looking N up Hay toward north end @ Bridge Road from driveway of Parcel 14-237 (855 Hay Road), yellow flags mark gas line along west side of road, vulnerable to damage from vehicles?



92 - Flag marking underground gas line along west side of road in front of Parcel 14-236 (1670 Bridge Road), vulnerable to damage from vehicles?



110 - North end of Hay @ Bridge: road is outside of road layout & encroaching onto Parcel 14-236 (1670 Bridge Road)



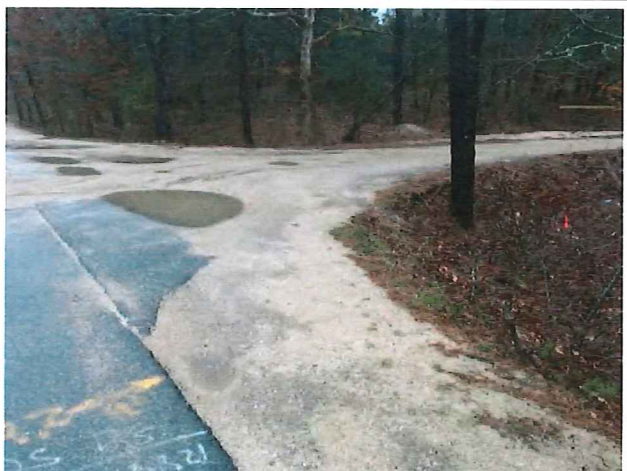
115 – Intersection w/ Bridge Road, potholes



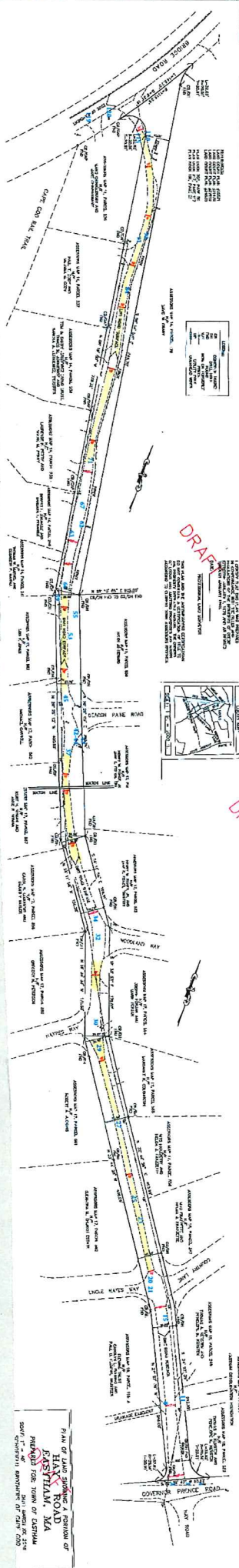
116 – Intersection w/ Bridge Road, potholes



119 – Looking E toward north end of Hay from Bridge near bike trail



120 – Looking E to intersection of Hay w/ Bridge, potholes

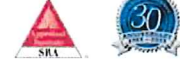


CAPE COD & ISLANDS APPRAISAL GROUP LLP

Linda Coneen, MRA, SRA
MA Cert Gen RE Appr Lic #214

email: info@capecodappraisal.com
capecodappraisal.com

Heather Ross, SRA, Senior Partner
MA Cert Gen RE Appr Lic #1434



95 Rayber Road, Orleans, MA 02653 ~ Main Production Office

Orleans 508-255-9269 ~ Barnstable 508-362-9050 ~ Sandwich 508-833-2224 ~ Plymouth 508-830-3433
Fax 508-255-9968

QUALIFICATIONS OF LINDA CONEEN, MRA, SRA

OWNER AND PRINCIPAL

Cape Cod and Islands Appraisal Group, LLP
Plymouth County Appraisal Group
Main Production Office: 95 Rayber Road, Orleans, MA 02653
Mid-Cape Office: 3311 Main Street, Barnstable, MA 02632
Established 1983

PROFESSIONAL DESIGNATIONS

SRA Member, Appraisal Institute, designated June 13, 1994
Continuing Education Completed through December 31, 2019

MRA (Commercial/General) Member, Massachusetts Board of Real Estate Appraisers, designated March 13, 1995

LICENSE

Massachusetts Certified General Real Estate Appraiser License # 214 Expires 8/3/17¹
FHA Registration # MA 214

EDUCATION

Barnstable School System, Graduate 1969

Willet Institute of Finance, Boston, MA, 1982

Appraisal Institute:

- 2015 Online Business Practices and Ethics (with exam)
- 2015 Online Small Hotel/Motel Valuation (with exam)
- 2015 Online Analyzing Operating Expenses (with exam)
- 2015 Online Subdivision Valuation (with exam)
- 2013 Reducing Appraiser Liability: Using the ANSI Z765 Measuring Standard (Webinar)
- 2013 Candidate for Designation Program- For Advisors (Webinar)

¹ State certified general real estate appraisers may appraise all types of real property. Regulatory Authority: 264 CMR 6.00 (promulgated 6/28/96); MGL c13, s92; MGL c112, § 173-195.

- 2013 Candidate for Designation Advisor Orientation (seminar)
- 2012 New England Appraisers Expo, Specialty Real Estate Focus: Marinas (seminar)
- 2012 Valuation of Basements: GLA and Other Valuation Considerations (Webinar)
- 2011 Online What Commercial Clients Would Like Appraisers to Know (with exam)
- 2011 Online Eminent Domain and Condemnation (with exam)
- 2011 Estate Tax Law Changes (Webinar)
- 2011 Online Forecasting Revenue (with exam)
- 2011 Online *Marshall & Swift* Commercial Cost Training (with exam)
- 2011 The New Estate Tax Law 2011 (Webinar)
- 2010 Online Appraisal Curriculum Overview – Residential (with exam)
- 2010 Online Business Practices and Ethics (with exam)
- 2007 Online Course 420: Business Practices and Ethics (with exam)
- 2007 Course 540: Report Writing and Valuation Analysis
- 2006 Uniform Appraisal Standards for Federal Land Acquisitions: Practical Applications for Fee Appraisers (Yellow Book)
- 2006 7 Hour National USPAP Update Course (Version 2006-2007)
- 2005 Appraisal of Nursing Facilities (OL Seminar, with exam)
- 2005 Online Eminent Domain and Condemnation (Seminar, with exam)
- 2005 The Professional's Guide to the Uniform Residential Appraisal Report (OL seminar, with exam)
- 2005 Online Analyzing Distressed Real Estate (OL seminar, with exam)
- 2004 Using Your HP12C Financial Calculator (OL seminar, with exam)
- 2004 Course 410: National Uniform Standards of Professional Appraisal Practice w/ Exam 15 Hour
- 2004 Course 420: Business Practices and Ethics w/ Exam (OL seminar, with exam)
- 2002 Course 520: Highest & Best Use and Market Analysis
- 2000 Course 430: Standards of Professional Practice Part C
- 1999 The FHA and the Appraisal Process (OL seminar, with exam)
- 1999 Internet Search Strategies for Real Estate Appraisers (OL-668G, seminar with exam)
- 1999 Appraising from Blueprints and Specifications (OL-504G, seminar with exam)
- 1999 Residential Design and Functional Utility (OL-662, seminar with exam)
- 1994 Course 510: Advanced Income Capitalization
- 1994 Course 420: Standards of Professional Practice Part B
- 1994 Course 410: Standards of Professional Practice Part A
- 1992 Course 310: Basic Income Capitalization
- 1991 Rights in Real Estate (seminar)
- 1990 Completing the Small Residential Income Property Appraisal Report [FNMA 1025 FHLMC 72] (seminar)
- 1989 Course 8-2: Residential Valuation (challenge exam)
- 1988 Course 1A1: Real Estate Appraisal Principles (challenge exam)

Massachusetts Board of Real Estate Appraisers:

- 2015 USPAP Update Seminar Version 2016-2017
- 2015 TRID & the Appraisal Community (webinar)
- 2013 USPAP Update Seminar Version 2014-2015
- 2013 Appraising Green Residences (seminar)
- 2012 Banking and Risk Management for Appraisers (seminar)
- 2012 Appraising Easements (seminar)
- 2011 USPAP Update Seminar Version 2012-2013

2011 Uniform Appraisal Dataset (UAD) Seminar
2010 USPAP Update Seminar Version 2010-2011
2008 USPAP Update Seminar Version 2008-2009
1999 The Ins and Outs of Sales and Leasebacks (seminar)
1997 USPAP Update (seminar)
1997 Appraisal Forms 2055; 2065; 2075 (seminar)
1997 Making the Technology Leap (seminar)
1997 Automated Valuation Models (seminar)
1997 The Appraising of Complex Residential Properties (seminar)
1996 A Mock Trial: Valuation in Litigation, Contaminated Properties (seminar)
1994 Changes to the Standards: Departure and Appraisal Reporting Options (seminar)
1994 USPAP Update (seminar)
1994 MRA Candidate's Report Writing Workshop
1992 Persuasive Narrative Report Writing with Exam
1992 REA IIA Advanced Topics in Income Property Appraisal
1991 Professional Practice with Exam
1984 Appraising Small Income Property (seminar)
1982 Appraising the Condominium Unit (seminar)
1982 Introduction to Real Estate Appraisal

The Orleans Conservation Trust:

2014 Sustainable Erosion Control: Is it Possible? by Jim O'Connell, Coastal Geologist (Lecture)

Society of Real Estate Appraisers:

1990 Course 101: An Introduction to Appraising Real Property (challenge exam)
1989 Course 413: Standards of Professional Practice

The Center for Advanced Property Economics:

2007 Promises & Pitfalls: The New Pension Act's Valuation Provisions and You (Web Seminar)

Employee Relocation Council (Worldwide ERC)

2007 Worldwide ERC Relocation Appraisal Training Program

National Association of Real Estate Appraisers:

1987 Fundamentals of Real Estate Appraisal
1987 Residential Construction Basics

Massachusetts Department of Revenue:

1993 Assessment Administration: Law, Procedures, Valuation
1989 Affordable Housing Clinic

International Association Assessing Officers:

1995 Workshop on Contaminated Property: Issues in Technology, Policy, Appraisal, and Investment

Massachusetts Office on Disability:

- 1997 MA Architectural Access Board (AAB) Changes and Parity with the Americans with Disabilities Act (seminar)
- 1995 Title III of the ADA and regulations of the MA AAB
- 1995 Community Access Monitor Training
- 1995 Handicap Parking Monitor Training

BUSINESS EXPERIENCE

Founding Partner, Owner, and Principal,
Cape Cod & Islands Appraisal Group, LLP 1983 to present

Residential and commercial real estate sales, 1980-1981

Financial Planner and Stock Broker: Registered Representative of National Association of Securities Dealers Series 7 and Series 63 (inactive)

COURSE INSTRUCTOR

Massachusetts Real Estate Licensing Law, Sullivan Real Estate School

Course Instructor, 101 Course, Massachusetts Board of Real Estate Appraisers, approved 1994

ASSOCIATE MEMBERSHIPS

Massachusetts Real Estate Broker, Registration Number 251947 (inactive)

Massachusetts Association of Assessing Officers, member 1992-1995

RTC Registered; Boston HUD Office Roster, Registered Year 2000 – present (with exam)
Registration # MA 214; also qualified to prepare Reverse Mortgage appraisals for the HEMC program

State Office of Minority and Women Business Assistance (SOWMBA) Woman Business Enterprise (WBE) certification #531320

Appraisal Institute *Minority and Women Directory of Real Estate Appraisers*, 2000 - present

MA Community Access Monitor, 1995 (Qualified to conduct ADA Building Surveys)

PUBLISHED ARTICLES AND SPEAKING ENGAGEMENTS

"Regression Analysis and Unbuildable Land", Spring 1995; *Greater Boston Chapter of the Appraisal Institute Newsletter*

"View from the Cape: Looking Ahead to the Spring Markets", April 8, 2005, *New England Real Estate Journal*

"View from the Cape: 20 Things They Never Taught You in Appraisal School" June 2006, *New England Real Estate Journal*

"View from the Cape: The Appraisal of Undevelopable Land", July 2006, *New England Real Estate Journal*

EXPERT WITNESS TESTIMONY

Barnstable Probate and Family Court

Barnstable Superior Court

Massachusetts Tax Appellate Court

United States Bankruptcy Court: Southern District of Florida

United States Bankruptcy Court: Massachusetts District

Internal Revenue Service Appeals Board

Suffolk County Probate and Family Court

Orleans District Court

Middlesex Probate and Family Court

Commonwealth of Massachusetts Land Court: Trial Court

16th Circuit Court of Florida

AFFILIATIONS

Massachusetts Board of Real Estate Appraisers, Board of Trustees, Term #1 2008-2010, Term #2 2011-2013

Massachusetts Board of Real Estate Appraisers, Communications Committee, 2007

Appraisal Institute, Valuation & Litigation Services Shared Interest Group, 2006-present

Rehabilitation Hospital of Cape Cod, Steering Committee member, 1995 -1996

Sandwich Co-operative Bank Community Advisory Board member, 1995-1999

Orleans Commission on Disability, Secretary 1998; member 1998-2000; affiliate 1995-1997; Chairman, ADA Compliance for Architects and Builders seminar, 1996

Orleans Rotary Club, member 1988-1996, Board of Directors 1993-1994, Newsletter Editor 1989-1992, Attendance Chairman 1992, Membership Committee Chairman 1993-1994, Publicity Committee Chairman 1994, Fundraising Committee 1990-1995, Rotary Information Committee Chairman 1995, Nominating Committee 1995.

New England Chapter Appraisal Institute, SRA Experience Review Committee, 1995

Board of Assessors, Town of Orleans, member 1992-1995; Chairman 1994-1995

Town of Orleans Housing Task Force (Affordable Housing), member 1991

Orleans Chamber of Commerce, member since 1981, Secretary 1982, Vice President 1984-1987, Board of Directors 1981-1990, Beautification Commission Chairman 1984-1989, Program Chairman 1983-1986.

Nauset Business and Professional Women of Lower Cape Cod, member 1981-1990, President 1986-1987, Board of Directors 1983-1988, Newsletter Editor 1983-1985, Program Chairman 1984.

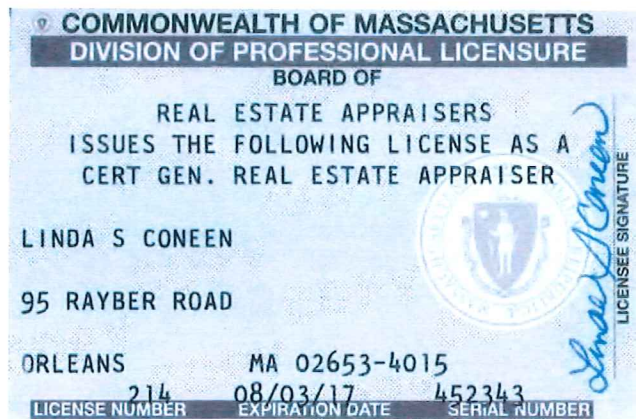
AWARDS

Cape Cod Women's Organization, Woman of the Year Nominee, 1985

Cape Cod Business Journal, Young Business Person of the Year, 1988

Who's Who in Executives and Professionals, 1995 - present

National Registry of Who's Who, 1999 – present



Jacqueline Beebe

From: ECF [trails@c4.net]
Sent: Tuesday, April 19, 2016 9:59 AM
To: Sheila Vanderhoef; Jacqueline Beebe
Cc: jmoran01@comcast.net; Joanna Buffington
Subject: ATM number 33

Good morning

I'm writing to let you know that article 33 which appears in the warrant is a bit of an issue -- but I'm sure that's not a surprise.

For starters, we understand it is a petition article and not something which the Board has initiated. However, it turns out that none of our Board will be able to attend Town Meeting to address it so I wanted to provide you with our opinion. This may or may not be something which you can articulate on the floor.

First, we have been informed that it would require a court order to dispose of any property which has been secured by the Foundation. Eminent domain would in essence provide that document but it did not appear to be part of the article.

Secondly, the name of our organization is incorrect so that would make it moot.

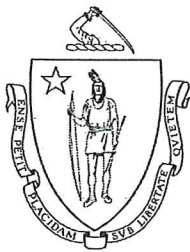
Finally, we have not been contacted by the petitioner at all -- although we were informed that this process was ongoing through a third party.

I'll be in town next week if you want to chat about this matter.

Thanks very much !

Henry

from Henry Lind



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

April 14, 2016

Paul Fleming
555 Hay Road
Eastham, MA 02642

RE: Open Meeting Law Complaint

Dear Mr. Fleming:

Thank you for contacting the Attorney General's Office. On April 13, 2016, we received your Open Meeting Law complaint, which was originally received by the Eastham Board of Selectmen on or about March 9, 2016. We will review your complaint and will contact you in the event that we require additional information. We will notify you of our determination following our Office's review.

Your complaint may be resolved through either a formal order or informal action. Formal orders contain a detailed discussion of the alleged violation, applicable legal requirements, and may order any of the remedies provided in G.L. c. 30A, § 23(c). If a complaint is appropriate for informal action, we will attempt to resolve the matter by speaking to the parties, followed by a brief letter noting whether or not there was a violation and what remedial action was taken.

For additional information on the Open Meeting Law and the complaint process, please visit our website at www.mass.gov/ago/openmeeting. Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "BJ".

Bongani T. Jeranyama
Paralegal
Division of Open Government

cc: Michele E. Randazzo, Esq., Kopelman and Paige, P.C.
Eastham Board of Selectmen



RESPONSE TO ATTORNEY RANDAZZO dated March 30, 2016

Our former D.P.W. head, Steve Douglas, retired in August 2007. Under his watch, Hoffman Lane, connecting to Route 6, was maintained and plowed since 1965.

Our new D.P.W. head is Neil Andres, hired in April 2008. The way that I and most of the town found out that Hoffman Lane, connecting to Route 6, was not going to be plowed or maintained anymore was when the people complained to town hall that D.P.W. won't plow the snow on Hoffman Lane in the winter of 2008. D.P.W. head, now seven months on the job, said the condition of Hoffman Lane was damaging his plows and that he could no longer plow it. Well, he stopped maintaining Hoffman Lane sometime during his first seven months on the job. When I asked Neil why he stopped maintaining Hoffman Lane, he said "It was a private road and this is America, not Russia." When pressed on the issue, he said "The lawyer (attorney Lane) tells me what to do." As a result, the school busses now stopped going to the development of 125 households that Hoffman Lane was the only paved way connecting to Route 6.

So, the selectmen, in 2008, discontinued the maintenance and plowing of Hoffman Lane to Route 6, without a meeting as is required by Mass. Law chapter 82 section 21. Kopelman and Page, the leader in public sector law, is supposed to guide the selectmen as to what is legal and what is not, not serve as an enabler to skirt the law and hurt the people that Hoffman Lane gives access to Route 6 to.

I spoke to the town clerk, Sue Fisher, about when this meeting to stop maintaining and plowing Hoffman Lane actually occurred. She spoke to the town administrator, Sheila Vanderhoef, who said that "The selectmen would not have had to vote to discontinue the taking care of Hoffman Lane because there was never a vote to take care of Hoffman Lane. So there was never anything in place for the selectmen to do that. So there was no way for them to undo it, because that vote did not take place." (This message, was left on my answering machine, from the town clerk. I'll make a copy or have it transcribed if necessary.)

So, if no vote took place, how can I be a day late with my complaint?

This complaint is clearly about the undiscoverable action that took place by our paid and elected officials. By attorney Randazzo saying that my complaint is not about an open meeting law violation, but that I simply

disagree with the decision (however made) is not correct. Attorney Randazzo is failing to address the complaint as to how the decision was made. What I have discovered is that, according to the town administrator, no vote was necessary. That the town counsel told D.P.W. head to stop maintaining Hoffman Lane. That the selectmen conspired with others to take away the long standing maintenance of the only paved access road to Route 6 for 125 tax paying families.

Yes, my complaint is about the lack of compassion that the previous selectmen had in the orchestrating of this fiasco on the people that use Hoffman Lane to Route 6. When asking these selectmen, two new ones who didn't take part in the abhorrent decision made by the remaining three selectmen years ago, I was hoping that with new blood on the board that maybe we could solve this public nuisance. Mr. O'Shea, the newest selectman, lives on Hay Road and the others won't even listen to him, nor can he vote on Hay Road or Hoffman Lane issues because he has had to recuse himself.

The fact that this event took place before July 2010 does not justify the end result. Laws on the books before 2010 could have been used to continue the maintenance and plowing of Hoffman had attorney Lane done her job.

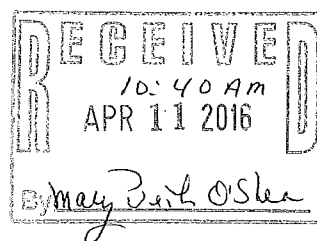
I am asking that Mass. Law chap 84 section 22 be applied and compel the selectmen, the town administrator, the town counsel, and the D.P.W. head to restore Hoffman Lane with a new paved surface and to maintain it in the future. Hoffman Lane is less than 600 feet long and 20 feet plus wide and connects to Mass. Route 6.

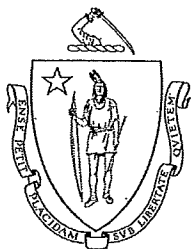
I would also ask that the two articles to take Hay Road by Eminent Domain be examined as to their validity. No costs or drainage plans exist for either article. People are being asked to vote on the taking of a private one lane dirt road that over 80% of the households that live on that road do not want it taken or altered or to be turned into a major cut through or a short cut thus forever changing the peaceful beautiful lands that we all bought into.

Trying to take Hay Road to solve the access problem created on Hoffman Lane by the former selectmen is very disturbing for all of us. We would like to live in peace on the dirt road and neighborhood that we all have loved for years. The solution to this problem is to restore Hoffman Lane to the standard it had been kept for so long and to leave Hay Road and the people who cherish it alone.

Thank You,

Paul Fleming





THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

April 11, 2016

Paul Fleming
555 Hay Road
Eastham, MA 02642

Dear Mr. Fleming:

We understand that on March 9, 2016, you filed a complaint with the Eastham Board of Selectmen (the "Board"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Board is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Board on March 31, 2016.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the Board. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). Our office currently has no record of a complaint filed by you in this matter.

An initial complaint must be filed with the public body within 30 days of the alleged violation or if the violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. G.L. c. 30A § 23(b); 940 CMR 29.05(3). This complaint appears that it may have been filed with the Board outside of the 30 day window in which to file a complaint. If you wish to pursue this complaint, please file your original complaint with our office and include a statement as to why the complaint is not untimely. If we do not receive a response by **Friday, May 6, 2016**, we will consider the matter closed.

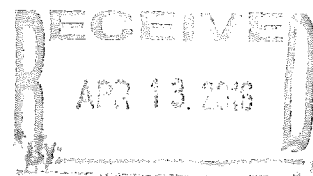
Please feel free to contact us if you have any questions about the Open Meeting Law complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read "BJ" or similar initials.

Bongani T. Jeranyama
Paralegal
Division of Open Government

cc: Michele E. Randazzo, Esq., Kopelman and Paige, P.C.
Eastham Board of Selectmen



From: nuendelcapecod@aol.com [<mailto:nuendelcapecod@aol.com>]

Sent: Wednesday, April 20, 2016 9:35 AM

To: admin@eastham-ma.gov

Subject: Letter for the BOS

Dear BOS,

Please know that I have great appreciation for the time and energy you apply to your job. We on the Visitors' Services Board are fortunate to have a selectman who regularly attends our meetings and provides valuable input. Thank you, Mr. Knight. I am also appreciative of the difficult decisions that often come before you. It is one of those decisions made this year that I am sincerely asking you reconsider.

When our town planner presented the Stratford Development Group's design for the Tee Time vacant sandlot, an eyesore by anyone's opinion, I was very excited to think this could happen in my town. I recently went back to the on-line packet for the October 19, 2015 BOS meeting to revisit the presentation and experienced a great feeling of loss which inspired this letter.

I earnestly request that you reconsider working with Stratford, asking for the funds to do a traffic study (there IS a way to get a traffic light there!) as well as a needs assessment (I think you'll be dismayed at how great the need is) and possibly research as to how we make as many as possible units available label to Eastham residents first, in perpetuity.

This DOES NOT supercede continuing to work toward housing on the Purcell property. Why would it? Let that plan continue, work toward a very specific M of A with Stratford and let the ZBA deal with it as it should. When this happens, I'll be VERY interested to see which housing development is ready to move into first.

Respectfully, Bonnie Nuendel
255 Meetinghouse Rd.
508-255-6305

nuendelcapecod@aol.com



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation



March 30, 2016

Chair Elizabeth Gawron
Town of Eastham
2500 State Highway
Eastham, MA 02642

Dear Chair Gawron:

We are pleased to inform you that the Chapter 90 local transportation aid funding for Fiscal Year 2017 will total \$200 million statewide.

This letter certifies that, pending final passage of the bond authorization, the Fiscal Year 2017 Chapter 90 apportionment for Town of Eastham is **\$249,088**. This apportionment will automatically be incorporated into your existing 10-Year Chapter 90 contract, which will be available on the MassDOT website <http://www.massdot.state.ma.us/chapter90>.

We recognize that the Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our joint partnership. We look forward to working with you in the coming years to continue the success of this program.

Please feel free to contact MassDOT Capital Budget Director Matthew Bamonte at (857) 368-9151 with any questions you may have regarding the Chapter 90 program.

Sincerely,

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO



HAVE YOU HEARD ABOUT THE NEW COMPLETE STREETS PROGRAM?

As many of you are aware, the Baker-Polito Administration announced a Complete Streets Program that is meant to encourage the use of “Complete Street” practices throughout the Commonwealth. Expanding the use of Complete Streets in both our state and local work will increase the safe and accessible options for all travelers. The program was first established in Chapter 79 of the Acts of 2014; however, due to concerns about some aspects of the statutory language, MassDOT released a modified program on February 2nd of 2015 after extensive municipal outreach. As such, alternative funding (non-bond bill) has been provided for initial Complete Streets efforts.

The program is comprised of a three-step process:

Step 1 – Municipality must attend the mandatory Complete Streets training and create a local Complete Streets Policy which recognizes individual community needs.

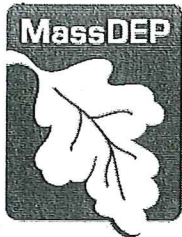
Step 2 – Municipality is eligible to apply for technical assistance (up to \$50,000) for the development of a prioritization plan once their policy has passed (Scored 80 or above), or submitted a letter of intent to pass a policy has been submitted (letter valid for only one year from date of issuance). The prioritization plan, once submitted, will only be reviewed for completeness.

Step 3 – Once the prioritization plan has been approved, a municipality may then apply for project funding. A municipality may select any number of projects from their prioritization plan totaling not more than \$400,000.

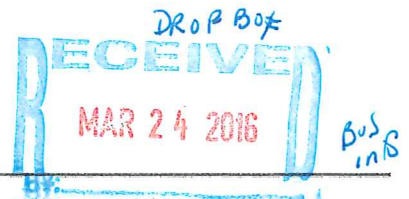
Realizing the importance of Complete Streets, we have tied this program to the Community Compact Cabinet as a way to recognize the importance of Complete Streets and the equally important partnerships between the Baker-Polito Administration and our cities and towns. Community Compact members advancing Complete Streets will have additional program points reflected in their Complete Streets Policy score. We are already seeing the potential for this program from the Complete Streets trainings that we have offered to the Commonwealth’s cities and towns, as 266 cities and towns have attended these classes. Our goal is to reach all 351 cities and towns in the Commonwealth. Additionally, 69 municipalities have already registered on the On-line Complete Streets portal which is being used to manage and track the program. Only \$12.5M of alternative funding is available for the Complete Streets program, so early action is encouraged.

This partnership between this Administration and cities and towns can empower and encourage us to consider other safe and accessible mode options for people of all ages and abilities. We encourage you to attend the training, participate in this program, and to further your use of Complete Streets into all the great work you continue to do.

For more information about this program, visit: www.masscompletestreets.com.



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
rjt@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.

info
BOS

Barnstable County

In the Year Two Thousand and Sixteen

Ordinance 16-03

To Amend Barnstable County Ordinance 06-16 to establish the timeline for the Assembly of Delegates' review and vote on the County Commissioners' proposed fiscal budgets for all Fiscal Years commencing with Fiscal Year 2017 and all subsequent years unless amended by Ordinance.

NOW THEREFORE,

BARNSTABLE COUNTY hereby ordains:

1. The submission of the annual budget shall be not later than the second meeting of the Assembly of Delegates meeting in February.
2. The Standing Committee on Finance shall meet with Chairs of the Standing Committees of the Assembly no later than the first Wednesday in April for discussion and verbal report on their review of the proposed fiscal year budget as of that date.
3. No later than the first Wednesday in May, the Assembly debates and votes on the annual budget as recommended by the Standing Committee on Finance and others. When voting on the annual budget, Robert's Rules governing parliamentary procedure of the Assembly shall be waived allowing for more than two amendments to the main motion. If a majority of the Delegates vote in favor of an amended budget, the budget is immediately forwarded to the County Commissioners for consideration.
4. No later than one week after the Assembly of Delegates votes in favor of an amended budget, the County Commissioners shall either sign the amended budget or request that a Reconciliation Committee be established.
5. If a Reconciliation Committee is requested, the County Commissioners shall immediately notify the Speaker of the Assembly of Delegates of their request for the Reconciliation Committee and inform the Speaker as to who will represent the Board of County Commissioners on the Committee.
6. The Speaker of the Assembly of Delegates shall forthwith appoint members from the Assembly of Delegates to the Reconciliation Committee. The membership of the

Reconciliation Committee shall not include Delegates from the Assembly of Delegates that represent a majority of the whole population of Barnstable County.

7. The Reconciliation Committee shall consist of three Delegates representing a majority vote on the budget ordinance, one Delegate representing a minority vote on the budget ordinance and one County Commissioner, and consistent with all other Committees, each member has an equal vote.
8. No later than the third week in May, the Reconciliation Committee shall convene in public session to facilitate the differences between the budget ordinance proposed by the County Commissioners and the budget ordinance voted by the Assembly of Delegates. The Reconciliation Committee can make adjustments to the budget ordinance as necessary to recommend a compromise.
9. The Reconciliation Committee shall submit its recommendations in writing to the County Commissioners and the Assembly of Delegates no later than noon on Friday of the third week in May. A majority vote of the Committee is required to recommend changes. The recommendation(s) shall show the signatures and vote of each member of the Committee.
10. If there is a positive recommendation for the amendments to the budget ordinance from the Reconciliation Committee, the Assembly of Delegates shall convene at a special meeting the following week to vote on the recommended amendments. No further amendments to the proposed budget ordinance recommended by the Reconciliation Committee are allowed.
11. If approved by the Assembly of Delegates, the amended budget ordinance as recommended by the Reconciliation Committee is forthwith returned to the County Commissioners for signature.
12. If there is no agreement on the budget ordinance by the Reconciliation Committee or it is not approved by the Assembly of Delegates, the budget ordinance as voted in May shall be the budget ordinance under consideration by the County Commissioners.
13. The Clerk shall forthwith notify the County Commissioners that there was no agreement on the budget ordinance by the Reconciliation Committee or that the amendments recommended by the Reconciliation Committee were not approved by the Assembly of Delegates.

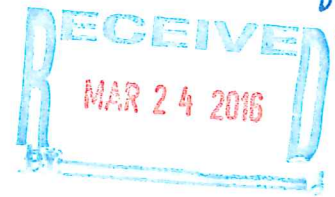
14. The County Commissioners shall forthwith approve the budget ordinance voted by the Assembly of Delegates or veto the budget ordinance. If vetoed, the County Commissioners shall within seven days following the date of the approved copy of the amended ordinance is filed in its office return the measure to the Assembly of Delegates with specific reasons for such disapproval, in writing, attached thereto.
15. If the County Commissioners veto the budget ordinance as amended by the Assembly on or before June 1st, the Assembly of Delegates shall take a vote of the Assembly of Delegates on the veto by the County Commissioners. If the measure is passed by a vote representing two-thirds of the population of Barnstable County, the amended budget ordinance shall be deemed to be in effect.
16. If the Assembly of Delegates fails to override the County Commissioners by a vote representing two-thirds of the population of Barnstable County, the County Commissioners budget, as originally submitted, is deemed to be in effect.

Adopted by the Assembly of Delegates on March 16, 2016



Ronald Bergstrom, Speaker
Assembly of Delegates

Board of County Commissioners failed to act on Ordinance 16-03 within the 10 days as referenced in the County Charter Section 3-8 . Therefore, Ordinance 16-03 enacted on April 13, 2016.



March 18, 2016

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

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.

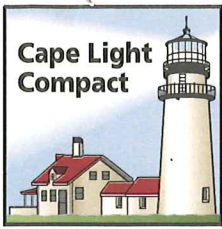
After review of the information provided and the MHC's files, in the MHC's staff opinion, no historic properties will be affected by the project as proposed (36 CFR 800.4(d)(1)). The MHC looks forward to continued consultation to avoid, minimize or mitigate adverse effects to significant historic and 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,

Brona 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



Cape Light Compact

P.O. Box 427, Barnstable, MA 02630

1.800.797.6699 | Fax: 508.362.4136 | capelightcompact.org

wfo



April 4, 2016

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

Dear Ms. Vanderhoef,

Attached for your information and dissemination to your Board of Selectmen/Town Council is the Cape Light Compact's monthly Energy Efficiency Report. The Report reflects the program activity for all of Cape Cod & Martha's Vineyard and breaks out the detail on a town-by-town basis.

Below is a summary of the activity in your town for the December 2015. To view each of your monthly reports, please visit our website at www.capelightcompact.org and click on Reports.

- 98 residents and/or businesses in Eastham participated in the program.
- \$78,800.51 in incentive dollars were distributed to the 98 participants.
- 99,441 kWh were saved through implementation of these energy efficiency measures.
- Through December 2015 your town has spent 250.9% of its town allocated annual budget.

If you have any questions on the attached report, please contact me at (508) 375-6636.

Sincerely,

Margaret T. Downey
Administrator

Enclosure

cc: Fred Fenlon

Working Together Toward A Smarter Energy Future

Aquinnah | Barnstable | Barnstable County | Bourne | Brewster | Chatham | Chilmark | Dennis | Dukes County | Eastham | Edgartown | Falmouth
Harwich | Mashpee | Oak Bluffs | Orleans | Provincetown | Sandwich | Tisbury | Truro | Wellfleet | West Tisbury | Yarmouth

Energy Efficiency Program Activity by Town

01/29/16 7:24

Page 1 of 1

<http://www.capelightcompact.org/TownReports.htm>

Town Name: Eastham
 Program Period: 2015
 Current Dates: 12/01/15 - 12/31/15
 Cumulative Dates: 01/01/15 - 12/31/15

Program	Current Period			Cumulative for Reporting Period				
	Annual kWh Savings	Actual Expenditures	Unique Customer Accounts	Annual kWh Savings	Actual Expenditures	Unique Customer Accounts	Budget	Actual % of Budget
Low-Income New Construction	0	0.00	0	0	0.00	0	0.00	0.0%
Low-Income Single-Family	6,384	7,744.16	3	71,055	110,640.69	32	36,430.94	303.7%
Low-Income Multi-Family	0	0.00	0	0	0.00	0	0.00	0.0%
LI Subtotal	6,384	7,744.16	3	71,055	110,640.69	32	36,430.94	
LI % of Total	6.4%	9.8%	3.1%	6.5%	12.8%	5.9%	12.3%	
Residential New Construction	0	0.00	0	15,629	8,739.11	3	0.00	0.0%
Residential Multi-Family Retrofit	0	0.00	0	10,173	2,788.15	3	0.00	0.0%
Res Home Energy	60,314	66,128.29	64	429,923	548,637.49	295	120,142.67	456.7%
Energy Star HVAC	168	100.00	1	66,207	45,970.00	83	0.00	0.0%
Energy Star Lighting	467	93.16	2	283,856	55,791.00	11	0.00	0.0%
Energy Star Appliance	4,766	839.90	27	28,977	5,809.27	104	0.00	0.0%
Res Subtotal	65,715	67,161.35	94	834,765	667,735.02	499	120,142.67	
Res % of Total	66.1%	85.2%	95.9%	76.9%	77.5%	92.6%	40.6%	
C&I New Construction	0	0.00	0	0	0.00	0	8,481.82	0.0%
C&I Govt New Construction	0	0.00	0	80,219	50,716.25	2	12,057.81	420.6%
C&I Large Retrofit	0	0.00	0	0	0.00	0	14,646.49	0.0%
C&I Govt Large	0	0.00	0	0	0.00	0	23,893.51	0.0%
C&I Small Retrofit	0	0.00	0	16,450	13,790.87	4	32,666.89	42.2%
C&I Govt Small	0	0.00	0	6,221	10,140.50	1	24,177.21	41.9%
C&I Products & Services	27,342	3,895.00	1	76,766	8,535.00	1	23,386.13	36.5%
C&I Subtotal	27,342	3,895.00	1	179,656	83,182.62	8	139,309.86	
C&I % of Total	27.5%	4.9%	1.0%	16.6%	9.7%	1.5%	47.1%	
Report Total	99,441	78,800.51	98	1,085,476	861,558.33	539	295,883.47	
Budget Comparison					742,460.80		295,883.47	250.9%



1000 BISHOPS GATE BLVD., SUITE 300 MT. LAUREL, NJ 08054 (856) 787-0412 (800) 444-4554



April 15, 2016

Mr. Thomas Wingard, Inspector of Buildings
Eastham
2500 State Highway
Eastham, MA 02642-2544

Re: Building Code Effectiveness Grading Schedule
Eastham, Barnstable County, MA

Dear Mr. Wingard:

As a continuing program to keep insurance classifications up to date, Insurance Services Office, Inc. (ISO) periodically evaluates all jurisdictions that have a building code enforcement department, including those that utilize a county or third party agency to enforce their building codes. This evaluation is performed using a program called the Building Code Effectiveness Grading Schedule (BCEGS®).

BCEGS was developed through the combined efforts of the legacy national model building code organizations and the property/casualty insurance industry. The program evaluates a community's building code enforcement. The intent is to encourage code compliant construction thus ultimately reducing damage and lowering insurance costs. The program also includes advisory premium discounts for property insurance written in municipalities with effective codes that are well-enforced.

Please note that the Building Code Effectiveness Grading Schedule is an insurance underwriting and information rating tool. It is not for the purposes of determining compliance with any state or local law or regulation, nor is it for making property/casualty loss prevention or life safety recommendations. However, the information gathered throughout this program is used to return benchmarking information to participating communities, and is used by FEMA for several of their programs.

We request that you facilitate the completion of the enclosed questionnaire and gather appropriate documentation for the response. We would like to meet with you on June 16, 2016 at 8:00 AM.

If this is not a convenient time for you notify us as soon as possible so that we can reschedule a date which is mutually convenient. During that meeting, we will review the questionnaire and responses as well as supporting documentation.

Thank you in advance for your cooperation in this important project. If you should have any questions, please contact me.

Sincerely,

Cy Butts

(386) 898-5776

cbutts@iso.co

cc: Ms. Sheila Vanderhoef, Town Administrator
Eastham
2500 State Highway
Eastham, MA 02642-2544

Info



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508.771.2144
508.349.9052 Fax

IN REPLY REFER TO:
A3615

March 31, 2016

Kent Farrenkopf, Fire Chief
Town of Eastham
2520 State Highway
Eastham, Massachusetts 02642

Dear Chief Farrenkopf,

I am in receipt of the request made by Firefighter Ryan Vanbuskirk of your Department for a permit for the use of a drone, or Unmanned Aircraft System (UAS) for emergency uses within the boundary of Cape Cod National Seashore. The purpose of this letter is to let you know we would like to work with you to grant this request.

In the interim I would like you to know that we currently have the ability to approve UAS use for EMS events on a case-by-case basis with verbal approval from Washington to be followed by a completed permit in writing.

The Director of the National Park Service issued a 2014 directive prohibiting the use of a UAS in national parks with specific administrative exceptions including research projects, which benefit the park mission, and emergencies. Chief Ranger Leslie Reynolds and I recently spoke with our Washington Office staff responsible for ultimate UAS NPS permission and explained the request and the need, citing the tragic William Fleming case which you referenced at our Fire Cache with Fire Management Officer Dave Crary. Our Washington staff agreed with the need and offered to assist us in developing the best instrument for an agreement. This will be the first such agreement in the NPS, but we expect there will be additional requests and they are interested in establishing a template that will set the model for our agency.

The initial reason for the UAS prohibition in national parks was a reaction to numerous examples of people using drones to harass visitors and protected wildlife in parks. (We have the same situation at Coast Guard Beach.) It was also a reaction to unsafe use interfering with aircraft supporting wildland fire suppression and concern about safety/resource risks of the UAS causing danger if the operator loses control.

The existing instrument to allow UAS use is a one-time-event UAS permit coupled with a park based research permit. The existing permit process focuses on: close coordination with the park unit and any issues with nearby airports; competency of the UAS operator; FAA approval of the equipment (stressing noise levels which might affect wildlife and visitor experience); minimize resource impacts – special emphasis on listed/threatened shorebirds in our case; specific geographic area of research; and safety/communication plans, etc. I believe in this case we are looking for a longer blanket approval for EMS events. We received support to add language to our existing Eastham Fire Agreement for this blanket approval. The most recent Fire Agreement was signed in 2010 and needs to be updated, so this would be an appropriate opportunity to insert a new section.

I propose that we ask a member of your Department to work with South District Ranger Ryan Peterson and Fire Management Officer Dave Crary to review the existing UAS permit requirements and develop a brief description of the EMS use to be included as a new section in an updated Fire Agreement. The UAS agreement section would include requirements from the other current NPS process as appropriate including listing our Chief Ranger, or their designee, as the Seashore point of contact/co-manager for any UAS use over Seashore lands (as would be the case for any such event even without UAS use). Once the new section is satisfactory to you and our staff, we would review with our Washington Office colleagues for their input and concurrence. Once all are agreed, we will process the new language through our Regional and Washington official approvals with signatures as you will see listed in one of the attachments.

I am including a flash drive with eight documents related to our national permit process and copies of a completed example of the recent USGS research project, and additional guidance from our Washington Office. This will be the primary material for our team to review to develop the new UAS section for the Fire Agreement. I want to stress that this agreement will be precedent setting in the NPS and our Washington colleagues are glad they have the opportunity to work with us to develop this new approach because they are aware this will be the first of many requests. The NPS would like to get it right the first time because what they approve for the Seashore and Eastham, they would approve for all the parks and communities around the country.

I look forward to working with you and your Department on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "George E. Price, Jr.", with a stylized flourish at the end.

George E. Price, Jr.
Superintendent

cc: S. Vanderhoef, Town Administrator



David E. Pierce
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617) 626-1520

fax (617) 626-1509

ADMINISTRATION

APR 11 2016

April 6, 2016

RECEIVED

Board of Selectmen
Town Hall
Eastham, MA 02642

Board of Selectmen
Town Hall
Orleans, MA 02653

Ladies & Gentlemen:

Due to **Paralytic Shellfish Poison (PSP)** toxin (also known as "Red Tide") in shellfish the Division of Marine Fisheries has closed the entire below-defined Nauset Marsh System.

Therefore, under authority of Massachusetts General Laws, Chapter 130, Section 74A and 75, the status of the below-defined areas have been changed to **"CLOSED TO SHELLFISHING"**, effective sun rise April 7, 2016. Digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish, including carnivorous snails, from the below- defined areas is prohibited.

Under authority of 322 CMR 7.01(7) all permits issued thereunder are hereby conditioned to prohibit the taking, selling or possession of shellfish from the below-defined areas.

AREAS CLOSED TO THE HARVEST OF ALL SHELLFISH

NAUSET SYSTEM OC:2-OC:6

OC:2 NAUSET HARBOR, EASTHAM/ORLEANS

The waters, flats and all tributaries of Nauset Harbor in the Towns of Eastham and Orleans, northerly of a line drawn across the mouth of Mill Pond in the Town of Orleans; southerly of a line drawn across the Middle Channel at the Eastham/Orleans town line; southerly of a line drawn across the southern mouth of the Hemenway River in the Town of Eastham; and easterly of a line drawn across the mouth of Town Cove.

-over-



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

George N. Peterson, Jr.
Commissioner

Mary-Lee King
Deputy Commissioner

info

OC:3 MILL POND, ORLEANS

The waters, flats and all tributaries of Mill Pond in the Town of Orleans, southerly of a line drawn across the mouth of Roberts Cove.

OC:4 TOWN COVE, ORLEANS/EASTHAM

The waters, flats and all tributaries of Town Cove in the Towns of Eastham and Orleans, southwesterly of a line drawn from Snow Point in the Town of Orleans to the western side of the mouth to the Hemenway River at Fort Hill in the Town of Eastham.

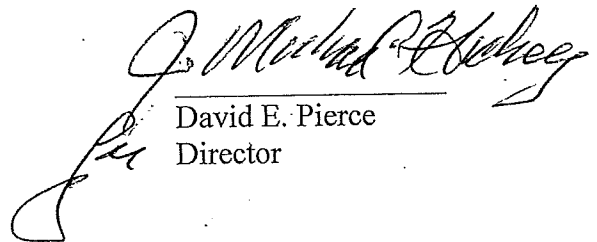
OC:5 NAUSET MARSH, EASTHAM

The waters, flats and all tributaries of Nauset Marsh in the Town of Eastham, northerly of a line drawn across the Middle Channel at the Eastham/Orleans Town Line; westerly of a line drawn across the mouth of Nauset Harbor; northerly of a line drawn across the mouth of the Hemenway River at Fort Hill in the Town of Eastham; and easterly of a line drawn across the entrance of Salt Pond in the Town of Eastham.

OC:6 SALT POND, EASTHAM

The waters, flats and all tributaries of Salt Pond in the Town of Eastham, westerly of a line drawn across the mouth of Salt Pond.

Sincerely,



David E. Pierce
Director

cc: J. McGinn, B. Perrin, P. Moran, DELE
D. McKiernan, M. Hickey, DMF
G. Peterson, Jr., M. King, DFG
J. Hobill, DEP
FDA
DPH
M. O'Connor, Eastham Shellfish Constable
N. Sears, Orleans Shellfish Constable



TOWN OF ORLEANS

19 SCHOOL ROAD

ORLEANS

MASSACHUSETTS 02653-3699

Telephone (508) 240-3700 — Fax (508) 240-3703

<http://www.town.orleans.ma.us>

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

April 13, 2016


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

RE: Memorandum of Agreement re Municipal Water System Interconnect

Dear Colleagues:


We are in receipt of your March 23, 2016 letter from Town Administrator Vanderhoef and the draft MOA for installation of a portion of your new water system through Orleans. We are unable to consider your request at this time without a vote of the Orleans Town Meeting under our Home Rule Charter. The request letter was received after the closing of our May Town Meeting warrant and as a result the only action that we can take is to refer the matter to our Board of Water & Sewer Commissioners for their review and recommendation to us for possible action at a future Town Meeting.

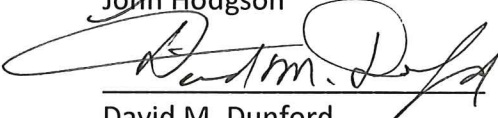
Sincerely,


Alan McClennen Jr., Chairman


Sims McGrath Jr.


Jon R. Fuller


John Hodgson


David M. Dunford
Board of Selectmen

cc: Orleans Board of Water & Sewer Commissioners

