

AGENDA

Wednesday

June 22, 2016

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
WORK SESSION
Wednesday, June 22, 2016
3:00 p.m.**

Location: *Timothy Smith Room*

- I. Nauset Rod and Gun Club**
- II. Need for New Member to the Affordable Housing Trustees**
- III. Review and Assign Board of Selectmen Liaisons**
- IV. PCOT**
- V. 208 Plan**
- VI. Information re TA Selection**
- VII. Minutes:**
 - May 16, 2016 Regular
 - May 18, 2016 Work
 - May 18, 2016 Executive
 - June 6, 2016 Regular
 - June 8, 2016 Work
 - June 8, 2016 Executive

VIII. EXECUTIVE SESSION

To discuss strategy with respect to Schrock v. Town of Eastham when an open meeting may have a detrimental effect on the litigating and negotiating position of the public body and the chair is so declaring.

Upcoming Meetings

<i>Tuesday, July 5, 2016</i>	<i>5:00p.m.</i>	<i>Regular Meeting</i>
<i>Wednesday, July 6, 2016</i>	<i>3:00p.m.</i>	<i>Work Session</i>
<i>Monday, July 18, 2016</i>	<i>5:00p.m.</i>	<i>Regular Meeting</i>
<i>Wednesday, July 20, 2016</i>	<i>3:00p.m.</i>	<i>Work Session</i>

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 audio recorded and written minutes prepared.

May 15, 2016

Sheila Vanderhoef / Town Administrator
Town of Eastham MA 02642

RE: Lease agreement Nauset Rod & Gun Club

Dear Sheila

I am writing with a public document request. I would like a copy of the most recent lease agreement between the Town of Eastham and the Nauset Rod & Gun Club.

I would also like to inquire as to when discussion about a successor lease agreement will begin.

I am concerned as to the daily noise that is generated from the activity of weapons being fired by the Nauset Rod & Gun Club from it's current location off of Oak Leaf Rd., in North Eastham.

The Town property currently being used as a gun range has been an ongoing issue for me; and in my opinion the noise generated has become significantly worse over the past several years. As I understand in talking with people familiar with the range, there are two factors contributing to the noise, more people utilizing the range, and high caliber weapons being utilized.

For myself and many other surrounding neighbors, the daily use of the range is creating a very stressful lifestyle from the constant berating of gun shots being fired throughout my neighborhood and many other neighborhoods in Eastham.

I believe it's time to find a way that the residents of Eastham can get back their right to enjoy this beautiful community without the daily clamor of gun fire, and have the Nauset Rod & Gun Club continue to coexist in this community.

The only way that can happen is through the lease that the gun club has with the Town. The Nauset Rod & Gun Club as it exists is exempt from State or local noise standards by statute.

It is vitally important that The Board of Selectmen develop goals & strategies in the next lease that clearly addresses standards regarding noise, hours of operation, and caliber of weapons used at the range.

I am willing to be part of any sub committee that can help establish these standards so we can all enjoy this community.

David Reed of Old Orchard Rd., Eastham has also been in discussion with Selectmen Burt and Selectmen Knight regarding this same issue.

I look forward to hearing from you on the public document request, and anyway that I can be of assistance to help correct this issue.

Sincerely

Glenn J. Olson 5/15/16

Glenn J Olson

40 Cross Cart Way, Eastham



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

May 20, 2016

Mr. Glenn Olson
40 Cross Cart Way
Eastham, MA 02642

Re: Lease Agreement – Nauset Rod & Gun Club

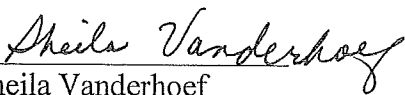
Dear Mr. Olson:

In response to your Public Document request, Eastham does not have a formal agreement with the Nauset Rod & Gun Club. The parcel of land that is used by the Club is outlined under a quick claim deed with Barnstable County.

A copy of that deed is enclosed for your information.

Let me know if you need any further information.

Respectfully,


Sheila Vanderhoef
Town Administrator

cc: Sue Fischer, Town Clerk

SV/lg

KNOW ALL MEN BY THESE PRESENTS

07834

3/014
3/015

That the Nauset Rod And Gun Club, Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts, having an usual principal place of business in Eastham, Barnstable County, Massachusetts, for full consideration, and in full consideration of one dollar, grant to the Inhabitants of the Town of Eastham, a municipal corporation of the Town of Eastham, with quitclaim covenants, the land in Eastham, Barnstable County, Massachusetts with all the buildings and improvements thereon, bounded and described as follows:

Parcel 1: Northerly by land now or formerly of Ada B. Richardson et al., seven hundred thirty (730) feet, more or less, as shown on the plan hereinafter mentioned; thence

Easterly by land now or formerly of Elnathan E. Eldredge, seventy-two and 80/100 (72.80) feet, as shown on said plan; thence

Southerly by land now or formerly of Nathan A. Nickerson, Sr., six hundred eighty (680) feet, more or less, as shown on said plan; and thence

Southwesterly by the center line of a road, eighty-eight (88) feet, more or less, as shown on said plan.

Containing 1.18 acres, more or less, and being shown and more particularly described on the plan recorded in Barnstable County Registry of Deeds, entitled: "Plan of Land in Eastham, Mass., made for the Nauset Rod & Gun Club, Inc., Scale 1" = 50' October 1969, Nickerson & Berger, Inc., Engineers, Eastham and Chatham, Mass."

For title to this parcel of land see deed recorded with Barnstable County Registry of Deeds, Book 1497, Page 933.

Parcel 2: On the North by land of the Town of Eastham and the Cape Cod National Seashore;

On the East, South and West by land of said Cape Cod National Seashore.

Together with all appurtenant rights and ways.

Being Lot 70, Block 28, as shown on the Town of Eastham Assessors Map.

For title to said parcel see deed recorded with Barnstable County Registry of Deeds, Book 1523, Page 188.

EAST

DEC 18 22 AM 1971

Subject however to the reservation that the said parcel of land may continue to be used by the Nauset Rod And Gun Club, Inc., for all the purposes authorized under the "purpose clause" of the said corporation, as set forth in its Articles of Incorporation filed with the Office of the Secretary of State of the Commonwealth of Massachusetts. In addition to such continued use of the said property, which shall be during the period that the corporation is active, the corporation shall have the right and privilege to use, maintain and improve the said property, and construct buildings and additions to the property, all of which shall be used only for the corporate purposes.

~~The corporation shall pay to the Town of Eastham, annually, a use charge on the said property and any improvements thereon; such charge to be determined annually by the Board of Assessors of the Town of Eastham, based on the fair value of the property, using the usual tax assessment formula employed in determining value of other properties in the said Town of Eastham, and the tax rates set in the Town in each year. Failure to pay such charge after the same becomes one year in arrears shall be deemed a forfeiture of the rights reserved in this deed, and the filing of a statement of such forfeiture by the Board of Selectmen of the Town of Eastham in the Barnstable Registry of Deeds shall terminate any and all rights and reservations of the Nauset Rod And Gun Club, Inc., in the property including any buildings or improvements which are or have been placed on the said property.~~

In witness whereof the Nauset Rod And Gun Club, Inc., has caused these presents to be signed, sealed, acknowledged and delivered in its name and behalf and its corporate seal to be hereto affixed by Collis D. Peters, President hereunto duly authorized this first day of December, 1971

Nauset Rod And Gun Club, Inc.,

By: Collis D. Peters
Collis D. Peters, President

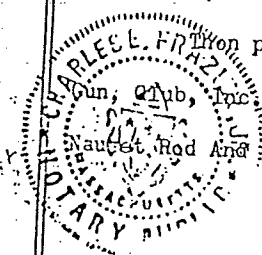
* NO SEAL

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss .

DECEMBER 1, 1971

I, the undersigned, Notary Public, do hereby certify that I personally appeared Collis D. Peters, President of Nauset Rod And Gun Club, Inc., and acknowledged the foregoing to be the free act and deed of Nauset Rod And Gun Club, Inc., before me



Charles E. Frazee
Notary Public

My Commission Expires: October 23, 1974.

REC'D MAR 27, 1972 AND RECORDED

*Dave Read
Old Orchard Road
North Eastham, MA 02651
Home: (508) 255-3064
Cell: (508) 237-0219*

ADMINISTRATION

JUN 13 2016

RECEIVED

June 15, 2016

Hi Sheila,

Enclosed herewith please find copies of a newspaper article that was featured in the Boston Globe Metro Section on April 2, 2016. Please add one copy to each of the Selectman's information packet for their consideration prior to the June 22, 2016 Selectman's meeting. They will be reviewing the 1972 "Users Agreement", a.k.a. the "Purpose Clause" made between the Nauset Rod and Gun Club and the Town of Eastham.

The recent increase in activity by the Club members, and their use of larger and more powerful firearms, has raised serious concerns about gun noise in the densely populated neighborhoods surrounding the Gun Club Shooting Range.

This alarming increase in noise can be heard at fairly long distances and serves to prevent local residents from enjoying the peacefulness of their property, whether that be gardening, leaf raking, chatting with neighbors or simply trying to read the Sunday paper outside in the sunshine.

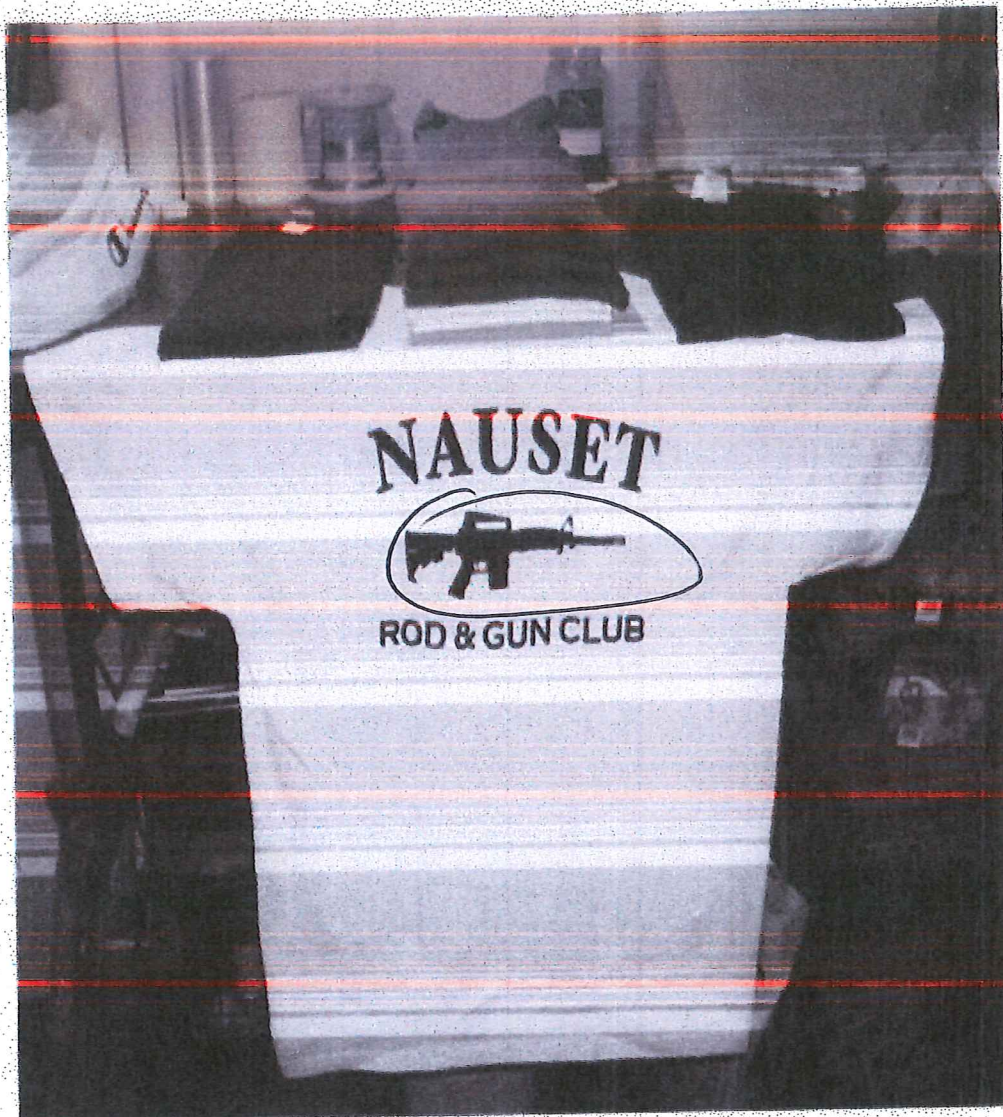
It is my sincere hope that a mutual agreement can be reached by both sides so that we can finally put this matter to rest.

Thank you for your attention to this matter.

Sincerely,



Dave Read





A stillness on Five Corners Rd. with gun accord

In Vermont, a rifle range and its neighbors find a rare middle way

By Sarah Schweitzer

GLOBE STAFF

THETFORD, Vt. — The valley was booming.

Gunfire from the Upper Valley Fish and Game Club, neighbors said, drowned out peepers in spring and thrushes in summer, hollowing the peace in this corner of rural Vermont. The noise was different from 20 years ago — a barrage of high-powered, rapid-fire guns that, as one neighbor upset by the noise put it, created a “Fallujah” soundtrack on Five Corners Road.

All over town, people picked sides in a dispute that started two years ago and devolved quickly into the vitriolic rhetoric that defines just about any disagreement about guns in the country these days. Club members said neigh-

GUNS, Page A8

Gun range, neighbors coexist

►GUNS

Continued from Page A1

bors were angling to shut down the club. Neighbors said they only wanted a few restrictions.

The dispute might have gone the way of Washington's battles over gun regulation — with frustration giving way to bitterness and deadlock.

But somehow, some way, the town's Selectboard — including a contractor, a school bus driver, a teacher, a plumber, and a pizza shop owner — in late February forged an unexpected compromise between the two camps.

“You can't make everyone happy,” said Stuart Rogers, the Selectboard chairman. “God, you find that out fast in this job. But that's governance. That's what you're supposed to do.”

And so, if all goes as planned, for the first time in 40 years, the guns will fall quiet in the forested patch of poplars and pines on some Saturdays and some Sundays, and in the early morning hours and after twilight. Fully automatic and large-caliber guns won't be allowed.

David Goodrich, the club president, said a few details remain to be ironed out before the club signs off on the contract that the Selectboard has already signed; the town leases the land to the club and the new rules are built into that agreement. But Goodrich said he expects a good resolution.

“Each side had pretty strong positions that were pretty polar opposite,” he said. With the contract, “we are somewhere in the middle, though we might not be perfectly centered.”

“Both the club and the board want and intend for it to work out,” he said.

The compromise is remarkable coming here in Vermont, a state that is politically liberal in many ways but has some of the least restrictive gun regulations in the country. It's one of eight states that allow people to carry concealed guns without a permit.

Vermont Senator Bernie Sanders, a self-described Democratic socialist, opposed

the Brady bill, voted to allow guns on Amtrak, and supported giving broad federal immunity to gun manufacturers. (As a presidential candidate, he has said he supports repealing the law.)

The belief in largely unfettered access to guns has been deeply ingrained in Vermont since before the state was known by that name, dating at least to Ethan Allen and the Green Mountain Boys' armed pushback in the 1770s against encroaching New Yorkers, followed later with a clause in the state constitution that provides “the people have a right to bear arms for the defence of themselves and the State.”

With traditionally low homicide rates, and with hunting still a way of putting food on the table for some families, there is wide acceptance of the gun culture here.

That heritage loomed over the debate about the gun range, situated on land carved from the town forest that the Upper Valley Fish and Game Club historically has leased for \$1 a year. And the idea of limits of any kind on the range struck some as ludicrous.

“It's gotten to a point where there is a continued affront on traditional Vermont values and lifestyle,” said Bill Huff, a retired airline pilot and financial planner who opposed limits on the range.

Huff, a member of the club, said he moved to Vermont so he could “enjoy fishing and hunting and four-wheeling and ice fishing and all that goes with being an outdoors person.”

The new restrictions, he said, threaten “our rights and lifestyle” — something, he said, that Vermonters have “enjoyed for centuries.”

Ted Levin, a biologist and nature writer who owns a hillside house overlooking the range, said the state's traditional values were never under threat from people like him who supported restrictions on shooting.

“I don't hunt; I don't own guns. But I don't post my property,” Levin said, meaning he allows hunters on his property. “I'm totally in support of

hunting.” He said his concerns about the gun range were limited to the increased noise: “You have property and you want to enjoy it.”

The field and woods rented by the fish and game club are former farmland that the town took ownership of in 1941. There are four shooting targets and a rustic cabin that members gather in during warm months.

The club signed its first 20-year lease with the town in 1978, and then another. The lease was up for renewal last year, which was when neighbors came forward asking the Selectboard to clamp down.

The road to compromise was not easy or elegant.

Meetings went late into the night. Two neighbors nearly came to blows. Martha Dean, a lawyer who practices in Avon, Conn., and a former Republican candidate for governor there, waded into the debate on the side of the gun club.

Rogers said Dean described herself as associated with the National Rifle Association (the NRA said it was not involved in the case), and told townspeople that the neighbors were seeking to oust the club and make a grab for the land, according to residents who attended the meeting.

“Her attitude was so over the top,” said Laurie French, whose family has lived on Five Corners Road for five generations. “I just thought: ‘Wow. This is just off the wall.’”

Dean, who grew up in Vermont, referred questions to Goodrich, but said, “I never said I worked for or was associated with the NRA.”

French, who works as a gardener, grew up with the families who started the club. Her son supports the club. And she doesn't like change, which has come in recent years to Thetford with the arrival of more professionals working at Dartmouth College and Dartmouth-Hitchcock Medical Center.

But Dean's entry into the fray, she said, helped push her to the side of neighbors eager for change.

“I don't feel that a Sunday

off without shooting is a huge compromise,” French said.

In the heat of things, neighbors consulted a lawyer as well.

Rogers is a hunter. He understands the need for a range. Without it, he said, guns are more likely to be used in backyards. He also appreciates what the club does for the town — hosting an annual fishing derby and providing hunter safety courses.

But he said he was elected to do a job.

“I went into it with an open enough viewpoint to listen to everyone,” he said.

A show of true neutrality was important, he said. He edited documents to read “firearms” rather than “weapons” — the feeling being that weapons felt more like they were deliberately being used for harm to individuals, and firearms is more of the sporting term,” said Rogers, a gray-bearded contractor who wears a ruby stud earring and is also the animal control officer in town.

He did his homework because facts matter, he said. He studied gun range acoustics. Some sounds, he learned, can't be minimized.

In the end, Rogers and his fellow board members voted unanimously on the new regulations for the range.

The deal disappointed some neighbors who'd hoped the board would go further, and also those who see no need for limits on the range. But the board did find a middle way on an issue where there often is none.

Goodrich, a retired firefighter who grew up in neighboring Norwich, said a few last details — which he declined to explain — remain to be worked out. And he expects that will require more of the sort of negotiation that's gotten the two sides this far.

“There is a lot of give and take, and sometimes you give back something you've gotten,” he said.

Sarah Schweitzer can be reached at sarah.schweitzer@globe.com. Follow her on Twitter @SarahSchweitzer.

BOSTON GLOBE METRO SECTION

APRIL 2 2016

FY16 BOS Liaisons

- Wallace Adams
 - Board of Health
 - Planning Board
 - Zoning Board of Appeals
 - Animal Advisory
 - Water Management Committee
 - Cape Cod Technical High School
- Linda Burt
 - Cultural Council
 - Recycling
 - Historical Commission
 - 1651 Forest Advisory Committee
 - Cemetery
- Elizabeth Gawron
 - Council on Aging
 - Library Trustees
 - Community Preservation Committee
 - Nauset Regional School Committee
 - Elementary School
- John Knight
 - Affordable Housing Trust
 - Human Services Advisory
 - Recreation/Bikeways
 - Visitor Tourism
 - Old Town Centre
- William O'Shea
 - Search Committee
 - Finance Committee
 - Board of Assessors
 - Open Space Committee
 - Conservation Commission
- Martin McDonald (Selectman Emeritus)
 - Tri Town
 - 208
- Capital Project Committees
 - Water – John Knight
 - Library – Elizabeth Gawron



Plymouth County OPEB Trust Program

Investment Committee Election Ballot

The Investment Committee of the Plymouth County OPEB Trust program (PCOT) is a five (5) member committee with four elected members each serving three year terms. The Investment Committee of PCOT works directly with the Senior Portfolio Manager from U.S. Bank to select and monitor investment pool.

Governing Board Member

elected by fellow Governing Board members

(term July 1, 2016 – June 30, 2019)

☐ Clarke, Ron (Town of Carver) *incumbent*

☐ St Germain, Andrea (Dennis Yarmouth Regional School District)

Name of Member Agency:

Selectmen/Committee Member on behalf of Member Agency:

Date:

For the purposes of voting boards, Selectmen/Committees and union members will vote as a unit.

6/22/2016

Plymouth County OPEB Trust Program

To: Plan Administrators, PCOT members

From: Plymouth County OPEB Trust Program

Date: June 7, 2016

Re: PCOT Investment Committee elections – Selectmen or Council Member

The investment committee of the Plymouth County OPEB Trust program (PCOT) is a five (5) member committee, with four elected members each serving three year terms. The initial terms, however will be for less than three years as outlined in the PCOT Administrator's Handbook. On June 30th the term of the Selectmen or Council member will expire. We are requesting that you provide us with the name of any member of your governing board who may wish to be elected to the Committee for this position. The term will be from July 1st, 2016 through June 30th, 2019.

Please note that while each member unit may nominate for more than one elected position, only one individual of a member unit may serve in an elected position at the same time. For the purposes of voting boards, committees, and union members will vote as a unit.

The timeline for the nomination process is as follows:

- June 13, 2016: Submit attached form nominating individuals to serve on Investment Committee
- June 15, 2016 : Ballots will be distributed to PCOT member agencies
- June 22, 2016: Deadline for ballots to be returned to PCOT
- June 23, 2016: Elected member of Investment Committee announced

We asked that you fill out the attached form indicating the names of the interested parties and the position he/she will represent and return it to kcannie@pars.org by June 15th.

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Plymouth County OPEB Trust Program

Investment Committee Election

Selectmen or Council member

Name of Member Agency:

As a member of the Plymouth County OPEB Trust Program (PCOT), we nominate the following individuals to serve on the PCOT Investment Committee:

- Selectmen or Council member

Respectfully submitted,

Date:

Please note that while each member unit may nominate for more than one elected position, only one individual of a member unit may serve in an elected position at the same time. For the purposes of voting boards, committees, and union members will vote as a unit.

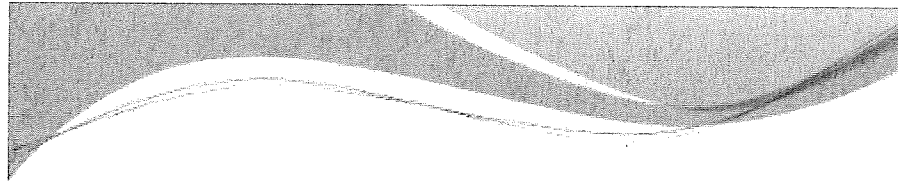
From: PARS [opeb=pars.org@mail199.suw12.mcsv.net] on behalf of PARS [opeb@pars.org]
Sent: Wednesday, June 08, 2016 9:29 AM
To: Joan Plante
Subject: PCOT - A Successful First Year

The Plymouth County OPEB Trust Program (PCOT)

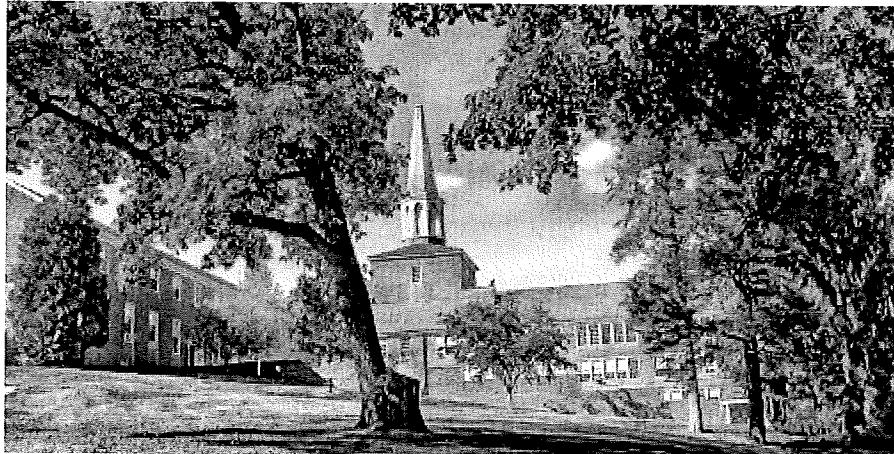
PUBLIC
AGENCY
RETIREMENT
SERVICES

PARS

TRUSTED SOLUTIONS. LASTING RESULTS.



PCOT - One Year Later



In just 12 months of business, the highly successful Plymouth County OPEB Trust Program (PCOT) has already welcomed 18 member agencies, and millions of dollars in assets under management. With a membership that comprises towns, cities, school districts, special districts and colleges, PCOT brings a unique, flexible, and full-service OPEB prefunding solution to meet the needs of each local government agency in Bristol, Barnstable, Plymouth and Norfolk counties.

Now one of the fastest growing OPEB Trust Programs on the East Coast, PCOT combines trust administration, trustee and investment management services in one low-cost approach with the following key features:

- *Section 115, IRS-approved trust structure* with a Private Letter Ruling that protects all member agencies
- Program *compliance with GASB 45 and 75, M.G.L. Section 32B 20*, IRS rules, and state and federal laws

- *Actively managed investment pool* that has oversight by PCOT investment committee
- *No upfront/start up costs* or required contribution amounts
- Legal, administrative and investment *economies of scale* that lower costs and reduce burdens on member entities' staff
- Security and protection from *highly experienced* trustee administrator, PARS, and trustee/investment manager, U.S. Bank

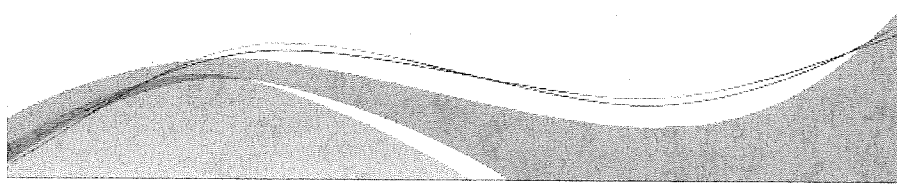
PCOT Administrator and Plymouth County Treasurer, Thomas O'Brien, who worked to develop the program with PARS and U.S. Bank, is thrilled with the success of PCOT so far.

"I couldn't be happier that in such a short period of time, we have been able to assist so many agencies with their OPEB funding needs. Our goal is to continue to help Massachusetts agencies lower their OPEB liabilities over the long-term, and believe this program will continue to grow rapidly in the upcoming months and years."

If you would like more information on how your agency can join PCOT, please contact:

PARS Senior Consultant Kate Cannie
 (617) 549-6555
kcannie@pars.org

Plymouth County Treasurer Thomas O'Brien
 (508) 830-9130
tobrien@plymouthcounty-ma.org



[unsubscribe from this list](#)

Our mailing address is:

PARS
 101 Arch Street
 Suite 1950
 Boston, MA 02110

[Add us to your address book](#)



Town of Eastham, Massachusetts

Watersheds: Lower Cape

Boat Meadow River Watershed Report

- Eastham Focus

DRAFT

June 2016

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References

Scope and Limitations

This report has been prepared by GHD for the Town of Eastham and may only be used and relied on by the Town of Eastham for the purpose agreed between GHD and the Town of Eastham as set out in this report.

GHD otherwise disclaims responsibility to any person other than the Town of Eastham arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions, and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions, and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by the Town of Eastham, Cape Cod Commission (including the Nitrogen Management Approaches discussed in Section 4 which are developed based on the Cape Cod Commission's 208 Planning Tools) and Massachusetts Estuaries Project and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The scope of this project was to develop a Watershed Report for the Town of Eastham to use in submission to the Cape Cod Commission to meet the requirement of a Watershed Report submittal as the Waste Management Agency (WMA) designated to the Town of Eastham as part of the Cape Cod Area Wide Quality Management Plan Update (208 Plan Update). No other application is implied.

1. The Problem

Description of the problem:

For the purpose of the §208 Plan Update, areas of wastewater need are primarily defined by the amount of nitrogen reduction required as defined by the Total Maximum Daily Load (TDML) and/or Massachusetts Estuaries Project (MEP) technical report. An MEP report has not been developed for the Boat Meadow River watershed and other Cape watersheds where nitrogen is not believed to be a critical issue due to tidal flushing, low intensity development, or geomorphology.

- MEP Technical Report Status: Not Being Studied⁽²⁾
- TMDL Status: Not Being Studied⁽²⁾
- Total Wastewater Flow: 18.5 MGY (million gal per year)⁽¹⁾; 19 MGY⁽²⁾
- Unattenuated Total Nitrogen Load (MEP): 1,907 kg/Y (kilograms per year)⁽²⁾
- Attenuated Total Nitrogen Load (MEP): Not Assessed⁽²⁾
- Discussion: The Boat Meadow River watershed has an ample opportunity for natural attenuation, most of which is achieved through the marsh in the upper reaches of the watershed⁽²⁾
- Sources of Controllable Nitrogen (MEP):⁽³⁾
 - Unknown % Septic Systems⁽³⁾
 - Unknown % Lawn Fertilizer⁽³⁾
 - Unknown % Stormwater from Impervious Surfaces⁽³⁾
 - Unknown % Wastewater Treatment Facilities⁽³⁾

1.1 Contributing Towns

- Eastham
- Orleans

1.2 The MEP Restoration Scenario

- Watershed Total Nitrogen Reduction Target: N/A %⁽³⁾
- Watershed Septic Reduction Target: N/A %⁽³⁾

(The scenario represents the aggregated sub-embayment percent removal targets from the MEP technical report.)

1.3 Estuary

- Embayment Area: 17 acres⁽²⁾
- Embayment Volume: Unknown⁽²⁾
- 2012 Integrated List Status: Category 5 for fecal coliform and estuarine bioassessments⁽²⁾
 - Category 5: requires a TDML⁽²⁾
 - www.mass.gov/eea/docs/dep/water/resources/07v5/12list2.pdf

1.4 Watershed

- Acres: 623⁽²⁾
- Parcels: 390⁽²⁾ ; 437%⁽⁴⁾
- % Developed Residential Parcels: 81%⁽²⁾ ; 83%⁽⁴⁾
- Parcel Density: 1.6 acres per parcel (approx.)⁽²⁾ ; 1.4 acres per parcel (approx.)⁽²⁾
- Wastewater Treatment Facilities: 0⁽²⁾

2. Freshwater Sources

2.1 Ponds

- Identified Surface Waters: 1⁽²⁾
- Number of Named Freshwater Ponds: 0⁽²⁾
- Ponds with Preliminary Trophic Characterization: 0 (Listed in Appendix 4C, Ponds With Water Quality Data)⁽²⁾
- 2012 Integrated List Status: None Listed⁽²⁾

2.2 Streams

- Significant Freshwater Stream Outlets: Fresh water streams in the Boat Meadow River watershed are small marsh drainage segments without any quantitative information on flow⁽²⁾.

2.3 Drinking Water Sources

- Water Districts: 0⁽²⁾ ; 1⁽⁵⁾ Eastham Public Water Supply
- Gravel Packed Wells: 0⁽²⁾
- Small Volume Wells: 3⁽²⁾
- Discussion: There are three (3) non-community small volume wells in the watershed belonging to the Whale Walk Inn and Youth Hostel. There is no available water quality data.⁽²⁾

3. Degree of Impairment and Areas of Need

Discussion on nitrogen reduction targets:

Since there is no evidence of water quality impairment at this time, wastewater needs are determined based upon other factors, such as Title 5 compliance⁽²⁾.

The 2012 Integrated list of Impaired Waters lists Boat Meadow River as being a Category 5 impaired water body for fecal coliform and estuarine bio-assessments⁽²⁾.

3.1 Ecological Characteristics and Water Quality

- **Overall Ecological Condition:** unknown⁽³⁾
- **Waterbody Quality Status** - unknown⁽³⁾
- **Sentinel Station:** ⁽³⁾
 - Total Nitrogen Concentration Threshold: N/A mg/L⁽³⁾
 - Total Nitrogen Concentration Existing: N/A mg/L (as reported at the MEP sentinel water-quality monitoring station)⁽³⁾

4. Nitrogen Management Approaches

Description of scenario planning approaches.

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TDML and/or MEP technical report. As this watershed is not being studied, a MEP report will not be completed and no TDML for nitrogen will be established for Herring River⁽²⁾. The Town of Eastham has not developed a nitrogen management approach for this watershed since there is no evidence of water quality impairment at this time.

However, the Town of Eastham has the following regulations in place to manage nitrogen in Town:

- **Fertilizer Bylaw:** the Town of Eastham voted to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014 (see Reference 2). This regulation incorporates current Best Management Practices, which are deemed essential in this effort to protect the public health and aid in achieving compliance with the Total Daily Maximum Loads (TMDL) for the Towns water resources prescribed by the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality.
- **Board of Health Regulations:** requirements for Nitrogen Reducing Septic Systems in Environmentally Sensitive Areas (see Reference 3). The use of nitrogen-reducing septic systems is required as a condition of any of the following variances in any lot determined to be an environmentally sensitive area:
 - Less than 100 feet separation distance exists between a drinking water supply well and a soil absorption system
 - Soil absorption system is located less than 100 feet from a salt marsh or any marine surface water, or fresh surface water body
 - When the lot is defined as an environmentally sensitive area any setback reduction is requested
 - Distance to adjusted high groundwater is less than 5 feet
- **Massachusetts Estuaries Project at Nauset Estuary:** The Towns of Eastham and Orleans are working together to expand water quality monitoring for Nauset Estuary. Over the next three years, Eastham and Orleans will collect water samples from 15 stations in order to provide current water quality data. The data will be used to recalibrate or update the Massachusetts Estuary Program Model. (For more information on MEP, please see link below.)

- Public Education Newsletter: updates to the Town's wastewater management planning efforts are posted on the Town's website and available at Town Hall (see Reference 4). Another newsletter that is planned to update the public will discuss the hybrid evaluations and watershed reports.

4.1 Traditional Approach

Description of approach taken in scenario development. – N/A⁽³⁾

4.2 Non-Traditional Approach

Description of approach taken in scenario development. – N/A⁽³⁾

4.3 Hybrid Approach

Description of approach taken in scenario development. – N/A⁽³⁾

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Endnotes

- (1) Total estimated wastewater flow from the Cape Cod Commission's Watershed MVP tool multiplied by Eastham's estimated responsibility from Appendix 8C: Subembayment Watersheds from the §208 Plan Update.
- (2) Refers to the entire Boat Meadow River from the Cape Cod Commission Appendix 5B: Watershed Summary from the §208 Plan Update (see Reference 1).
- (3) Unknown or "N/A" due to MEP Technical Report Status "Not Being Studied."
- (4) Based on GIS analysis completed by the Town; inclusive of the Town of Eastham only.
- (5) Based on updated information as a result of the Town of Eastham Municipal Water Project.

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References

1. Cape Cod Commission, Cape Cod Area Wide Water Quality Management Plan Update, Appendix 5B, Watershed Summary for Boat Meadow River, June 2015.
2. Town of Eastham, Massachusetts Fertilizer Bylaw, Approved 11/2014, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/FertilizerRegulation/
3. Town Eastham Board of Health Regulations, Section I.E. Environmentally Sensitive Area, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/healthinfo/BOHRegulations2014.pdf
4. Public Outreach Newsletter – "Wastewater Management Planning Project – Newsletter" Spring 2016

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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Draft A	JPJ	J. Jefferson Gregg				

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Town of Eastham, Massachusetts

Watersheds: Lower Cape

Herring River (Eastham) Watershed Report

- Eastham Focus

DRAFT

June 2016

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References

Scope and Limitations

This report has been prepared by GHD for the Town of Eastham and may only be used and relied on by the Town of Eastham for the purpose agreed between GHD and the Town of Eastham as set out in this report.

GHD otherwise disclaims responsibility to any person other than the Town of Eastham arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions, and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions, and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by the, Cape Cod Commission (including the Nitrogen Management Approaches discussed in Section 4 which are developed based on the Cape Cod Commission's 208 Planning Tools) and Massachusetts Estuaries Project and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The scope of this project was to develop a Watershed Report for the Town of Eastham to use in submission to the Cape Cod Commission to meet the requirement of a Watershed Report submittal as the Waste Management Agency (WMA) designated to the Town of Eastham as part of the Cape Cod Area Wide Quality Management Plan Update (208 Plan Update). No other application is implied.

1. The Problem

Description of the problem:

For the purposes of the §208 Plan Update, areas of wastewater need are primarily defined by the amount of nitrogen reduction required as defined by the Total Maximum Daily Load (TDML) and/ or Massachusetts Estuaries Project (MEP) technical report. An MEP report has not been developed for the Herring River Eastham watershed and other Cape watersheds where nitrogen is not believed to be a critical issue due to tidal flushing, low intensity development, or geomorphology.

- MEP Technical Report Status: Not Being Studied⁽¹⁾
- TMDL Status: Not Being Studied⁽¹⁾
- Total Wastewater Flow: 21 MGY⁽¹⁾
- Unattenuated Septic Nitrogen Load: 2,079 kg/Y (kilograms per year)⁽¹⁾
- Attenuated Total Nitrogen Load (MEP): Not Assessed⁽¹⁾
- Discussion: The Herring River watershed has significant opportunities for natural attenuation through the upper reaches of the marsh drainage⁽¹⁾.
- Sources of Controllable Nitrogen (MEP):⁽²⁾
 - Unknown % Septic Systems⁽²⁾
 - Unknown % Lawn Fertilizer⁽²⁾
 - Unknown % Stormwater from Impervious Surfaces⁽²⁾
 - Unknown % Wastewater Treatment Facilities⁽²⁾

1.1 Contributing Towns

- Eastham

1.2 The MEP Restoration Scenario

- Watershed Total Nitrogen Reduction Target: N/A %⁽²⁾
- Watershed Septic Reduction Target: N/A %⁽²⁾

(The scenario represents the aggregated sub-embayment percent removal targets from the MEP technical report.)

1.3 Estuary

- Embayment Area: 11 acres⁽¹⁾
- Embayment Volume: Unknown⁽¹⁾
- 2012 Integrated List Status: Not Listed⁽¹⁾
 - www.mass.gov/eea/docs/dep/water/resources/07v5/12list2.pdf

1.4 Watershed

- Acres: 655⁽¹⁾
- Parcels: 406⁽¹⁾ ; 458⁽³⁾
- % Developed Residential Parcels: 86%⁽¹⁾
- Parcel Density: 1.6 acres per parcel (approx.)⁽¹⁾; 1.43 acres per parcel (approx.)⁽³⁾
- Wastewater Treatment Facilities: 0⁽¹⁾

2. Freshwater Sources

2.1 Ponds

- Identified Surface Waters: 2⁽¹⁾
- Number of Named Freshwater Ponds: 2⁽¹⁾
 - Flax Pond
 - Herring Pond
- Ponds with Preliminary Trophic Characterization: 2 (Listed in Appendix 4C, Ponds With Water Quality Data)⁽¹⁾
- 2012 Integrated List Status: 1⁽¹⁾
 - Herring Pond; Category 3: No uses assessed
- Discussion: Herring Pond received an alum treatment in 2012. The Town of Eastham has been a participant in the Pond and Lake Stewardship (PALS) program that has helped establish baseline pond water quality. The Town has an active Water Quality Advisory Board that has pursued additional fresh water pond data. A Town of Eastham ponds report was completed and provides detailed information and recommendations for a number of Eastham ponds⁽¹⁾.

2.2 Streams

- Significant Freshwater Stream Outlets: None⁽¹⁾
- Discussion: Fresh water streams in the Herring River watershed are small marsh drainage segments without any quantitative information on flow.

2.3 Drinking Water Sources

- Water Districts: 0⁽¹⁾ ; 2⁽⁴⁾ – Eastham Public Water Supply
- Gravel Packed Wells: 0⁽¹⁾
- Small Volume Wells: 0⁽¹⁾
- Discussion: All residents are served by private wells.

3. Degree of Impairment and Areas of Need

Discussion on nitrogen reduction targets:

Since there is no evidence of water quality impairment at this time, wastewater needs are determined based upon other factors, such as Title 5 compliance⁽¹⁾.

3.1 Ecological Characteristics and Water Quality

- Overall Ecological Condition: unknown⁽²⁾
- Waterbody Quality Status - unknown⁽²⁾
- Sentinel Station: ⁽²⁾
 - Total Nitrogen Concentration Threshold: N/A mg/L⁽²⁾
 - Total Nitrogen Concentration Existing: N/A mg/L (as reported at the MEP sentinel water-quality monitoring station)⁽²⁾

4. Nitrogen Management Approaches

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TDML and/or MEP technical report. As this watershed is not being studied, a MEP report will not be completed and no TDML for nitrogen will be established for Herring River. The Town of Eastham has not developed a nitrogen management approach for this watershed since there is no evidence of water quality impairment at this time.

However, the Town of Eastham has the following regulations in place to manage nitrogen in Town:

- Fertilizer Bylaw: the Town of Eastham voted to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014 (see Reference 2). This regulation incorporates current Best Management Practices, which are deemed essential in this effort to protect the public health and aid in achieving compliance with the Total Daily Maximum Loads (TMDL) for the Towns water resources prescribed by the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality.
- Board of Health Regulations: requirements for Nitrogen Reducing Septic Systems in Environmentally Sensitive Areas (see Reference 3). The use of nitrogen-reducing septic systems is required as a condition of any of the following variances in any lot determined to be an environmentally sensitive area:
 - Less than 100 feet separation distance exists between a drinking water supply well and a soil absorption system
 - Soil absorption system is located less than 100 feet from a salt marsh or any marine surface water, or fresh surface water body
 - When the lot is defined an environmentally sensitive area any setback reduction is requested
 - Distance to adjusted high groundwater is less than 5 feet

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- Massachusetts Estuaries Project at Nauset Estuary: The Towns of Eastham and Orleans are working together to expand water quality monitoring for Nauset Estuary. Over the next three years, Eastham and Orleans will collect water samples from 15 stations in order to provide current water quality data. The data will be used to recalibrate or update the Massachusetts Estuary Program Model.
- Public Education Newsletter: updates to the Town's wastewater management planning efforts are posted on the Town's website and available at Town Hall (see Reference 4). Another newsletter that is planned to update the public will discuss the hybrid evaluations and watershed reports.

4.1 Traditional Approach

Description of approach taken in scenario development. – N/A⁽²⁾

4.2 Non-Traditional Approach

Description of approach taken in scenario development. – N/A⁽²⁾

4.3 Hybrid Approach

Description of approach taken in scenario development. – N/A⁽²⁾

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Endnotes

- (1) Refers to the Herring River (Eastham) Watershed from the Cape Cod Commission Appendix 5B: Watershed Summary from the 208 Plan Update (see Reference 1).
- (2) Unknown or "N/A" due to MEP Technical Report Status "Not Being Studied."
- (3) Based on GIS analysis completed by the Town; inclusive of the Town of Eastham only.
- (4) Based on updated information as a result of the Town of Eastham Municipal Water Project.

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References

1. Cape Cod Commission, Cape Cod Area Wide Water Quality Management Plan Update, Appendix 5B, Watershed Summary for Herring River, June 2015.
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4. Public Outreach Newsletter – "Wastewater Management Planning Project – Newsletter" Spring 2016

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		Name	Signature	Name	Signature	Date
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Town of Eastham, Massachusetts

Watersheds: Lower Cape Rock Harbor Watershed Report - Eastham Focus

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June 2016

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WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

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Table 1 Potential Watershed Scenarios **Error! Bookmark not defined.**

References

Scope and Limitations

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The scope of this project was to develop a Watershed Report for the Town of Eastham to use in submission to the Cape Cod Commission to meet the requirement of a Watershed Report submittal as the Waste Management Agency (WMA) designated to the Town of Eastham as part of the Cape Cod Area Wide Quality Management Plan Update (208 Plan Update). No other application is implied.

1. The Problem

Description of the problem:

The draft Massachusetts Estuaries Project (MEP) technical report (available at www.oceanscience.net/estuaries/) indicates that Rock Harbor exceeds its critical threshold for nitrogen, resulting in impaired water quality. A Total Maximum Daily Load (TDML) for nitrogen has not yet been established for Rock Harbor. ⁽²⁾

- MEP Technical Report Status: Completed, Final Report dated December 2008
- TMDL Status: No TMDL for nitrogen issued; In Progress⁽²⁾
- Total Wastewater Flow: 5.9 MGY (million gal per year)⁽¹⁾; 28 MGY⁽²⁾
- Treated Wastewater Flow: 0 MGY⁽¹⁾; 2 MGY⁽²⁾
- Septic Flow: 5.9 MGY⁽¹⁾; 26 MGY⁽²⁾
- Unattenuated Total Nitrogen Load (MEP): 3,926 kg/Y (Rock Harbor System Total; present nitrogen loads) ⁽²⁾
- Attenuated Total Nitrogen Load (MEP): 3,299 kg/Y (Rock Harbor System Total; present nitrogen loads) ⁽²⁾
- Sources of Controllable Nitrogen (MEP): (Local Control Load from Rock Harbor System Overall) ⁽²⁾
 - 88% Septic Systems
 - 6% Lawn Fertilizer
 - 5% Stormwater from Impervious Surfaces
 - 1% Wastewater Treatment Facilities

1.1 Contributing Towns

- Contributing Town 1: Eastham
- Contributing Town 2: Orleans

1.2 The MEP Restoration Scenario

- Watershed Total Nitrogen Reduction Target: 67%⁽³⁾; 59%⁽²⁾
- Watershed Septic Reduction Target: 78.8%⁽³⁾; 69%⁽²⁾

(The scenario represents the aggregated sub-embayment percent removal targets from the MEP technical report.)

1.3 Estuary

- Embayment Area: 6 acres⁽²⁾
- Embayment Volume: 5 million cubic feet⁽²⁾
- 2012 Integrated List Status: Category 4a Waters "TMDL is completed"

– Status by Waterbody: Rock Harbor Creek = Fecal Coliform

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– www.mass.gov/eea/docs/dep/water/resources/07v5/12list2.pdf

1.4 Watershed

- Acres: 609⁽²⁾ ; 152⁽⁴⁾
- Parcels: 449⁽²⁾ ; 129⁽⁴⁾
- % Developed Residential Parcels: 66%⁽²⁾ ; 60%⁽⁴⁾
- Parcel Density: 1.4 acres per parcel (approx.)⁽²⁾ ; 1.6 acres per parcel (approx.)⁽⁴⁾
- Wastewater Treatment Facilities: 1⁽²⁾
 - A small wastewater treatment facility exists in the Orleans portion of the watershed serving the Orleans Bowling Center⁽²⁾.

2. Freshwater Sources

2.1 Ponds

- Identified Surface Waters: 4⁽²⁾
- Number of Named Freshwater Ponds: 1⁽²⁾
- Ponds with Preliminary Trophic Characterization: Cedar Pond, eutrophic (Listed as Appendix 4C, Ponds With Water Quality Data)⁽²⁾
- 2012 Integrated List Status: 1 Listed⁽²⁾
- Discussion: The Towns of Eastham and Orleans have been participants in the Pond and Lake Stewardship (PALS) program that has helped establish baseline water quality. Cedar Pond is the only named pond in the Rock Harbor watershed and is listed on the 2012 Integrated List as requiring a TDML. This pond is brackish, with an outlet to Rock Harbor. The Town has committed significant resources to further assess and develop strategies to restore its water quality⁽²⁾.

2.2 Streams

- Significant Freshwater Stream Outlets: 1⁽²⁾
 - Stream 1: Cedar Pond Stream
 - Average Discharge: 1,271 cubic meters per day (m3/d)⁽²⁾
 - Average Nitrate Concentrations: 0.116 milligrams per liter (mg/L)⁽²⁾
- Discussion: Characterization of fresh water streams like these is a regular part of the MEP technical reports. These concentrations are higher than areas of the aquifer with less than 0.05 mg/L background concentrations that are evident in public supply wells located in pristine areas. This provides evidence of the impact of non-point source nitrogen pollution from residential areas on the aquifer and receiving coastal waters⁽²⁾.

2.3 Drinking Water Sources

- Water Districts: 1⁽²⁾ ; 2⁽⁵⁾
 - Orleans Water Department

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- Eastham Public Water Supply⁽⁵⁾
- Gravel Packed Wells: 0⁽²⁾
- Small Volume Wells: 0⁽²⁾

3. Degree of Impairment and Areas of Need

It is estimated that 78.8% of the existing wastewater nitrogen load needs to be removed from Rock Harbor according to the MEP.

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TDML and/or MEP technical report. The technical report indicated that 59% of the total nitrogen load or 69% of the septic nitrogen load needs to be reduced from the Rock Harbor System Total. The Technical Report indicates that nitrogen removal is not necessary for Cedar Pond. As shown in Figure 4-1 RH Sub-watersheds with Total Nitrogen Removal Targets and Figure 4-2 RH Sub-watersheds with Septic Nitrogen Removal Targets (see Reference 1).

The nitrogen load from the watershed exceeds the threshold for Rock Harbor, resulting in impaired water quality and habitat. The ecological health of a water body is determined from water quality, extent of eelgrass, assortment of benthic fauna, and dissolved oxygen and ranges from 1-severe degradation, 2-significantly impaired, 3-moderately impaired, 4-healthy habitat conditions. Habitats in the upper headwaters of Rock Harbor are healthy. The lower portion of the embayment is indicated as impaired, partially due to its low standing volume relative to the high nitrogen load. This is contrary to many of the other embayment's where the upper headwaters are impaired and the waters of the main body are healthier⁽²⁾.

3.1 Ecological Characteristics and Water Quality

- Overall Ecological Condition: Healthy Habitat – Significant Impairment⁽²⁾
- Waterbody Quality Status: Upper Salt Marsh = Healthy habitat conditions⁽²⁾
- Waterbody Quality Status: Lower Harbor Basin = Significant impairment⁽²⁾
- Sentinel Station:
 - Total Nitrogen Concentration Threshold: 0.500 mg/L (at the sentinel station).⁽²⁾
 - Total Nitrogen Concentration Existing: 0.686 mg/L (as reported at the MEP sentinel water-quality monitoring station) at present.⁽²⁾

4. Nitrogen Management Approaches

Currently there is no TMDL developed for Rock Harbor. The Town of Eastham's nitrogen management plan for Rock Harbor is to work collaboratively with the Town of Orleans to have it reclassified as a man-made boat basin. The Town as part of the Final Interim Needs Assessment & Alternatives Screening Analysis Report, March 2009, developed several options for Eastham to

manage nitrogen. In addition, the Town of Eastham has the following regulations in place to manage nitrogen in Town:

- **Fertilizer Bylaw:** the Town of Eastham voted to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014 (see Reference 2). This regulation incorporates current Best Management Practices, which are deemed essential in this effort to protect the public health and aid in achieving compliance with the Total Daily Maximum Loads (TMDL) for the Town's water resources prescribed by the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality.
- **Board of Health Regulations:** requirements for Nitrogen Reducing Septic Systems in Environmentally Sensitive Areas (see Reference 3). The use of nitrogen-reducing septic systems is required as a condition of any of the following variances in any lot determined to be an environmentally sensitive area:
 - Less than 100 feet separation distance exists between a drinking water supply well and a soil absorption system
 - Soil absorption system is located less than 100 feet from a salt marsh or any marine surface water, or fresh surface water body
 - When the lot is defined an environmentally sensitive area any setback reduction is requested
 - Distance to adjusted high groundwater is less than 5 feet
- **Massachusetts Estuaries Project at Nauset Estuary:** The Towns of Eastham and Orleans are working together to expand water quality monitoring for Nauset Estuary. Over the next three years, Eastham and Orleans will collect water samples from 15 stations in order to provide current water quality data. The data will be used to recalibrate or update the Massachusetts Estuary Program Model.
- **Public Education Newsletter:** updates to the Town's wastewater management planning efforts are posted on the Town's website and available at Town Hall (see Reference 4). Another newsletter that is planned to update the public will discuss the watershed reports.

4.1 Traditional Approach

Three alternative wastewater management plans have been developed to address the environmental health need of this estuary and its watershed. The two traditional approaches presented in 2009 are described below with a preliminary capital cost expressed on a per household basis.

1. Rock Harbor Watershed (Plan 1): This plan includes the following components:

- Sewer extension to the properties in the watershed.
- Construction of a new community/municipal wastewater treatment facility outside the watershed for treatment and recharge. The best treatment and recharge site will be developed as part of the final plan evaluations.

This plan is feasible, depending on the availability of an acceptable treatment and recharge site; and could be part of a long-term management and remediation plan for Rock Harbor. Typical capital costs for this type of plan are \$50,000 per property based on the community/municipal system

recently constructed for the New Silver Beach area of Falmouth. Total capital costs for that project are approximately \$10.7 million (2007 costs) to serve 230 properties.

2. Rock Harbor Watershed (Plan 2): This plan includes the following components:

- Sewer extension to the properties in the watershed.
- Connection of this sewer system to the Orleans Wastewater Treatment Facility proposed to be constructed at the Tri-Town Facility site.

This plan is expected to receive preliminary evaluation as part of the study being completed by the Town of Orleans and funded by the Cape Cod Water Protection Collaborative "Shared Watershed, Shared Responsibilities" Grant Program on regional wastewater management solutions for the area. The costs and necessary inter-municipal coordination are not yet known. It is noted that the Draft CWMP developed for Orleans also has an estimated capital cost of \$50,000 per household based on a total capital cost of \$148.2 million to serve 3,100 equivalent users. This plan is expected to have a similar cost.

4.2 Non-Traditional Approach

The third approach, based on a non-traditional method to address this watershed is as follows.

3. Rock Harbor Watershed (Plan 3): This plan would consist of further evaluation of ideas introduced by Brian Howes of MEP for possible aeration and dredging management of Rock Harbor. This type of management may be possible for Rock Harbor because it is not a natural estuary; it is a tidal creek that is continually dredged to maintain a boat basin. The feasibility of this plan is unknown and would require additional evaluation, possibly as a MassDEP pilot study.

This approach has been discussed briefly with MassDEP and any determination will be a function of the economic impact of more traditional solutions vs. this non-traditional/hybrid approach to this waterbody.

4.3 Hybrid Approach

Currently there is no TMDL developed for Rock Harbor. The Town of Eastham's nitrogen management plan for Rock Harbor is to work collaboratively with the Town of Orleans to have it reclassified as a man-made boat basin. The hybrid approach would be to work with the regulators further to determine the feasibility of this approach and combine with that the Town's efforts regarding existing BOH regulations and fertilizer management bylaws. At this time Eastham is waiting for a formal nitrogen TMDL determination before proceeding to consider whether this option would be combined with other traditional and non-traditional approaches to address nitrogen (if necessary) within this waterbody.

Endnotes

- (1) Total estimated wastewater flow from the Cape Cod Commission's Watershed MVP tool multiplied by Eastham's responsibility from Appendix 8C: Subembayment Watersheds from the 208 Plan Update.
- (2) From the Cape Cod Commission Appendix 5B: Watershed Summary from the §208 Plan Update included in Appendix A.
- (3) These values represent Rock Harbor only (not System Total) from Table VIII-2 and Table VIII-3 from the MEP Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Threshold for the Rock Harbor Embayment System, Final Report dated December 2008; as the technical report indicated that nitrogen removal is not necessary for Cedar Pond.
- (4) Based on GIS analysis completed by the Town; inclusive of the Town of Eastham only.
- (5) Based on updated information as a result of the Town of Eastham Municipal Water Project.

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References

1. Cape Cod Commission, Cape Cod Area Wide Water Quality Management Plan Update, Appendix 5B, Watershed Summary for Rock Harbor, June 2015.
2. Town of Eastham, Massachusetts Fertilizer Bylaw, Approved 11/2014, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/FertilizerRegulation/
3. Town Eastham Board of Health Regulations, Section I.E. Environmentally Sensitive Area, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/healthinfo/BOHRegulations2014.pdf
4. Public Outreach Newsletter – "Wastewater Management Planning Project – Newsletter" Spring 2016

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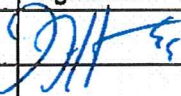
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Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Draft A	JPJ	J. Jefferson Gregg				6-14-16

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Town of Eastham, Massachusetts

Watersheds: Outer Cape

Wellfleet Harbor Watershed Report

- Eastham Focus

DRAFT

June 2016

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References

Scope and Limitations

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The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions, and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions, and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by the Town of Eastham, Cape Cod Commission (including the Nitrogen Management Approaches discussed in Section 4 which are developed based on the Cape Cod Commission's 208 Planning Tools) and Massachusetts Estuaries Project and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The scope of this project was to develop a Watershed Report for the Town of Eastham to use in submission to the Cape Cod Commission to meet the requirement of a Watershed Report submittal as the Waste Management Agency (WMA) designated to the Town of Eastham as part of the Cape Cod Area Wide Quality Management Plan Update (208 Plan Update). No other application is implied.

1. The Problem

Description of the problem:

Wellfleet Harbor is presently being assessed by the Massachusetts Estuaries Project (MEP) and a technical report is not yet complete (reports available at www.oceanscience.net/estuaries). Much evidence exists showing impaired conditions for the upper reaches of contributing sub-watersheds, such as Duck Creek.

- MEP Technical Report Status: Pending; Data Collection Phase⁽²⁾
- TMDL Status: In progress⁽²⁾
- Total Wastewater Flow: 26.4 MGY (million gal per year)⁽¹⁾; 307 MGY⁽²⁾
- Treated Wastewater Flow: 0 MGY; 36 MGY⁽²⁾
- Septic Flow: 26.4 MGY; 271 MGY⁽²⁾
- Unattenuated Total Nitrogen Load (MEP): 26,004 kg/Y (kilograms per year)⁽²⁾
- Attenuated Total Nitrogen Load (MEP): Not assessed⁽²⁾
- Sources of Controllable Nitrogen (MEP):⁽³⁾
 - Unknown % Septic Systems⁽³⁾
 - Unknown % Lawn Fertilizer⁽³⁾
 - Unknown % Stormwater from Impervious Surfaces⁽³⁾
 - Unknown % Wastewater Treatment Facilities⁽³⁾

1.1 Contributing Towns

- Eastham
- Wellfleet
- Truro
- Discussion: A portion of the land area in this watershed is within the boundaries of the Cape Cod National Seashore and any nitrogen load that results is not within control of the towns.

1.2 The MEP Restoration Scenario

- Watershed Total Nitrogen Reduction Target: N/A %⁽³⁾
- Watershed Septic Reduction Target: N/A %⁽³⁾

(The scenario represents the aggregated sub-embayment percent removal targets from the MEP technical report.)

1.3 Estuary

- Embayment Area: 11,647 acres⁽²⁾
- Embayment Volume: 5,848 million cubic feet⁽²⁾
- 2012 Integrated List Status: Category 2 for fecal coliform

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- Category 2: Attaining some uses; other uses not assessed⁽²⁾
- www.mass.gov/eea/docs/dep/water/resources/07v5/12list2.pdf

1.4 Watershed

- Acres: 12,322⁽²⁾; 610 acres⁽⁴⁾
- Parcels: 5,009⁽²⁾; 563⁽⁴⁾
- % Developed Residential Parcels: 73%⁽²⁾; 80%⁽⁴⁾
- Parcel Density: 2.5 acres per parcel (approx.)⁽²⁾; 1.0 acres per parcel (approx.)⁽⁴⁾
- Groundwater Discharge Permits: 2, Serving residential developments (mobile home parks)⁽²⁾

2. Freshwater Sources

2.1 Ponds

- Identified Surface Waters: 26⁽²⁾
- Number of Named Freshwater Ponds: 11⁽²⁾
- Ponds with Preliminary Trophic Characterization: 10⁽²⁾
- 2012 Integrated List Status: 7 listed⁽²⁾
 - Great Pond (Truro); Category 4a: TDML completed (mercury)⁽²⁾
 - Snow Pond; Category 4a: TDML completed (mercury)⁽²⁾
 - Long Pond; Category 4a: TDML completed (mercury)⁽²⁾
 - Great Pond (Wellfleet); Category 4a: TDML completed (mercury)⁽²⁾
 - Dyer Pond; Category 4a: TDML completed (mercury)⁽²⁾
 - Ryder Pond/Higgins Pond; Category 5 (mercury, dissolved oxygen, phosphorus)⁽²⁾
- Discussion: The Towns of Eastham, Truro, and Wellfleet have been participants in the Pond and Lake Stewardship (PALS) program and the Cape Cod National Seashore has an ongoing monitoring program that has helped establish baseline water quality⁽²⁾.

2.2 Streams

- Significant Freshwater Stream Outlets: Not assessed⁽²⁾
- Discussion: A number of streams contribute to Wellfleet Harbor through surface water discharge including Herring River, Duck Creek, Pilgrim Spring, Blackfish Creek, Trout Brook, Fresh Brook, Silver Spring Brook and Hatches Creek⁽²⁾.

2.3 Drinking Water Sources

- Water Districts: 1⁽²⁾; 2⁽⁵⁾
 - Wellfleet Water Supply
 - Eastham Public Water Supply⁽⁵⁾
- Gravel Packed Wells: 17⁽²⁾

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- 5 have nitrate concentrations between 0 and 0.5 mg/L
- 3 have nitrate concentrations between 0.5 and 1 mg/L
- 2 have nitrate concentrations between 1 and 2.5 mg/L
- 3 have nitrate concentrations between 2.5 and 5 mg/L
- 4 have no nitrate concentration data
- Small Volume Wells: 86⁽²⁾

3. Degree of Impairment and Areas of Need

Discussion on nitrogen reduction targets:

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TDML and/or MEP technical report. As a MEP report has not been completed there has not been a TDML for nitrogen established for Wellfleet Harbor.

The Town of Wellfleet relies heavily on Title 5 systems with more than 3,000 in use. Over 500 of these systems require variances and more than 300 of those systems are within 100 feet of a drinking water supply. Approximately one third of the systems requiring a variance are located in Duck Creek watershed alone, with the vast majority of all Title 5 systems in Wellfleet-proper located within a contributing area to Wellfleet Harbor.

One clear indication of impairment is the partial closure of shellfish beds within Wellfleet Harbor. As a large source of culture and revenue for both Wellfleet and Cape Cod as a whole, restoration of shellfish habitats should be considered a significant area of need⁽²⁾.

3.1 Ecological Characteristics and Water Quality

- Overall Ecological Condition: unknown⁽³⁾
- Waterbody Quality Status - unknown⁽³⁾
- Sentinel Station: ⁽³⁾
 - Total Nitrogen Concentration Threshold: N/A mg/L ⁽³⁾
 - Total Nitrogen Concentration Existing: N/A mg/L (as reported at the MEP sentinel water-quality monitoring station) ⁽³⁾

4. Nitrogen Management Approaches

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TDML and/or MEP technical report. As a MEP report has not been completed there has not been a TDML for nitrogen established for Wellfleet Harbor⁽²⁾. The Town of Eastham has not developed a nitrogen management approach for this watershed since there is no evidence of water quality impairment at this time.

However, the Town of Eastham has the following regulations in place to manage nitrogen in Town:

- **Fertilizer Bylaw:** the Town of Eastham voted to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014 (see Reference 2). This regulation incorporates current Best Management Practices, which are deemed essential in this effort to protect the public health and aid in achieving compliance with the Total Maximum Daily Loads (TMDL) for the Towns water resources prescribed by the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality.
- **Board of Health Regulations:** requirements for Nitrogen Reducing Septic Systems in Environmentally Sensitive Areas (see Reference 3). The use of nitrogen-reducing septic systems is required as a condition of any of the following variances in any lot determined to be an environmentally sensitive area:
 - Less than 100 feet separation distance exists between a drinking water supply well and a soil absorption system
 - Soil absorption system is located less than 100 feet from a salt marsh or any marine surface water, or fresh surface water body
 - When the lot is defined an environmentally sensitive area any setback reduction is requested
 - Distance to adjusted high groundwater is less than 5 feet
- **Public Education Newsletter:** updates to the Town's wastewater management planning efforts are posted on the Town's website and available at Town Hall (see Reference 4). Another newsletter that is planned to update the public will discuss the hybrid evaluations and watershed reports.

4.1 Traditional Approach

Description of approach taken in scenario development. – N/A⁽³⁾

4.2 Non-Traditional Approach

Description of approach taken in scenario development. – N/A⁽³⁾

4.3 Hybrid Approach

Description of approach taken in scenario development. – N/A⁽³⁾

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Endnotes

- (1) Total estimated wastewater flow from the Cape Cod Commission's Watershed MVP tool multiplied by Eastham's responsibility from Appendix 8C: Subembayment Watersheds from the §208 Plan Update.
- (2) Refers to the entire Wellfleet Harbor Watershed from the Cape Cod Commission Appendix 5B: Watershed Summary from the §208 Plan Update (see Reference 1).
- (3) Unknown or "N/A" due to MEP Technical Report Status being in the data collection phase.
- (4) Based on GIS analysis completed by the Town; inclusive of the Town of Eastham only.
- (5) Based on updated information as a result of the Town of Eastham Municipal Water Project.

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References

1. Cape Cod Commission, Cape Cod Area Wide Water Quality Management Plan Update, Appendix 5B, Watershed Summary for Wellfleet Harbor, June 2015.
2. Town of Eastham, Massachusetts Fertilizer Bylaw, Approved 11/2014, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/FertilizerRegulation/
3. Town Eastham Board of Health Regulations, Section I.E. Environmentally Sensitive Area, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/healthinfo/BOHRegulations2014.pdf
4. Public Outreach Newsletter– "Wastewater Management Planning Project – Newsletter" Spring 2016

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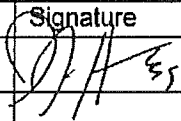
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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Draft A	JPJ	J. Jefferson Gregg				6-14-16

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Town of Eastham, Massachusetts

Watersheds: Lower Cape
Nauset Harbor Watershed Report for
Salt Pond and Town Cove
- Eastham Focus

DRAFT

June 2016

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References

Scope and Limitations

This report has been prepared by GHD for the Town of Eastham and may only be used and relied on by the Town of Eastham for the purpose agreed between GHD and the Town of Eastham as set out in this report.

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The opinions, conclusions, and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions, and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by the Town of Eastham, Cape Cod Commission (including the Nitrogen Management Approaches discussed in Section 4 which are developed based on the Cape Cod Commission's 208 Planning Tools) and Massachusetts Estuaries Project and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The scope of this project was to develop a Watershed Report for the Town of Eastham to use in submission to the Cape Cod Commission to meet the requirement of a Watershed Report submittal as the Waste Management Agency (WMA) designated to the Town of Eastham as part of the Cape Cod Area Wide Quality Management Plan Update (208 Plan Update). No other application is implied.

GHD has prepared the preliminary costs set out in Section 4 of this report using information reasonably available to the GHD employees who prepared this report; and based on assumptions and judgements made by the Cape Cod Commission in development of their 208 Planning Tools.

The cost estimate has been prepared for the purpose of providing information to the Town of Eastham on what a preliminary nitrogen management approach may cost based on the costing information provided in the Cape Cod Commission's 208 Planning Tools.

The cost estimate is a preliminary estimate only. Actual prices, costs and other variables may be different to those used to prepare the cost estimate and may change. Unless as otherwise specified in this report, no detailed quotation has been obtained for actions identified in this report. GHD does not represent, warrant or guarantee the project can or will be undertaken at a cost which is the same or less than the cost estimate.

Where estimates of potential costs are provided with an indicated level of confidence, notwithstanding the conservatism of the level of confidence selected as the planning level, there remains a chance that the cost will be greater than the planning estimate, and any funding would not be adequate. The confidence level considered to be most appropriate for planning purposes will vary depending on the conservatism of the user and the nature of the project. The user should therefore select appropriate confidence levels to suit their particular risk profile.

1. The Problem

Description of the problem:

According to the Massachusetts Estuaries Project (MEP) technical report (available at <http://www.oceanscience.net/estuaries/>), the nitrogen load from the watershed exceeds the threshold for the Nauset Harbor Embayment, resulting in impaired water quality. A Total Maximum Daily Load (TMDL) for nitrogen has not yet been established.

- MEP Technical Report Status: Final Report, December 2012
- TMDL Status: Not completed
- Total Wastewater Flow: 62.2 MGY (million gal per year)(Eastham)⁽¹⁾; 180.2 MGY(total)⁽²⁾
- Treated Wastewater Flow: 0 MGY(Eastham)⁽¹⁾; 4.2 MGY(total)⁽²⁾
- Septic Flow: 62.2 MGY(Eastham)⁽¹⁾; 176 MGY(total)⁽²⁾
- Unattenuated Total Nitrogen Load (MEP):
 - Nauset Harbor Embayment: 27,891 Kg/Y⁽³⁾ (present nitrogen loads)
 - Town Cove (including Nauset Stream and Mary Chase Gauge): 14,301 Kg/Y (present nitrogen loads)⁽¹⁾
 - Salt Pond: 2,631 Kg/Y (present nitrogen loads)⁽¹⁾⁽³⁾
- Attenuated Total Nitrogen Load (MEP)
 - Nauset Harbor Embayment: 26,080 Kg/Y⁽²⁾⁽³⁾
 - Town Cove (including Nauset Stream and Mary Chase Gauge): 13,566 Kg/Y (present nitrogen loads)⁽¹⁾
 - Salt Pond: 1,940 Kg/Y (present nitrogen loads)
- Sources of Controllable Nitrogen (MEP): Nauset Harbor Embayment (i.e Nauset Marsh - Total)⁽²⁾
 - 83% Septic Systems
 - 6% Lawn Fertilizer
 - 9% Stormwater from Impervious Surfaces
 - 2% Wastewater Treatment Facilities
- Sources of Controllable Nitrogen (MEP): Town Cove (including Nauset Stream and Mary Chase Gauge)
 - 86% Septic Systems
 - 5% Lawn Fertilizer
 - 8% Stormwater from Impervious Surfaces
 - 1% Wastewater Treatment Facilities
- Sources of Controllable Nitrogen (MEP): Salt Pond
 - 72% Septic Systems
 - 6% Lawn Fertilizer

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- 9% Stormwater from Impervious Surfaces
- 13% Landfill⁽²⁾

1.1 Contributing Towns

- Contributing Town 1: Eastham
- Contributing Town 2: Orleans
- Contributing Town 3: Brewster
- Discussion: A portion of the land area in this watershed is within the boundaries of the Cape Cod National Seashore and any nitrogen load that results is not within control of the towns.

1.2 The MEP Restoration Scenario

- Watershed Total Nitrogen Reduction Target: 47 %⁽²⁾⁽⁴⁾
 Salt Pond/Ministers = 76%⁽⁴⁾
 Town Cove = 67%⁽⁴⁾
 Nauset Stream/Mary Chase Gauge = 60%⁽⁴⁾
- Watershed Septic Reduction Target: 55 %⁽²⁾⁽⁴⁾
 Salt Pond/Ministers = 100%⁽⁴⁾
 Town Cove = 75%⁽⁴⁾
 Nauset Stream/Mary Chase Gauge = 75%⁽⁴⁾

(The scenario represents the aggregated sub-embayment percent removal targets from the MEP technical report.)

1.3 Estuary

- Embayment Area: 1,513⁽²⁾ acres
- Embayment Volume: 596 million cubic feet
- 2012 Integrated List Status: Category 2
 - Category 2: Attaining some uses; other uses not assessed
 - www.mass.gov/eea/docs/dep/water/resources/07v5/12list2.pdf

1.4 Watershed

- Acres: 4,751 (total)⁽²⁾ ; 286 (Eastham)⁽⁵⁾
- Parcels: 3,276 (total)⁽²⁾ ; 405 (Eastham)⁽⁵⁾
- % Developed Residential Parcels: 78% (total)⁽²⁾ ; 90%(Eastham)⁽⁵⁾
- Parcel Density: 1.5 acres per parcel (approx.)(total)^(2?); 1.4 acres per parcel (approx.)(Eastham)^(5?)
- Wastewater Treatment Facilities: 2, 1 in Eastham⁽²⁾, 1 in Cape Cod National Seashore
 - Small commercial facility serving Salt Pond, Eastham area⁽²⁾

2. Freshwater Sources

2.1 Ponds

- Identified Surface Waters: 34⁽²⁾
- Number of Named Freshwater Ponds: 9⁽²⁾
- Ponds with Preliminary Trophic Characterization: 9⁽²⁾ (listed in Appendix 4C, Ponds with Water Quality Data)
- 2012 Integrated List Status: None Listed⁽²⁾
- Discussion: The Nauset Harbor watershed shares Baker and Cliff ponds with the Pleasant Bay watershed. Both towns participate in the Pond and Lake Stewardship Program (PALS). The Towns of Eastham and Orleans have benefited from Barnstable County funded ponds assessments through the Cape Cod Commission and the School of Marine Science and Technology (SMAST) at UMASS Dartmouth. Orleans has an active citizens group—the Orleans Ponds Coalition—that provides sampling, education, and advocacy. Eastham also had an active Water Quality Advisory Board that coordinates fresh water pond assessment and restoration efforts⁽²⁾.

2.2 Streams

- Significant Freshwater Stream Outlets: 1⁽²⁾
Nauset Stream
 - Average Flow: 1,871 cubic meters per day (m3/d)⁽²⁾
 - Average Nitrate Concentrations: 0.15 milligrams per liter (mg/L)⁽²⁾
- Discussion: Due to the highly permeable soils present in the Nauset Marsh and Town Cove estuaries, the majority of freshwater contributions are from groundwater discharge. Characterization of fresh water streams like these is a regular part of the MEP technical reports. These concentrations are higher than areas of the aquifer with less than 0.05 mg/L background concentrations that are evident in public supply wells located in pristine areas. This provides evidence of the impact of non-point source nitrogen pollution from residential areas on the aquifer and receiving coastal waters⁽²⁾.

2.3 Drinking Water Sources

- Water Districts: 2⁽⁶⁾
 - Orleans Water Department⁽²⁾
 - Eastham Public Water Supply⁽⁶⁾
- Gravel Packed Wells: 0⁽²⁾; not including Eastham municipal water system currently under construction
- Small Volume Wells: 40⁽²⁾
- Discussion: Orleans provides public water to a small number of Eastham properties. Eastham is primarily served by private wells⁽²⁾. A town-wide municipal water system is

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currently being implemented under the Eastham Municipal Water Project with two well fields, a storage tank and miles of distribution piping.

3. Degree of Impairment and Areas of Need

Discussion on nitrogen reduction targets:

For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TMDL and/or MEP technical report. These are listed above as 47% of the total load and 55% of the septic load and, more specifically, as the targeted amount of nitrogen reduction required by sub-watershed, as shown in Figure 4-1 NH Sub-watersheds NH Sub-watersheds with Septic Nitrogen Removal Targets and Figure 4-2 NH Sub-watersheds with Septic Nitrogen Removal Targets (see Reference 3). Sub-watershed removals range from 75% for Town Cove (as depicted by the polygon in the lower portion of Figure 4-2 NH) to 100% for Salt Pond (as depicted by the polygon in the upper portion of Figure 4-2 NH).

The nitrogen load from the watershed exceeds the threshold for Nauset Harbor, resulting in impaired water quality. The upper headwaters are particularly impaired. Although the lower portions of the embayment are healthy, due to the severe conditions of the upper headwaters the Nauset Harbor system is categorized as significantly impaired. The ecological health of a water body is determined from water quality, extent of eelgrass, assortment of benthic fauna, and dissolved oxygen, and ranges from 1-severe degradation, 2-significantly impaired, 3-moderately impaired, 4-healthy habitat conditions.⁽²⁾

3.1 Ecological Characteristics and Water Quality

- **Overall Ecological Condition:** Healthy to Significantly Impaired⁽²⁾
- Waterbody Quality Status: Nauset Marsh = Healthy⁽²⁾
- Waterbody Quality Status: Nauset Bay = Healthy⁽²⁾
- Waterbody Quality Status: Salt Pond Bay = Significantly Impaired⁽²⁾
- Waterbody Quality Status: Town Cove = Significantly Impaired⁽²⁾
- Waterbody Quality Status: Salt Pond = Significantly Impaired⁽²⁾
- Waterbody Quality Status: Wood Cove = Significantly Impaired⁽²⁾
- Waterbody Quality Status: Mill Pond = Significantly Impaired⁽²⁾
- **Sentinel Station:**
 - Total Nitrogen Concentration Threshold: 0.45 mg/L⁽²⁾
 - Total Nitrogen Concentration Existing: 0.53 mg/L⁽²⁾ (as reported at the MEP sentinel water-quality monitoring station)

4. Nitrogen Management Approaches

The Eastham approach for nitrogen management for Nauset Harbor Embayment System focuses on the Town Cove and Salt Pond subwatersheds which include:

- Town Cove, including: Town Cove; Mary Chase Gauge; and Nauset Stream
- Salt Pond, including: Salt Pond; Ministers Pond; and Depot Pond

The following management approaches are based on the Draft Technical Memorandum No. 3 for Salt Pond and the Draft Technical Memorandum No. 4 for Town Cove currently under development for the Town of Eastham (References 1 and 2 respectively). These technical memorandums are being developed as part of Eastham's hybrid evaluations for these watersheds as part of their wastewater planning efforts. As these efforts are currently under development, the findings have not been completed and therefore the Town has not formally accepted the findings. The following information presents the approaches that are currently being considered and evaluated for economic viability. At this time no costs are being presented until the Town has the opportunity to comment on the proposed hybrid approaches and the two above referenced technical memorandums are finalized. Approaches identified below are based on updates to the Town's Interim Needs Assessment Report and Alternatives Screening Analysis report summarized in Technical Memorandums 1 and 2 (References 7 and 8).

In addition, the Town of Eastham has the following regulations in place to manage nitrogen in Town that are considered part of any alternative or hybrid approach:

- Fertilizer Bylaw: the Town of Eastham voted to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014 (see Reference 4). This regulation incorporates current Best Management Practices, which are deemed essential in this effort to protect the public health and aid in achieving compliance with the Total Maximum Daily Loads (TMDL) for the Towns water resources prescribed by the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality.
- Board of Health Regulations: requirements for Nitrogen Reducing Septic Systems in Environmentally Sensitive Areas (see Reference 5). The use of nitrogen-reducing septic systems is required as a condition of any of the following variances in any lot determined to be an environmentally sensitive area:
 - Less than 100 feet separation distance exists between a drinking water supply well and a soil absorption system
 - Soil absorption system is located less than 100 feet from a salt marsh or any marine surface water, or fresh surface water body
 - When the lot is defined an environmentally sensitive area any setback reduction is requested
 - Distance to adjusted high groundwater is less than 5 feet
- Massachusetts Estuaries Project at Nauset Estuary: The Towns of Eastham and Orleans are working together to expand water quality monitoring for Nauset Estuary. Over the next three years, Eastham and Orleans will collect water samples from 15 stations in order to provide current water quality data. The data will be used to recalibrate or update the Massachusetts Estuary Program Model.

- Public Education Newsletter: updates to the Town's wastewater management planning efforts are posted on the Town's website and available at Town Hall (see Reference 6). Another newsletter that is planned to update the public will discuss the hybrid evaluations and watershed reports.

4.1 Traditional Approach (Eastham Focus)

The following information is based on the Draft Hybrid Evaluations currently under development for Salt Pond and Town Cove. These evaluations have not been finalized, and therefore the approaches outlined below are subject to change based on the final recommendations and Town decision making process.

4.1.1 Salt Pond

Several "Traditional Approaches" were evaluated and considered several different levels of sewerage and recharge, such as:

- Cape Cod Commission "Bookend Evaluation", with wastewater collected and then recharged inside/outside the watershed representing an 81% nitrogen removal.
- Modified traditional "Bookend Evaluation" to address Ministers Pond and representing a 95% nitrogen removal, likely in conjunction with a regional facility within the Town of Orleans, Ma.
- Recharge within the Salt Pond watershed, representing a 100% nitrogen removal.

However, for the purpose of this document, recharge within the Salt Pond watershed was considered the most feasible option based on the state of the Town of Orleans planning efforts focused on a reduced wastewater treatment facility footprint and limited recharge capacity.

4.1.2 Town Cove

Several "Traditional Approaches" were evaluated and considered several different levels of sewerage and recharge, such as:

- Cape Cod Commission "Bookend Evaluation", with wastewater collected and then recharged inside the watershed representing an 81% nitrogen removal.
- Wastewater treatment as part of the Salt Pond approach
- Regional solution of an Eastham collection system with treatment at the Town of Orleans proposed wastewater treatment facility if capacity is available and an agreement between the Towns could be developed.

Any sewerage done in the upper reaches of the Town Cove watershed should be evaluated in combination with what is done with the Salt Pond subwatershed.

Refer to References 1 and 2 for additional detail on both Sections 4.1.1 and 4.1.2.

4.2 Cape Cod Commission Non-Traditional Approach (Estuary Focus)

The Cape Cod Commission developed two possible approaches outlined below, however neither approach was specific enough to the Eastham portions of Town Cove or Salt Pond and therefore are not considered further. Non-traditional approaches are included as part of the draft hybrid approaches being developed to manage nitrogen in these specific watersheds as discussed in Section 4.3.

4.2.1 Approach 1 Non-Traditional Bookend

- 50% fertilizer nitrogen load reduction
- 50% stormwater nitrogen load reduction
- 3.1 miles of Permeable Reactive Barrier
- 10 acres of fertigation
- 2,500 cubic feet of floating constructed wetlands
- 27 homes with ecotoilets
- Urine diversion toilets to serve 402 people
- 60 residential I/A systems
- 3 residential advanced I/A systems

4.2.2 Approach 2 Non-Traditional Bookend

- 25% fertilizer nitrogen load reduction
- 25% stormwater nitrogen load reduction
- 3.1 miles of Permeable Reactive Barrier

Refer to References 1 and 2 for additional detail on both Sections 4.2.1 and 4.2.2.

4.3 Hybrid Approach (Eastham Focus)

The following information is based on the Draft Hybrid Evaluations currently under development for Salt Pond and Town Cove. These evaluations have not been finalized, and therefore the approaches outlined below are subject to change based on the final recommendations and Town decision making process.

4.3.1 Salt Pond

Two hybrid approaches were identified for Salt Pond and are summarized in the following sub-sections.

4.3.1.1 Salt Pond Hybrid 1

This approach includes the following:

- 2,300 linear feet of PRB located at the CCNS Salt Pond Visitor Center site

- Shellfish propagation within Salt Pond approximately 10 – 17 acres of shellfish bed required to support 2 to 3.5 million shellfish (oysters or quahogs respectively)
- Fertilizer and stormwater reductions of approximately 20% of the nitrogen load from these sources.
- Upgrade of the CCNS On-site treatment system

4.3.1.2 Salt Pond Hybrid 2

This approach includes the following:

- Construction of a small collection system and treatment facility with recharge within the watershed to service approximately 180 properties.
- 2,300 linear feet of PRB located at the CCNS Salt Pond Visitor Center site
- Shellfish propagation within Salt Pond approximately 1 to 2 acres of shellfish bed required to support between 200,000 and 340,000 shellfish (oysters or quahogs respectively).
- Fertilizer and stormwater reductions of approximately 20% of the nitrogen load from these sources.

4.3.2 Town Cove

Two hybrid approaches were identified for Town Cove and are summarized in the following sub-sections.

4.3.2.1 Town Cove Hybrid 1A

This approach includes the following:

- Shellfish propagation within Town Cove approximately 10 – 17 acres of shellfish bed required to support 2 to 3.5 million shellfish (oysters or quahogs respectively)
- Fertilizer and stormwater reductions of approximately 20% of the nitrogen load from these sources.
- Up to 40 individual I/A systems

4.3.2.1 Town Cove Hybrid 1B

- Shellfish propagation within Town Cove approximately 5 – 9 acres of shellfish bed required to support 1 to 1.7 million shellfish (oysters or quahogs respectively)
- Fertilizer and stormwater reductions of approximately 20% of the nitrogen load from these sources.
- Up to 170 individual I/A systems

4.3.2.2 Town Cove Hybrid 2

This approach could include the following:

- Wastewater collection system for approximately 200 properties with recharge outside of the watershed to an in Eastham option or to a regional facility in Orleans.
- Shellfish propagation within Town Cove approximately 1.2 to 2.0 acres of shellfish bed required to support between 240,000 and 400,000 shellfish (oysters or quahogs respectively).

- Fertilizer and stormwater reductions of approximately 20% of the nitrogen load from these sources.
- Any combination of sewered properties, I/A systems, shellfish, fertilizer/stormwater reduction, or consideration of a PRB.

Refer to References 1 and 2 for additional detail on both Sections 4.3.1 and 4.3.2.

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Endnotes

- (1) Total estimated wastewater flow from the Cape Cod Commission's Watershed MVP tool multiplied by Eastham's estimated responsibility from Appendix 8C: Subembayment Watersheds from the 208 Plan Update for Nauset Stream, Mary Chase Gauge, Salt Pond, Ministers Pond North and South, Depot Pond and Town Cove.
- (2) Refers to the Nauset Harbor Watershed from the Cape Cod Commission Appendix 5B: Watershed Summary from the §208 Plan Update (see Reference 3).
- (3) From MEP Linked Watershed-Embayment Approach to Determine Critical Nitrogen Loading Thresholds for the Nauset Harbor Embayment Systems, Towns of Orleans and Eastham, Massachusetts, Table IV-2, Nauset Estuary Watershed Nitrogen Loads from the MEP.
- (4) From MEP Linked Watershed-Embayment Approach to Determine Critical Nitrogen Loading Thresholds for the Nauset Harbor Embayment Systems, Towns of Orleans and Eastham, Massachusetts, Table VIII-2 and VIII-3.
- (5) Based on GIS analysis completed by the Town; inclusive of the Town of Eastham watersheds that require nitrogen removal only.
- (6) Based on updated information as a result of the Town of Eastham Municipal Water Project.

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References

1. DRAFT Technical Memorandum No. 3 – Initial Hybrid Approach for Salt Pond, June 2016
2. DRAFT Technical Memorandum No. 4 – Initial Hybrid Approach for Town Cove, June 2016
3. Cape Cod Commission, Cape Cod Area Wide Water Quality Management Plan Update, Appendix 5B, Watershed Summary for Boat Meadow River, June 2015.
4. Town of Eastham, Massachusetts Fertilizer Bylaw, Approved 11/2014, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/FertilizerRegulation/
5. Town Eastham Board of Health Regulations, Section I.E. Environmentally Sensitive Area, http://www.eastham-ma.gov/Public_Documents/EasthamMA_Health/healthinfo/BOHRegulations2014.pdf
6. Public Outreach Newsletter – “Wastewater Management Planning Project – Newsletter” Spring 2016
7. Technical Memorandum No. 1 – Update to Wastewater and Nitrogen Management Needs Assessment; GHD Inc; February 10, 2015
8. Technical Memorandum No. 2 – Update to Wastewater and Nitrogen Management Alternatives Screening Analysis; GHD Inc; February 10, 2015

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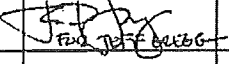
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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Draft A	JPJ	J. Jefferson Gregg				06-16-2016

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Town Administrator Search Processes

TOWN	YEAR	Consultant?	Search Committee?	Other
TRURO	2013	YES MMA Consulting Group	YES 7 (3 finalists)	Community Survey
HARWICH	2015	YES MMA Consulting Group	YES 7 (3 finalists)	Interviews with Board Members and Department Heads
PROVINCETOWN	2015	YES MMA Consulting Group	YES 7 (5 finalists)	Community Survey Public meeting
BREWSTER	2016	YES Collins Center	YES 7 : 3 citizens, 2 Staff, 1 school committee, 1 Selectmen (4 finalists)	
WELLFLEET	2016	NO	YES 7 (no selectmen or staff)	
YARMOUTH	2015 2016	YES Collins Center	YES 7 (1 former selectmen , retired police chief)	

Town Administrator Search Process

Hire Consultant or not- options:

Boston:

There are two Boston firms that offer search services: the Collins Center and MMA Consulting. Eastham has used MMA consulting for both Police and Fire Chief search processes, except for the last hiring of the current Fire Chief which we did in-house. Both consultants are expensive from \$20,000-\$35,000, and have mixed reviews for thoroughness and time devoted to the project.

Cape Cod:

There are two local firms that also provide the service, both run by ex-Town Administrators: Warren Rutherford of The Executive Suite in Barnstable and Tom Groux of Groux Associates in Chatham. They are both experienced search consultants and as they are local, either would be less expensive for the search process than the Boston firms.

Other option:

Another option would be to have another professional assist you. Bob Lawton, Town Administrator who retired after 25 years in Yarmouth, has been doing some consulting work for the county. He also was interim TA in Truro. He may be able to provide some informal direction and assistance. Not to provide a full search but helpful hints based on his experience and observations in Cape communities that have undergone searches while he was there.

General Info:

Legal Guidelines & Open Meeting

Charter

Chapter C: CHARTER

Article IV: Town Administrator**§ C4-1 Appointment and term of office.**

The Board of Selectmen, by an affirmative vote of at least four members, shall appoint a Town Administrator to serve an indefinite term and shall fix the compensation for such person within the amount appropriated by the Town. The Town Administrator shall not have served in an elective office in the Town government for at least 12 months prior to the appointment.

§ C4-2 Qualifications.

The Town Administrator shall be appointed on the basis of education, executive and administrative qualifications. The professional qualifications shall be established by bylaw and may be revised as deemed necessary.

§ C4-3 Powers and duties.

- A. The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for administering and coordinating all employees, activities, and departments placed by General Laws, this Charter or bylaw under the control of the Board of Selectmen and the Town Administrator. The Administrator shall implement the goals and carry out the policies of the Board of Selectmen.
- B. The Administrator shall devote full time to the duties of the office and shall not hold any other public office, elective or appointive, nor be engaged in any other business occupation or profession while serving in such office unless such action is approved, in advance and in writing, by the Board of Selectmen.
- C. The powers and duties of the Town Administrator shall include but are not limited to the following:
[Amended 5-4-1997 ATM by Art. 36]
 - (1) Attendance at all meetings of the Board of Selectmen, unless excused at the Town Administrator's request, and the right to speak but not to vote at all such meetings;
 - (2) Keep the Board of Selectmen fully informed as to the needs of the Town, and to recommend to the Board of Selectmen for adoption by it such measures requiring action by it or by the Town as the Town Administrator deems necessary or expedient;
 - (3) Inform the Board of Selectmen on all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end submit periodic reports;
 - (4) Keep the Board of Selectmen fully informed of the availability of all sources of outside funding, both public and private, including intergovernmental grants, so-called "in-lieu-of" payments, gifts, grants, contributions and otherwise, giving special consideration as to how any such funding source might relate to the short- and long-range needs and goals of the Town;
 - (5) Prepare and present simultaneously to the Board of Selectmen and the Finance Committee, in the manner provided in Article VI of this Charter, a draft annual operating budget for the Town and a proposed capital outlay program;
[Amended 5-3-2010 ATM by Art. 29]
 - (6) Administer during the fiscal year the annual operating budget and capital outlay appropriations as voted by the Town to assure all such funds are expended or committed in accordance with General Laws, Charter, bylaws and the Town Meeting votes relating thereto;
 - (7) Act as the Chief Procurement Officer for the Town;
 - (8)

Develop, keep and update annually a full and complete inventory of all real and personal property of the Town;

- (9) Possess the right to attend and speak at any regular meeting of any Town multimember body.
- (10) Negotiate collective bargaining contracts on behalf of the Board of Selectmen, unless the Town Administrator, with the approval of the Board of Selectmen, shall have designated another negotiator or negotiating team. All such contracts shall be subject to the approval of the Board of Selectmen.
- (11) Coordinate the activities of all Town agencies serving under the office of Town Administrator and the office of the Board of Selectmen with those under the control of other officers and multimember bodies elected directly by the voters. For this purpose, the Town Administrator shall have authority to require the persons so elected, or their representatives, to meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town;
- (12) Attend all sessions of all Town Meetings and answer all questions directed to the Town Administrator which relate to the office;
- (13) Perform such duties as assigned by Charter, bylaw or vote of the Town Meeting or vote of the Board of Selectmen.

§ C4-4 Powers of appointment.

[Amended 5-3-2010 ATM by Arts. 29, 30]

The Town Administrator shall appoint, on the basis of merit and fitness alone, and may remove, except as otherwise provided by General Laws, this Charter, personnel bylaws, or collective bargaining agreements that may be applicable, a Town Treasurer/Collector, a Police Chief, a Fire Chief, a Town Accountant, and all other department heads, officers, subordinates and employees, full- and part-time, excepting that:

- A. Employees of the School Department and the Library shall be appointed by their respective department heads;
- B. The Police Chief and Fire Chief shall appoint employees of their respective departments subject to the approval of the Town Administrator;
- C. The Town Administrator shall appoint personnel after consultation with supervisors and department heads to whom such personnel report or are assigned;
- D. With the exception of the appointment of the Town Treasurer/Collector, all appointments made or approved by the Town Administrator shall become effective no later than the 15th day following the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless three members of the Board of Selectmen shall vote to reject such an appointment within such period.
- E. Appointment of the Town Treasurer/Collector shall become effective no later than the 15th day following the day on which notice of the proposed appointment is filed with the Finance Committee and the Board of Selectmen, unless five members of the Finance Committee and three members of the Board of Selectmen shall vote to reject such an appointment within such period.^[1]

[1]: *Editor's Note: The transitional provision for this subsection read: "Transitional Provision: Initial appointment of the Town Treasurer/Collector shall be effective at the end of the officer's term that ends at least one year after the State Legislature has approved the change provided, however, that prior to its taking effect, the special legislation shall be submitted to the voters of the Town of Eastham for their approval by majority vote at the next annual election." This provision was approved at the Annual Town Election 5-21-2010.*

§ C4-5 Personnel administration.

- A. The Town Administrator shall administer and enforce collective bargaining agreements, personnel policies and practices, rules and regulations, and personnel bylaws adopted by the Town.

- B. The Town Administrator shall, in conjunction with the Personnel Board, prepare, maintain, and keep current a plan establishing the personnel staffing requirements for each Town agency, except those under the jurisdiction of the School Committee.
- C. The creation of any new full-time compensated position shall require approval by the Board of Selectmen, and such action shall not be effective until the position has been funded by Town Meeting vote.
[Amended 5-3-2010 ATM by Art. 29]

§ C4-6 Administrative reorganization.

The Town Administrator may recommend to the Board of Selectmen and implement, with the Board's approval, reorganization of any department or position placed by this Charter under the Town Administrator's direction or supervision, except as otherwise provided by General Laws or this Charter.

§ C4-7 Disbursements.

Warrants or vouchers for payment of Town funds prepared and signed by the Town Accountant in accordance with General Laws shall be submitted to the Town Administrator, whose approval shall be sufficient authorization for payment by the Town Treasurer/Collector. At least three Selectmen shall approve all warrants or vouchers in the Town Administrator's absence or in the event that office is vacant.

§ C4-8 Evaluation.

- A. The Board of Selectmen shall annually evaluate the performance of the Town Administrator. The Board of Selectmen shall adopt a written set of procedures and criteria which shall form the basis for the evaluation.
- B. The Board of Selectmen shall provide a copy of the evaluation to the Town Administrator and a copy shall be kept on file in the office of the Board of Selectmen for examination by the public.

§ C4-9 Removal.

- A. The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Administrator by adopting a resolution to that effect. Said resolution shall state the reason therefor, provided that no such resolution shall be adopted within 60 days following any Town election. Any such resolution shall be adopted only at a regularly scheduled public meeting and in open session.
- B. The adoption of said resolution shall serve to suspend the Town Administrator for not more than 45 days, during which the salary shall continue to be paid. A copy of such resolution shall be delivered in hand forthwith to the Town Administrator or sent by registered mail, return receipt requested, to the Administrator's last known address.
- C. Within five days following receipt of such resolution, the Town Administrator may file a written request for a public hearing with the Board of Selectmen. Upon receipt of such request, the Board of Selectmen shall schedule a public hearing within two weeks. At least seven days prior to the public hearing, the Board shall advertise the hearing in a local newspaper and shall cause identical notices stating the purpose, location, time, and date to be posted in the Town Hall and in every post office in Town.
- D. The Town Moderator shall preside at any such hearing.
- E. At any such hearing, the reasons for the removal shall first be read aloud. The Town Administrator shall then have the right to respond, personally, or through counsel. The Board of Selectmen and the Town Administrator shall have the power to compel testimony and to subpoena any Town records.
- F. Final removal of any Town Administrator shall be effected by the affirmative vote of at least three members of the Board of Selectmen at a public meeting, the time and place of which are announced, held within seven days of such hearing, if any. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members, at a meeting of the Board of Selectmen held not earlier than 14 days after the resolution initiating removal is adopted. The salary of the Town Administrator shall be paid for

a period of 60 days after the vote effecting removal from office or in accordance with the termination clause in the Town Administrator's contract.

- G. The Town Administrator shall provide the Board of Selectmen with at least 90 days' notice of the Town Administrator's intent to resign. The Board of Selectmen may shorten or waive this requirement.

§ C4-10 Filling vacancy.

When a vacancy arises in the office of the Town Administrator, the Board of Selectmen shall advertise the vacancy at once. The Board shall fill the vacancy as quickly as possible, but in any case, within six months.

§ C4-11 Acting Town Administrator.

- A. During a vacancy caused by suspension, removal, resignation or death of the Town Administrator, the Board of Selectmen shall designate, within 10 days of the vacancy, a Town employee or other person to exercise the powers and perform the duties of the Town Administrator. This designation shall be for a period not to exceed 90 days, and it may be renewed, in the case of suspension, removal, resignation, or death, only once for an additional period not to exceed 90 days.
- B. The Town Administrator shall, subject to the approval of the Board of Selectmen, and by letter filed with the Board of Selectmen and the Town Clerk, designate a qualified Town officer or employee to exercise the powers and perform the duties of the Town Administrator during a temporary absence.



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The Leader in Public Sector Law

SEARCH COMMITTEE PROTOCOL

The following procedures may be used as a general guideline for conducting a search for a position to be filled by a committee:

General Guidance:

- All provisions of the Open Meeting Law (“OML”) apply to the search committee, including the requirements for posting detailed meeting notices, convening open sessions prior to going into executive session, making the statement required prior to convening executive session, taking a roll call vote for such purposes, and keeping detailed minutes of all open meetings and executive sessions.
- As a general rule, matters discussed in executive session may not be publicly discussed or disclosed except in accordance with a vote of the search committee, particularly where privacy rights of individuals may be implicated.
- Communications between or among members either in person, or by telephone, e-mail or social media are strongly discouraged, and communications initiated by members of the search committee must be limited to scheduling purposes only.
- All provisions of the Public Records Law (“PRL”) apply, subject to the exemptions contained therein, meaning that the materials created by or submitted to the search committee are subject to the law and are subject to disclosure unless falling within one of the limited exemptions to the law.
- Members of the search committee are Municipal Employees for purposes of the Conflict of Interest (“COI”) Law and should be aware of the restrictions and obligations of the law; unless designated as “special”, this fact can vastly limit the ability of members to appear on behalf of others in matters in which the Town has a direct and substantial interest.

Procedures:

The below suggested steps are meant as a guide; variations may be made to suit a particular hiring situation, provided that the applicable provisions of state law, and local charter or bylaws, are observed.

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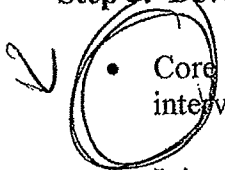
Step 1: Establish Parameters of the Search Process – Open Session (whether done by the appointing body or the search committee)

- Develop job criteria, minimum qualifications and application procedures.
- Establish a procedure for issuance and receipt of applications and deadlines for submissions and decision making.
- Determine how many candidates will be recommended to the appointing body as finalists, so that it is clear when the search committee's work is done. (Must be more than one; at least one court has concluded that using the preliminary screening process to winnow applicants down to only one finalist, all in executive session, violates the OML).

Step 2: Receive and Discuss Applications – Executive Session if OML Conditions are Met (Note - Step 2 and Step 3 may occur in reverse order or simultaneously)

- Pursuant to G.L. c. 30A, §21(a)(8), the search committee may meet in executive session to consider or interview applicants for employment if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.
- Generally, the search committee may enter executive session if one or more candidates have stated that they wish their candidacy to be considered confidentially at the initial stages of the search process.
- At this initial stage, if confidentiality is invoked, the search committee may discuss in executive session each of the applications received and determine which candidates, if any, will be invited for the first round of interviews.

Step 3: Develop Interview Questions – Open Session

- 
- Core questions should be developed by the search committee in open session prior to the interviews.
 - It is generally recommended that each candidate be asked the same core questions.
 - If there is interest in asking candidates questions for which they are required to provide an instinctive answer, each member of the search committee could be asked to prepare a single question for such purposes, and each candidate could be asked that question in executive session.

Step 4: First Round of Interviews – Executive Session if OML Conditions are Met

- The search committee may interview each candidate in executive session if the requirements of Purpose 8 of the Open Meeting Law are met, as described above.

- The search committee may discuss in executive session the merits of each candidate, and decide whether the candidate will be invited for a second round of interviews or named as a finalist to be recommended to the appointing body.

Step 5: Second Round of Interviews – If Applicable

- Additional candidates may be interviewed.
- Similarly, candidates previously interviewed may be called back for a second interview provided that number of eligible candidates has not dropped to the number of candidates the search committee has indicated will be recommended as finalists to the appointing body.

Step 6: Notify Finalists and Make Recommendation to the Appointing Body

- Once the search committee has recommended finalists to the appointing body, Purpose 8 of the Open Meeting Law no longer applies and the remainder of the process must be carried out in open session.
- Prior to making a recommendation, each finalist should be notified of the search committee's decision and given an opportunity to withdraw their name from consideration.
- If the process was conducted in executive session, only the names of the finalists who agree to be considered by the appointing body should be released publicly.

Step 7: Appointing Body Interviews Finalists – Open Session

- Once finalists have been recommended to the appointing body, such board or committee's consideration of such finalists must occur in open session, including interviews of the candidates identified as finalists.
- There is no limit on the number of times a particular candidate may be interviewed in open session.
- Executive session may only be used for strategy with respect to negotiations with non-union personnel, or to actually negotiate an employment contract; in our experience, the appointing body will often delegate this responsibility to a single member, and then have that person bring recommendations back to the entire board.
- If all interviews are unsuccessful, the search committee may be tasked to revisit the search process, starting as far back in the process as Step 1, or later in the process.

Open Meeting Law, Public Records Law, and Conflict of Interest Law Implications

As noted above, the Open Meeting Law, Public Records Law, and Conflict of Interest Law apply to screening committees and their members.

Open Meeting Law –

1. Screening committee meetings must be posted in accordance with the OML, and all meetings must first convene in open session. The screening committee must provide 48 hours posted notice of any meeting, Saturdays, Sundays, and legal holidays excluded. The agenda must include notice of an executive session (if one is to be held), and the general topics to be discussed.

For instance:

- “To review resumes of candidates as part of the preliminary screening process.”
 - “To conduct interviews of candidates as part of the preliminary screening process.”
 - “To screen candidates as part of the preliminary screening process.”
 - “To develop a short-list of candidates for further screening or to recommend to the Board of Selectmen.”
2. Where executive session is appropriate, both the Agenda and the motion to convene in executive session should state that the chairman has determined that an open meeting will have a detrimental effect in obtaining qualified applicants.
 - The chairman may only make this declaration if one or more candidates have stated that he or she wishes that their candidacy be considered during the preliminary screening stages only in executive session.
 - Candidates should be asked this question prior to the screening process. It is advisable to include this question on the application form.
 3. Where an executive session is held, the vote to go into executive session and any votes taken during executive session must be by roll call. The vote to exit the executive session should also be by roll call. The vote to convene in executive session must state whether the screening committee will return to open session after the executive session.
 4. Of course, detailed minutes of both open and executive session meetings must be kept. We recommend that the executive session minutes be kept separate and apart from the minutes of any open session. The names of candidates screened must be included in the minutes. Do not discuss any matters in executive session that do not relate directly to the screening of candidates or were not included in the agenda notice.

5. Provided that the preliminary screening process was appropriately conducted in executive session, the names of candidates considered during the screening process may be kept confidential even after the selection is made, which includes redacting the names from the executive session meeting minutes in response to a public records request for same. (Protection of privacy rights under G.L. c. 214, s. 1B and Exemption (7) of the OML – to comply with the provisions of any general or special law).
6. General OML principles govern email communications between screening committee members, and even communications between committee members and applicants, board of selectmen, town employees or officials, and the like. As such, avoid the use of email except for scheduling purposes. (The chair of the screening committee or a staff member may send an email to committee members scheduling meetings and distributing information.) Screening committee members should never email each other or engage in any discussions by email. Avoid sharing ideas, beliefs, reflections, or opinions in email communications, and never use “reply to all”.

Public Records Law –

1. Emails of screening committee members that relate to the business of the committee, even if exchanged through private email addresses, are public records and must be retained and disclosed if requested and if no exemption from disclosure applies.
2. Of note, given the privacy interests held by applicants who do not reach the finalist stage, it may be that the executive session minutes of the screening committee meetings might never properly be released. This has to be analyzed on a case-by-case basis.
3. Application materials, including resumes, of candidates that are never considered in open session, may be withheld from disclosure in response to a public records request. Resumes of finalists (but not other application materials), discussed in open session, are public records.

Conflict of Interest Law –

1. Members of a screening committee are considered municipal “employees” for purposes of the COI Law. G.L. c. 268A, s. 23(C) provides, in relevant part:
 - (c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know;
 - (1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

2. As a result, it is a violation of the COI Law to reveal executive session information until the reason for the executive session no longer applies and the full committee votes to release the minutes.
3. Furthermore, screening committee members may not participate in any matter in which he or she or an immediate family member has a financial interest. Other prohibitions apply. If you are in doubt, contact the State Ethics Commission or Town Counsel (through the Town Manager's office.) If a screening committee member learns that an immediate family member, neighbor, friend, or business associate has applied for the position, the committee member should not participate any further in the screening process until an opinion has been issued with respect to the COI question.

Helpful Links

Attorney General's Open Meeting Law Website:

<http://www.mass.gov/ago/government-resources/open-meeting-law/>

Secretary of the Commonwealth Public Records Law:

<http://www.sec.state.ma.us/pre/preidx.htm>

State Ethics Commission Website:

<http://www.mass.gov/ethics>

Contact Information

Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110
(617) 556-0007

500897

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Reasons for Convening Executive Session (M.G.L. c.30A, Sec. 21(a) – Effective July 1, 2010)

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. (*See Rights of Individuals – next page*)
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.
4. To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

Procedures for Convening Executive Session

1. The meeting must be convened in an open posted session, with executive session listed on the agenda when reasonably anticipated by the chair.
2. The chair states the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose of the executive session (and, under exemptions 3, 6, and 8, makes the required declaration).
3. A majority must vote in a recorded roll call to go into executive session.
4. The chair announces whether the meeting will reconvene in open session.
5. Accurate minutes and other records of the executive session must be maintained, with all votes recorded by roll call.

Rights of Individuals (Exemption 1)

1. When a governmental body wishes to discuss: (a) the reputation, character, physical or mental health of an individual; or (b) the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual, it must notify that person in writing at least 48 hours in advance of the meeting, not including Saturdays, Sundays or holidays.
2. Written notice may be waived by the individual.
3. The individual may request that the meeting be held in open session.
4. If an executive session is held, the individual has the right to be present for deliberations and to speak, and to have counsel or a representative of choice present for the purpose of giving advice but not for active participation.
5. The individual may have an independent record of the executive session created by audio recording or transcription, at the individual's expense.

MASSACHUSETTS MUNICIPAL MANAGEMENT ASSOCIATION

Published on MMMA (<http://www.massmanagers.org>)

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Typical Duties of a Town Manager/Town Administrator

General Scope

Carries out the policies adopted by the elected body.

Provides professional administration, management and supervision of municipal departments.

Assures compliance with relevant federal laws and regulations, Massachusetts General Laws and municipal bylaws, ordinances and regulations.

Develops long-range plans with guidance from the elected body and assists in the achievement of common goals and objectives.

Supervision

Type received: general policy direction by elected board or council.

Exercised:

Independent judgment.

Assumes full responsibility for decisions.

Oversees key department managers.

Duties

Functions as the Chief Executive/Administrative Officer of the municipality.

Prepares council or board meeting agenda materials.

Prepares a comprehensive annual operating budget and capital improvement plan.

Ensures fiscal responsibility and modern accounting and financial reporting practices.

Develops performance measurement systems for municipal services.

Plans for short-term and long-term financing for capital projects.

Makes recommendations for appointments and removal of relevant positions and membership on committees.

Recruits, hires and supervises the municipal workforce, including key department managers.

Provides oversight of personnel functions, collective bargaining, classification and compensation plans and benefits.

Serves as the Chief Procurement Officer.

Oversees and manages property and assets.

Applies for and administers federal, state and private grant funds.

Acts as the liaison with state and federal government, local civic and business entities, and interested members of the public.

Facilitates the flow and understanding of ideas and information between and among elected officials, employees and citizens.

Some example manager/administrator position descriptions are provided below:

[City Manager/Administrator \(Word Format\)](#)

[City Manager/Administrator \(PDF Format\)](#)

[Town Manager/Administrator \(Word Format\)](#)

[Town Manager/Administrator \(PDF Format\)](#)

Town Specific Info:

Search Committee Charges, Confidentiality Agreement,
Community Survey

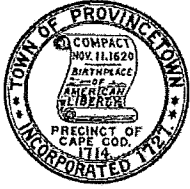
Draft Charge: Town Manager Search Committee

Overall Charge

To assist the Board of Selectmen and consultant in the initial screening and selection of a new Town Manager for the Town of Provincetown.

Specific Charges

1. Become familiar with the role, responsibility and authority of the position of Town Manager. Study the Home Rule Charter that established the form of government and in particular Chapter 4 Board of Selectmen and Chapter 7 Town Manager.
2. Encourage town officials, employees, committees and residents to offer views regarding issues facing the town government and the Provincetown community including to hold at least one Public Forum to receive input from citizenry.
3. Make suggestions to the Board of Selectmen and consultant concerning a profile of the Town of Provincetown and the Town Manager position. The profile prepared by the consultant shall be reviewed and approved by the Board of Selectmen prior to publication.
4. With the assistance of the consultant consider, in confidence, applications and resumes submitted for the position; compare the experience and qualifications of candidates against the profile established by the Board of Selectmen for the position; screen applications for further review and personal interviews by the consultant and search committee.
5. Recommend approximately five (5) of the most qualified candidates to the Board of Selectmen for the Board's further consideration.
6. Members of the search committee are to treat all applications in confidence; are not to divulge the identity or resume information on any applicants during and following the selection process. Nor are any members of the search committee authorized to conduct any reference or background checks on any candidates.



**Town Manager Search Committee
AGENDA ACTION REQUEST**

May 7, 2014

4

Review and Discussion of Committee Charge

Requested by: TMSC Secretary, Mary Timmons

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent

Additional Information

See Attached Charge

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Confidentiality Agreement

As a member of the Town of Provincetown Town Manager Preliminary Screening Committee ("Committee"), I acknowledge that I may be provided with or obtain information that is confidential and/or exempt from public disclosure under applicable laws. Such information may include, but is not limited to, personal details and information about candidates, as well as information about internal government procedures and activities. I further acknowledge that I have read the provisions of G.L. c. 268A, §23(c)(2) (a copy of Section 23(c) is attached), which prohibits me, as a member of the Committee, from "improperly disclos[ing] materials or data within the exemptions to the definition of public records as defined by section seven of chapter four," or from "us[ing] such information to further [my] personal interest."

In discharging my duties as a member of the Committee, I agree that I will not disclose any confidential or private information, or information that is exempt from disclosure under the Massachusetts Public Records Law, that I have obtained through my activities as a Committee member. In order to ensure the integrity of the search process, I further agree that I will not discuss confidential matters or information before the Committee, outside of properly posted and convened meetings of the Committee, or any other Town of Provincetown public body, as may be appropriate.

Name (printed) _____

Signed _____

Dated _____

The Committee reviewed materials prepared the law firm of Kopelman & Paige related to the search specifically, the Open Meeting Law, Public Documents law and a list of guidelines for questions a public body may ask an applicant for town employment.

The Committee members each signed a confidential agreement which will remain on file with the Secretary to the Board of Selectmen.

The meeting adjourned without objection at 11:15 am

submitted by,
Tom Donegan

approved by committee on 5.28.15 by 5-0 vote

Survey Summary
from the
Provincetown Town Manager Search Committee
June 2014

The Provincetown Town Manager Search Committee recently reported the results of its survey which sought input from residents as to what qualities and qualifications they are looking for in their new town manager. The 100 plus respondents indicated they desire the new Town Manager not only to manage the fiscal and personnel aspects of town government, but to lead the town with integrity, open communication and receptivity to new and creative ways to address the manifold challenges facing Provincetown's diverse community.

The survey was drafted by the Search Committee and made available to the public at the Annual Town Meeting, a public forum held by the Committee, the Provincetown Public Library and online at the Town's website for a period of close to two months. The majority of participants believed the new Town Manager should have a casual, approachable demeanor while being a strong authority figure, an adroit negotiator and an impartial liaison between staff, volunteers and residents. There was a theme in many of the responses that the new Town Manager should be a consensus builder foremost, framing issues in a solution-seeking manner and building consensus. Many respondents viewed the Town Manager as more of a negotiator between views than as an advocate for one particular view. Others focused on the need for the selected candidate to have clear decision-making and vigilant fiscal management skills. A common theme was the need for an analytical thinker who is able to lead and facilitate, communicate, differentiate, mediate and ultimately, successfully execute policy decisions.

One respondent noted a concern that the salary level for the new Town Manager as approved by Town Meeting was not competitive or commensurate with the very demanding job requirements.

There also was some division of opinion as to what the basic role of the Town Manager should be. Some respondents stated the need for a manager to be receptive to the will of townspeople, while others stressed the opposite, that the Town Manager is not directly answerable to the public, but to the Board of Selectmen which answers to the public.

The Town Manager Search Committee wants to emphasize that the survey and the public forum were not the only opportunities for the public to weigh in on the search: the public has an opportunity to speak and share its views at the beginning of each Search Committee meeting, the location, dates and times of which can be found on the Town's website.

WHAT ARE YOU LOOKING FOR IN OUR TOWN MANAGER ?

In order to begin thinking of those qualities we'd most like our Town Manager to possess, we must first understand exactly what the job demands. The Town Manager has broad responsibilities and must prioritize them in order to accomplish them all.

- Directs, implements and administers all town operations including financial, DPW, Public Safety, streets/harbor/parks.
- Coordinates BOS activities with activities of all town departments and implements BOS policies while keeping both BOS and department heads informed of departmental operations, fiscal affairs and problems.
- Manages Municipal Budget after development and presentation to BOS and Town Meetings as required
- Appoints key Town senior management including Accountant, Assessor, Assistant Town Manager, Clerk, Chief of Police, Treasurer, Licensing Agent, and Counsel
- Serves as Personnel manager responsible for recruitment, selection, promotion and removal of personnel and advises department heads, boards and BOS on personnel matters appraisal system administrator and leads bargaining with employee unions
- Serves as Chief Procurement Officer responsible for overseeing purchases, as well as contracts with outside vendors and consultants; manages town property
- Serves as Commissioner of Public Safety leading implementation of community oriented policing practices
- Serves as Liaison with state and federal governmental agencies and seeks grants and imcreased support for town initiatives
- Communicates policies, procedures, challenges and progress in meeting goals with Deaprtment Heads, BOS and boards and commissions
- Provides vital Public relations function addressing suggestions, complaints, criticisms by citizens and businesses and coordinates response of relevant departments, BOS and others in implementing strategies to town business operations.
- Confers with town counsel in preparing and documenting litigation and other legal matters confronting the town

In addition, the town manager must communicate with many components of the formal town governance structure and informal groups, organizations and individuals.

- Board of Selectmen
- Police Chief and public safety staff
- Town Financial staff-accountant, assessor, treasurer and related State agencies
- Department of Public Works
- Town Business leaders and organizations
- Non-profit religious, social service, health care, and advocacy organizations
- State, Federal governmental agencies imposing laws and regulations on town
- Individual citizens who make requests, proposals or complaints about town matters
- Boards and commissions with specific roles and responsibilities (*there are 35 boards or committees*)

- Other Outer Cape Town Managers, County or area wide agencies

Now you have a quick idea of the job description, help us build a personality profile...

Please choose from the following list only 5 qualities/skills that you think are the most desirable in a Town Manager. Please rank in order of importance, 1 being most important.

- independent thinker
- advocate for town employees
- dynamic personality
- experience working in a resort community
- experience working in a diverse community
- experience working with a Board of Selectmen
- a consensus builder
- fiscally conservative
- detail-oriented in managing budget, departments and staff
- strong listening Skills for mediation and problem-solving
- strong speaking skills for presentations, leading meetings, can act as a professional spokesperson for the town
- Long Term Planning ability
- Depth of knowledge of personnel management; financial planning
- Even tempered personality
- Knowledge of town governance and New England Town Meeting Process as well as Mass General laws and Town charter

please write here any attributes not mentioned above:

*Which characteristics would you value most in a Town Manager?
please circle only 5.*

Independent Polite Charismatic Funny Business-like Committed Authoritative
Transparent Caring Strict Honest Innovative Thoughtful Courageous
Approachable Tough Commanding Sensible Clever Accommodating Consistent
Forward-Thinking Pragmatic Compassionate Candid Engaged Responsible Friendly
Inspirational

*What management style would you like to see in Town Hall, as exemplified in the style of the
Town Manager?* Casual, Personal Professional, All Business

Please rank in order of importance from 1 to 3 how accessible the Town Manager should be

- to employees?
- to boards?
- the public?

Please underline which answer best describes your perspective:

How would you prefer the Town Manager make him/herself accessible to staff and citizens?

- Open Door or Closed Door
- Posted Hours or Group Meetings or Scheduled Appointments

*Do you see the Town Manager primarily as an administrator of small, bureaucratic matters or
as a civic leader expected to address the town's larger issues?*

*Do you see the Town Manager as a deft negotiator between opposing views or
as a committed advocate for some vision for the future?*

*Should a Town Manager be involved proactively in department and committee issues or
cede leadership to Chair and Department Heads , intervening only upon request?*

*Should the Town Manager be expected to resolve personnel matters that come to light or
expect those personnel matters to be handled by department heads?*

Should the Town Manager circumvent the "chain of command" rarely or at will?

POSSIBLE WRITTEN QUESTIONS:

In your own words, what role should the Town Manager play in the community?

What role should the Town Manager have in resolving conflicting points of view between town employees and citizens?

In your most recent interactions with government leaders, did you leave feeling your issue would be addressed? Please elaborate.

Briefly, what is an example of the best experience you've had with a superior and why was it rewarding? What was your least satisfying experience and how do you think it could have been more productive?"

Please identify yourself as belonging to one of the following groups:

Resident Town employee Department Head/Manager Committee Chair

Town Manager Search Committee

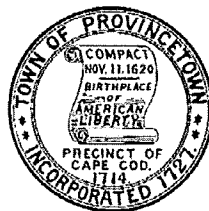
Is Holding a Public Forum

On Wednesday April 16, 2014

from 5:00 – 7:00 pm

Town Hall Auditorium

**for a Question and Discussion
on the Hiring of a new Town Manager**

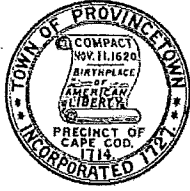


**We strongly urge your attendance and
input with this process.**

Hope you will be there to help us.

Thanks,

Your Search Committee



**Town Manager Search Committee
AGENDA ACTION REQUEST**

March 12, 2014

5A

Evaluation Criteria

Interview of Potential Candidates

Requested by: Louise Venden, Chair

Action Sought: Review and Discussion

Proposed Motion(s)

Review evaluation criteria for interview of potential candidates

Additional Information

See attached guide

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Town Specific Info:

Job Advertisements

YARMOUTH TOWN ADMINISTRATOR

INTRODUCTION

The Town of Yarmouth has retained the services of the Edward J. Collins Jr. Center for Public Management at the University of Massachusetts Boston to assist in the Town's recruitment of a new Town Administrator. This Profile draws upon our discussions with selectmen and department heads. For more information about the Town of Yarmouth please consult Yarmouth's web site (www.yarmouth.ma.us).

THE TOWN OF YARMOUTH

Yarmouth is located on Cape Cod, approximately 75 road miles from Boston. The nearest interstate highway access is on route 195 in Wareham, and the nearest commercial airport is in Hyannis, 6 miles away. A small portion of Yarmouth faces north onto Cape Cod Bay. Most of the Town's ocean frontage faces south onto Nantucket Sound and bounds much of Hyannis harbor. The Town contains an extensive system of marine estuaries and fresh water ponds

Yarmouth is a town of homes, many built in the post World War II era as the Town blossomed as a middle class community. Commercial development in Yarmouth is largely limited to arterial roads, principally route 28. Population almost doubled in the 1970 to 2000 period to approximately 24,000, but the 2010 census showed a 4% decline in population. In general, the Town is considered largely built-out. Future development will be largely redevelopment. Approximately 21% of the population is over 65 compared to the state average of 15%

Yarmouth is more complex than a scenic drive-through suggests. It is among the smallest HUD CDBG entitlement municipalities in the nation, its median income for a family is estimated at \$52,888, significantly lower than the statewide average of \$66,768. (Data on the Town's demographic trends can be obtained from Cape Cod Commission web site (www.capecodcommission.org).

Away from seasonal attractions e.g. beaches, amusements, golf and related facilities Yarmouth is perceived as a quiet residential community. The Town's year round population is approximately twenty-four thousand and its land area is 24 square miles. During the peak summer period the population more than doubles stressing roads, public facilities and public safety operations. Citizen participation in governance is embraced and adds to the flavor and the culture of the community.

ORGANIZATIONAL DESIGN AND GOVERNANCE

The Town governance structure consists of a five member Board of Selectmen elected for three year staggered terms and an open town meeting. Only the Selectmen, the Town Moderator, and members of the Old Kings Highway Historic District are elected. The Town Meeting is the legislative body and exercises the functions of appropriating funds and enacting by-laws. Town Meeting is advised by a Finance Committee on the budget and on the full range of financial matters presented to the Town Meeting. The Town's Charter is available on the Town's web

site. The formal powers and duties of the Town Administrator are established through the Charter and by policy decisions of the Board of Selectmen.

The position of Town Administrator is well established and respected. Only two people have held the position during the previous thirty-five years. Decades of commitment to the Town by the previous incumbents, their deep institutional knowledge and well deserved reputation for innovation, professionalism and fairness set a high bar for the new appointee.

The position of Town Administrator will be vacant as a result of a decision by the current Town Administrator to retire early in 2016.

Town Services are delivered through seven cabinet level departments: Inspections, Public Works, Finance, Community Services, Community Development, Fire and Police. The 2014 Town Report is available on the Town's web site. The cabinet system works well and is broadly accepted. The 2014 Town Report, available on the Town's web site provides an excellent explanation of the Yarmouth's operations and organization.

School functions are provided by the Dennis-Yarmouth Regional School District, an independent entity. Yarmouth voters elect four members of the seven-member Regional School Committee.

PUBLIC FINANCE

The Town has earned an AA+ rating from Standard and Poor's credit rating agency. Yarmouth had total General Fund revenues are approximately \$65 million. Almost \$55 million of this amount is from property taxes, with 90% of this amount from residential property. A recent bond offering statement is posted on the Collins Center web site. In addition, detailed financial information may be obtained from the Massachusetts Department of Revenue web site.

CHALLENGES FOR THE TOWN ADMINISTRATOR

Leadership. As Chief Administrative Officer for the Town, the Town Administrator must sustain and enhance the respect for the position that has emerged over recent decades. The Town Administrator directs and manages the delivery of all municipal services. The status of the Town Administrator position derives not only from the laws that created the position and formal and informal delegation of responsibility by the Board of Selectmen, but from his/her professionalism, demeanor, and superior substantive knowledge demonstrated over decades by the previous incumbents.

Management. The public expectation is that, while the Town Administrator will have high familiarity with municipal operations he/she cannot be not micro-manager. The Town Administrator must be comfortable engaging with front line workers where that is appropriate while being fully supportive of cabinet level and subordinate managers.

Professionalism, Staff Development and Morale.

The Town has well-regarded, highly skilled and professional department heads and key staff. The general atmosphere in Town Hall is highly collaborative. The Town has benefited from having a blend of professionals who have served the community for many years. Fully utilizing the considerable talents of staff, establishing high performance standards and maintaining staff morale will be critical to the success of the new Town Administrator. The Town Administrator will need to work with cabinet level and subordinate managers to establish performance measures for staff and operations as well as providing top-level support for key programs, initiatives and projects.

Communication. Well-developed communication skills in Yarmouth are essential. Open, accurate and timely communication by the Town Administrator with all Town government entities, with the public, the many volunteers and employees needs to be integrated into the normal operational practices of the Town. In addition, the Town Administrator must be able to engage the members of the Board of Selectmen in an on-going dialogue about the critical issues that face the Town.

Financial Management, Budget Planning and Preparation. Like all Massachusetts municipalities, Yarmouth is facing revenue constraints and growing cost pressures. The Town Administrator must build and direct a strategic planning process that strikes an appropriate balance between long term goals and short-term budget requirements. A significant amount of the Town Administrator's time will be required to help forge town-wide strategies to bring these into balance. This task must be addressed in the context of multi-year plans that consider the conservative fiscal values of the community, the demographic trends affecting the Town and unmet capital requirements.

Sustaining a High Level of Public Services. The twenty-four thousand residents expect a high level of public service, which must be sustained largely through the local property tax base, which is approximately 90% residential.

Economic Development and Environmental Protection. Significant economic development will require the redevelopment of land along the major arterial corridors, principally Route 28, but a constraint is the absence of municipal wastewater treatment. Intensive efforts have been conducted in recent years to identify freshwater and estuarine areas at risk from pollution and nutrient loadings and much of this effort has been catalyzed by state regulatory policy, local actors and environmental advocacy entities. A new Town Administrator will need to manage the processes that address both economic development and environmental protection and foster consideration of strategies in which they can be mutually reinforcing.

Education. Education is a strongly held value among the citizens of Yarmouth. In the current environment, which produces only modest incremental revenue from year to year, stresses occur in the Regional School District (RSD) - Town fiscal relationship. The budget of the Regional School District is levied on each of the two member towns by the RSD with Yarmouth carrying about 65% of the levy. While not responsible for the school budget or financial operations, the

Town Administrator will need to contribute to an on-going dialog on balancing the relative needs of the RSD and town. This role needs to be played with high technical knowledge of finance and genuine collaborative engagement with both the RSD and the Town of Dennis.

THE IDEAL CANDIDATE

The Yarmouth Board of Selectmen seeks a Town Administrator who is a seasoned manager in an environment of similar complexity who possesses strong leadership, communication and organizational skills.

Yarmouth seeks a Town Administrator with the energy, skill, creativity and experience to serve the community as the Chief Administrative Officer; direct and manage the delivery of municipal services; provide leadership and support to the Board of Selectmen in strategic and policy planning; and provide leadership to departments.

Yarmouth seeks a Town Administrator willing to commit to a tenure long enough to build a multi-year approach to strategic planning and ensuring the sustainability of the Town's service levels. The new Town Administrator must support regional solutions when that is in the Town's interest. Yarmouth needs a Town Administrator who can help set the stage for community-wide approaches to addressing the Town's needs, approaches that produce sound outcomes and avoid polarization within the Town.

The following attributes have been determined important in Yarmouth's next Town Administrator.

PERSONAL ATTRIBUTES

The next Town Administrator needs to be:

- Able to demonstrate leadership internally and externally.
- Able to demonstrate unquestioned integrity in interactions with officials and citizens.
- Able to communicate effectively in all aspects of the position and with all constituencies in the community. The successful candidate must be direct, facilitative, and clear.
- Able to direct a budget process that develops a sound comprehensive budget for consideration.
- Able to use the status inherent in the Town Administrator's position to advance the Town's agenda.
- Able to delegate many of the routine administrative and communication tasks to subordinates, so that time is available for longer range project and strategic planning.

- Able to create and sustain a goal-oriented and performance based environment by establishing, maintaining and promoting effective policies and initiatives. The Town Administrator will be a genuinely inclusive leader who is capable of exerting influence and direction in a manner that shares successes with elected officials, professionals and volunteers.
- Able and willing to work openly with community groups and employees. A direct, collegial, facilitative style that fosters joint problem solving is needed. The Town Administrator cannot be a micromanager and can have no agenda beyond being a professional.

PROFESSIONAL ATTRIBUTES

The Town Administrator must be:

- A seasoned leader of a comparable organization with extensive personal experience in finance, budgeting, capital and operational planning, expenditure management, labor relations, public facilitation, and staff development. Excellent public and interpersonal communication skills are essential.
- A professionally stable person with a record of tenure and consistent career growth. The Town seeks a committed management professional willing to stay for a significant period but who is also willing to take risks to improve the organization.
- Able to demonstrate a background in guiding the development of a shared strategic vision for the community. The ideal candidate must be a coalition builder, equally at home with private sector and community leaders. The ideal candidate must be able to exercise leadership within the organization and the community.
- Both strategic and tactical. He/she must be experienced in working effectively in a political environment providing impartial guidance to elected officials to identify and address the long-term strategic needs of the community and the short-term tactical steps necessary to deliver services.
- Capable of keeping elected officials comprehensively informed, while staying detached from the political process and ensuring that staff maintains a similar detachment.
- Comfortable managing in an environment where most employees are members of collective bargaining units. Being able to navigate in such a complex environment will require a sophisticated understanding of the diffuse nature of political power in a New England town.

Should you have any questions regarding this opportunity, or a recommendation of a colleague, please contact: Dick Kobayashi, Senior Associate 617-489-8812, or Mary Flanders Aicardi, Associate 508-215-8992.

To learn more about the Edward J. Collins Jr. Center for Public Management at UMASS Boston, please visit: www.umb.edu/cpm



Announces a Recruitment For

TOWN MANAGER

For Town of Provincetown, Massachusetts

GovHR USA, LLC is pleased to announce the recruitment and selection process for the position of Town Manager for the Town of Provincetown, Massachusetts. This brochure provides background information on the Town of Provincetown as well as the requirements and expected qualifications for the position. Additional information about Provincetown can be found on the Town's website: <http://www.provincetown-ma.gov/>.

Candidates interested in applying for the position should submit their resume and cover letter, along with contact information for five work-related references to www.govhrusa.com/current-positions/recruitment to the attention of Joellen C. Earl, CEO, GovHR USA, 650 Dundee Road, Suite 270, Northbrook, IL 60062. Tel: 847-380-3238. First review of resumes will commence on April 20, 2015.

Joellen Earl, Chief Executive Officer
GovHR USA
650 Dundee Road, Suite 270
Northbrook, IL 60062
TEL: 847-380-3240
FAX: 866-401-3100
Formal applications should be submitted to:
www.govhrusa.com/current-positions/recruitment

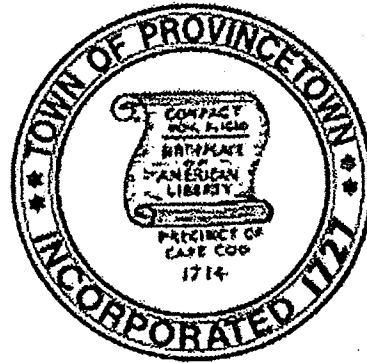


Photo by: Dan McKeon 2014

Town of Provincetown

PROFESSIONAL ANNOUNCEMENT

Town Manager, Provincetown, MA (pop. 3,000/30,000). Provincetown is located at the tip of Cape Cod, overlooking the beautiful Atlantic Ocean and Cape Cod Bay and surrounded by the Cape Cod National Seashore. This picturesque community features some of the most beautiful seaside venues found anywhere in the United States. The origins of this unique community date back to the Pilgrims' landing in the Mayflower in 1620. Provincetown, in Barnstable County, is located 116 miles southeast of Boston by road but is connected by seasonal high speed ferry and scheduled air service throughout the year. The Town consists of 17.5 square miles, 75% of which lies inside the National Park. The Town has 2,820 full-time residents and a seasonal population that can fluctuate between 20,000 and 50,000.

In the summer months, Provincetown is a popular international tourist destination, welcoming to all visitors including the LGBT community. The Town has an active nightlife and a variety of restaurants, shops and lodging options. In addition to the well-known nightlife, Provincetown is the country's largest whale watching gateway, with ecotourism representing an ever-increasing share of visitors. Provincetown has some of the most spectacular beaches and oceanside bike trails in the country, further supporting a broad tourist base. Known traditionally as a fishing community of multi-generation families of Portuguese descent, Provincetown also offers a vibrant and outstanding arts community, and is home to both renowned and emerging artists and writers. The Town has numerous art galleries and art-related cultural institutions and boasts the Pilgrim Monument, the tallest all-granite structure in the United States.

The Town is seeking a proven leader with a vision for Provincetown as its next Town Manager. The successful candidate will be a dynamic and engaging person with excellent communication skills who wishes to become part of the fabric of this small, highly engaged community. An understanding of the Open Town Meeting form of government is helpful but not required. The desire to live and work in a small town, among close-knit groups of diverse residents is essential.

The Town Manager is appointed by and works closely with the Board of Selectmen, as the Board sets the policy direction for the community. Candidates for the position will enjoy working with a collaborative, dedicated and highly competent team of Department Heads, technical staff and an outstanding Assistant Town Manager. Thus the technical skills needed to manage Provincetown, while important, are not as imperative as communication skills and the ability to develop a strategic vision for the community. The position enjoys latitude in the execution of its duties as it is considered a very strong Town Manager position under the Massachusetts General Laws. The Town has approximately 150-200 full-time/seasonal employees and a \$24,000,000 annual budget and additional \$6.4 Million in Enterprise Funds. The Town holds an AA Stable bond rating.

Candidates must possess a Bachelor's degree in Public or Business Administration or a related field; a Master's degree in Public Administration or a related field is highly desirable. In addition, the successful candidate will have a minimum of five years of progressively responsible experience in municipal management, with at least three years as a chief administrator or an assistant administrator in a municipal organization, or any combination of education and experience that would demonstrate the ability to perform the work.

Residency is required within a reasonable time after appointment and may possibly be expanded to include the neighboring Town of Truro. Starting salary range is up to \$140,000 DOQ. Candidates should send resume, cover letter and contact information for 5 (five) work-related references to www.govhrusa.com/current-positions/recruitment to the attention of Joellen C. Earl, CEO, GovHR USA, 650 Dundee Road, Suite 270, Northbrook, IL 60062. Tel: 847-380-3238. First review of resumes will commence on April 20, 2015.

Town Manager

Community Background

Provincetown is a small seaside village. Its chief features are expansive dunes, and a sparkling, 2-mile wide harbor which fills with ferries, whale watch boats, yachts, fishing boats and small motor and sailboats in the summer. Though the Pilgrims chose to settle across the bay in Plymouth, the outermost portion of Cape Cod enjoyed an early reputation for its valuable fishing grounds. Provincetown harbor was considered the best and the Town became a thriving whaling port during the 19th century. Summer tourism began in earnest when World War I put Europe out of bounds for the New York artists and writers that traditionally traveled abroad. As fishing declined, tourism and real estate management have become the backbone of the Town's economy.

The beautiful and inspirational environment attracts many to reside here year-round. In contrast to the summer months, Provincetown enjoys a very quiet and close-knit community in the off season. During this time, many of the seasonal residents leave, and the remaining residents enjoy the tranquil beauty of the community and its surroundings.

Provincetown Schools is an International Baccalaureate World School providing both Primary Years and Middle Years Programs for students in grades Pre K through 8. The School District of approximately 120 students benefits from rich and collaborative community partnerships and the extraordinary environmental resources surrounding the School. Provincetown Schools is a learning community committed to academic excellence and the nurturance of globally minded citizens.

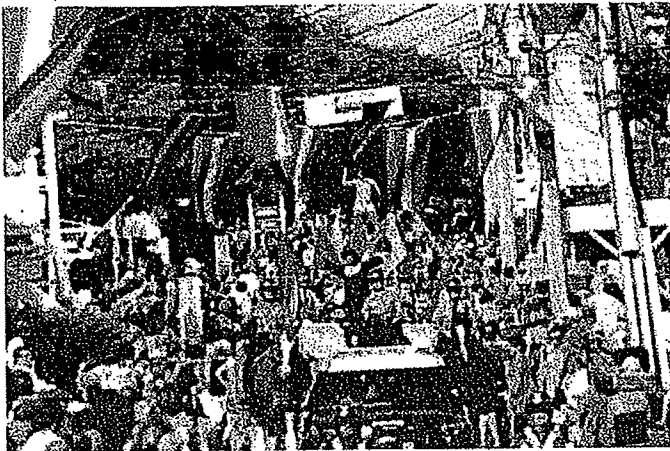


Photo by: Marilyn Lober Colucci 2014

In the summer months, Provincetown is a popular international tourist destination, welcoming to all visitors including the LGBT community. The Town has an active nightlife and a variety of restaurants, shops and lodging options.

In addition to the well-known nightlife, Provincetown is the country's largest whale watching gateway, with ecotourism representing an ever-increasing share of visitors. Provincetown has some of the most spectacular beaches and oceanside bike trails in the country, further supporting a broad tourist base. Known traditionally as a fishing community, Provincetown also offers a vibrant and outstanding arts community. It is home to both renowned and emerging artists and writers, and has numerous art galleries and art related cultural institutions.

The Municipal Organization

The Town Manager is appointed by the Board of Selectmen. The Board of Selectmen consists of five members elected for three-year overlapping terms, arranged so that the term of at least one member shall expire each year. They are elected at large by voters and the position is non-partisan.

The Board of Selectmen is the primary policy making, planning, and goal setting agency of the Town. They insure that the Provincetown General By-Laws are up to date and republished at least every five years, and make provisions for traffic regulation and control. The Board of Selectmen shall exercise the powers and duties prescribed by the Massachusetts General Laws, the Provincetown General By-Laws, or the Charter, and which are not vested in a Town officer or another Town board by the Massachusetts General Laws, the Provincetown General By-Laws, or the Charter.

Town of Provincetown

One of the most important roles is reviewing and adopting the annual budget that funds the Selectmen's priorities, Town operations, and capital projects for the fiscal year which begins every July. They also awards contracts, set user fees, and approve property tax rates.

Provincetown operates under the Open Town Meeting form of government. The Town Meeting shall be held at least one time annually to discuss and vote on matters before the community such as the municipal budget, employee compensation, large capital projects and purchases, and any changes to Town bylaws. The elected Town Moderator presides over the Town Meeting. Several committees will also make reports at the Town Meeting, including the Finance and School Committees.

In addition to the Board of Selectmen, Finance and School Committees, Provincetown enjoys the benefit of the dedication and assistance of its residents in running the municipal government. There are numerous boards, committees and commissions that meet regularly, some elected and some appointed, to discuss, recommended and/or act on matters facing the Town. Many of the committee meetings are televised and can be viewed at <http://provincetowntv.org/govt/>. The Town's website has a full listing of the boards, committees and commissions and their associated charges and responsibilities.

The Town Manager is responsible for the appointment of all Town staff and oversees the day-to-day operations of the community. To assist the Town Manager with that effort, there are approximately 125-200 full-time/seasonal employees. There is a highly competent team of Department Heads, technical staff and an outstanding Assistant Town Manager, which allows the Town Manager to focus on community projects and needs, as the day-to-day operations are in excellent hands. Traditional services range from finance, community development and housing, council on aging, library and recreation, to public health, public safety and public works. In addition, the Town owns and leases the operation of the municipal airport and has some specialized departments such as Harbor & Pier, Shellfish and Tourism. The municipal budget is \$24,000,000 and the Town holds an AA Stable bond rating.

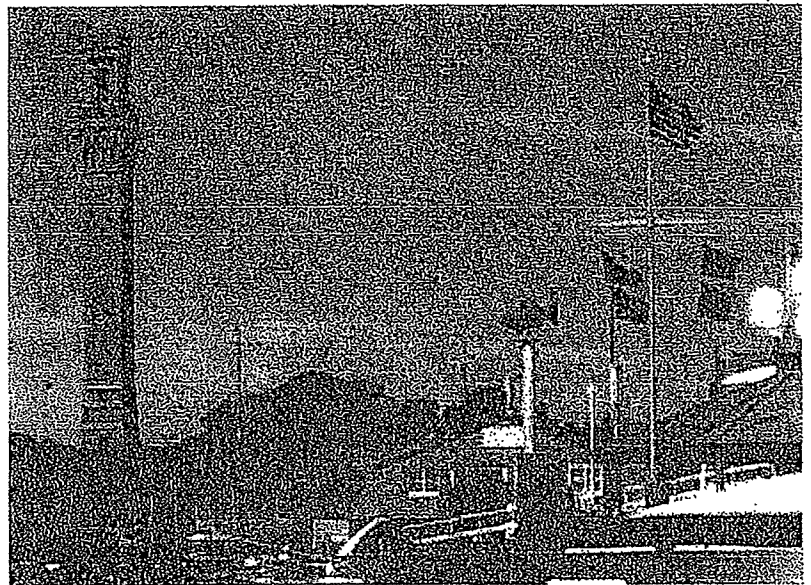


Photo by: Dan McKeon

The Position

Some of the essential functions of the position of Town Manager are as follows:

Serves as the Chief Administrative officer of the Town; plans, directs, implements and administers all of the daily operations of the Town. Manages the municipal budget; prepares budget-related warrant for town meetings and presents proposed budgets to the Board of Selectmen.

Coordinates the activities of the Board of Selectmen with activities of other departments, boards and commissions; implements policy direction established by the Board of Selectmen; keeps Selectmen fully informed regarding departmental operations, fiscal affairs and general issues. Provides reports as necessary. Prepares for meetings of the Selectmen and attends all such meetings unless excused. Serves as the official

Town Manager

Town representative for internal and external relations in the absence of the Board and/or Chair.

Serves as personnel manager, chief procurement officer and on the Commission of Public Safety, providing leadership in the Town's community-oriented policing program.

Serves as liaison to other levels of government, outside agencies and parties, and community stakeholders. Provides a vital public relations function for the Town.

Opportunities for the Town Manager

Provincetown applied for and was awarded a Design and Resiliency Team (DART) grant. Working with AIA and the New England Municipal Sustainability Network, the Provincetown 365 plan was developed. The plan focuses on developing a resilient community, as community stakeholders articulated the desire to identify more community and affordable housing and strengthening the local economy by improving the waterfront and the design of commercial areas. The plan was delivered to the community in November of 2014. The plan will be considered along with the review of the Local Comprehensive Plan.

There is an opportunity to develop or redevelop a number of land parcels in Provincetown and have a significant and positive impact on the future of the community. If the land can be developed in a manner to create year-round employment and housing opportunities, progress will be made toward achieving the residents' desire to develop a resilient community.

The Town Manager will have a significant amount of expertise available to assist with running municipal government. The residents who serve on the numerous boards, committees and commissions contain a wealth of information and institutional knowledge that can help the Town Manager in decision-making and in guiding the recommendations offered to the Board of Selection for consideration.

The business community in Provincetown is an active and engaged partner and does an excellent job of assisting in promoting the Town as an international tourist destination. There are numerous options for lodging, eating and shopping. Provincetown also offers an established art community and has numerous art galleries and art-related cultural institutions. All of these assets continue to bring guests to the community year after year.

The fishing industry is an integral part of the history of Provincetown and is an important part of the Town's current economy. Deep-sea and shell fishing operations occur for a majority of the year and are visible on the Town's waterfront. In addition, recreational boating and whale watching, which attract a large amount of day visitors, are activities that occur during the summer months and into the shoulder seasons.



Provincetown is an exquisite and beautiful community year-round. The new Town Manager will enjoy living among a close-knit group of people, some whose families stretch back generations, who are active, resilient and thoroughly respect and appreciate all that the region has to offer.

Challenges for the Town Manager

The cost of living is high in Provincetown and housing is in short supply. This phenomenon will present a challenge for a new Town Manager in relocation and it continues to be a

Town of Provincetown

pressing challenge for the residents of the community. Developing affordable housing to attract and retain year-round residents is a critical need of the community.

The population in Provincetown is aging. Finding ways to reverse this trend to move toward a more multigenerational population is desired by the community.

The seasonal nature of the community reinforces the need for seasonal workers to support the seasonal residents and guests. Housing for seasonal workers is expensive and scarce. Also, there is a high turnover of residents annually that feeds into the feeling that many of the people who reside in the community are there on a short-term basis and thus are not investing in the long-term growth and viability of the Town.

The further development of Provincetown is particularly challenging as the ability to develop any land is constrained by water supply and parking.

Desired Education, Characteristics and Traits for the Town Manager

The following education, experience, characteristics and traits have been identified by the Town of Provincetown.

Candidates must possess a Bachelor's degree in Public or Business Administration or a related field; a Master's degree in Public Administration or a related field is highly desirable, and five years of progressively responsible experience in municipal management, three of which as a chief administrator or an assistant administrator in a municipal organization, or any combination of education and experience that would demonstrate the ability to perform the work.

Candidates must be prepared to articulate a vision for Provincetown and must possess the leadership and management skills to work with the stakeholders in a diverse and engaged community, to make the collective community vision become a reality.

The Town Manager shall work in partnership with the Board of Selectmen, assisting the Board in achieving its goals and understanding and respecting the Board's responsibilities as they relate to setting the overall policy direction of the community. The Board of Selectmen will set and the Town Manager will execute policy.



Photo by: Dan McKeon

Town Manager

Listening and hearing the ideas, thoughts and comments of the elected and appointed officials, the residents and guests, and members of the staff is paramount. An open door is essential in Provincetown. Residents and guests will visit the office on a regular basis and the Town Manager must be willing to have meaningful discussions with all who walk through the door.

Public speaking and public appearances are necessary and encouraged. Being able to articulate the goals of the Selectmen and the community to other parties, both in Provincetown and in other forums where this is a vested interest, is an essential requirement. The Town Manager must possess a speaking style that is articulate, focused and significantly dynamic and engaging.

Previous Town Managers in Provincetown have been well-educated and exceedingly knowledgeable about municipal policies, procedures and operations. The new Town Manager will also possess the same qualities.

A thinker and a creative person and someone who will challenge and encourage people to ponder and develop new and exciting ideas for Provincetown will be welcomed into the community. Provincetown residents are smart, engaged and passionate about their community. The new Town Manager will be able to capture this enthusiasm and steer the community into the future.

Salary and Residency

Residency is required within a reasonable time after appointment and may possibly be expanded to include the neighboring Town of Truro. Starting salary range is up to \$140,000 DOQ.

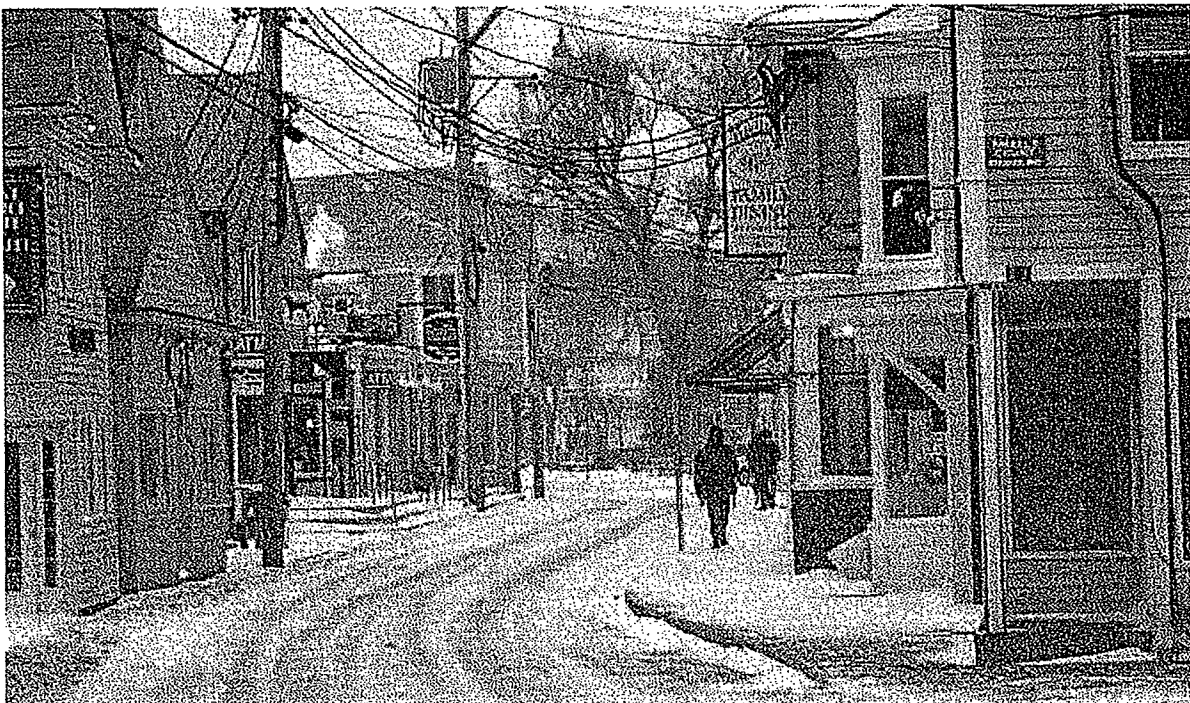


Photo by: Dan McKeon

What not to ask during an employment interview

The below chart is based upon content contained in 804 CMR §3.02. It has been modified to account for changes in the law that have occurred since this regulatory provision was last issued. It has also been expanded in order to provide further clarity and guidance.

TOPIC	EMPLOYERS MAY ASK	EMPLOYERS MAY NOT ASK
Age	<p>Generally; the only proper question is, "Are you under 18, yes or no?"</p> <p>Questions about age may be allowed if necessary to satisfy the provisions of a state or federal law (for example, certain public safety positions have age limits for hiring and retiring). Also, if the MCAD has previously identified age as a bona fide occupational qualification for the position.</p>	<p>Inquiry into the date of birth or age of the applicant, except as indicated to the left.</p>
Disability/ Handicap		<p>Inquiry into whether the applicant has a physical or mental disability, handicap or about the nature or severity of the disability/handicap.</p> <p>Inquiry into whether an applicant is alcoholic or drug addicted.</p> <p>Inquiry into whether an applicant has AIDS.</p>
National Origin/Ancestry/Citizenship	<p>"Are you legally authorized to work in the United States?"</p> <p>An employer may require an employee to produce documentation which evidences his or her identity and employment eligibility under federal immigration laws.</p>	<p>Inquiry into the birthplace of an applicant or the birthplace of his or her parent(s), spouse and/or other close relatives.</p> <p>Inquiry into the national origin ancestry or ethnicity of an applicant.</p> <p>Inquiry into whether an applicant for employment or an applicant's parent(s), and/or spouse are nationalized or native born citizens of the United States.</p>