

# AGENDA

Monday

October 17, 2016

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, October 17, 2016  
5:00 p.m.**

Location: Earle Mountain Room

I SELECTMEN/PUBLIC INFORMATION

II. APPOINTMENTS

A. Discussion/Presentation

5:05 p.m. Presentation and Signing of Election Warrant for November 2016 – Sue Fischer, Town Clerk

5:10 p.m. Update on Tri Town Closure Process – Martin McDonald, Tri Town Board of Managers

5:20 p.m. Presentation of Municipal Water Installation Progress – Ryan Trahan, Project Engineer, Environmental

(All times above are approximate and items may be taken out of order)

III. ADMINISTRATIVE MATTERS

A. Action

1. Accept Resignation of Joan Matern from Affordable Housing Trust (Vote)
2. Finalize Response on Nauset Spit (Draft Response to Orleans Offer)
3. Letter of Support for Chamber Grant to CCEDC (Vote to send support letter required)
4. Consent Disclosure for Town Counsel to Represent Multiple Communities on MDAR Matter

IV. TOWN ADMINISTRATOR'S REPORT

SRF Phase II Application

Correspondence on Tree Root Damage on Massasoit Road

V. OTHER BUSINESS

VI. EXECUTIVE SESSION: To discuss land acquisition, and strategy with respect to litigation regarding the Library Project, and the Chairman declares, an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.

**Upcoming Meetings**

October 19, 2016	3:00p.m.	Timothy Smith Room	Work Session
November 7, 2016	5:00 p.m.	Timothy Smith Room	Regular Meeting
November 9, 2016	3:00p.m.	Timothy Smith Room	Work Session

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

*This meeting will be video recorded and broadcast over Local Access Channel 18 and through the Town website at [www.eastham-ma.gov](http://www.eastham-ma.gov)*

II A. 5:05 PM

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**STATE ELECTION**

**SS:** Barnstable County  
**To:** The Constables of the Town of Eastham

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the State Election to vote at

**Eastham Town Hall Precinct 1**

on **TUESDAY, THE EIGHTH DAY OF NOVEMBER, 2016**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT.....FOR THIS COMMONWEALTH  
REPRESENTATIVE IN CONGRESS.....NINTH DISTRICT  
COUNCILLOR .....FIRST DISTRICT  
SENATOR IN GENERAL COURT.....CAPE & ISLANDS DISTRICT  
REPRESENTATIVE IN GENERAL COURT..... FOURTH BARNSTABLE DISTRICT  
SHERIFF.....BARNSTABLE COUNTY  
COUNTY COMMISSIONER.....BARNSTABLE COUNTY  
BARNSTABLE ASSEMBLY DELEGATE.....EASTHAM

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

**SUMMARY**

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

**A YES VOTE** would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

**A NO VOTE** would make no change in current laws regarding gaming.

## QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

### SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

**A YES VOTE** would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

**A NO VOTE** would make no change in current laws relative to charter schools.

## QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

### SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.



**A YES VOTE** would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

**A NO VOTE** would make no change in current laws relative to the keeping of farm animals.

#### **QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

##### **SUMMARY**

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

**A YES VOTE** would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

**A NO VOTE** would make no change in current laws relative to marijuana.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
(month)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ SELECTMEN OF EASTHAM

I have posted attested copies of this warrant at the Post Office in Eastham and North Eastham at least seven days before the date of this election.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date

A True Copy Attest:

\_\_\_\_\_  
Susanne Fischer  
Town Clerk



# A 5:20pm



**Eastham Water System  
Board of Selectmen Meeting  
October 17, 2016**



# Water Turned On!! September 2016

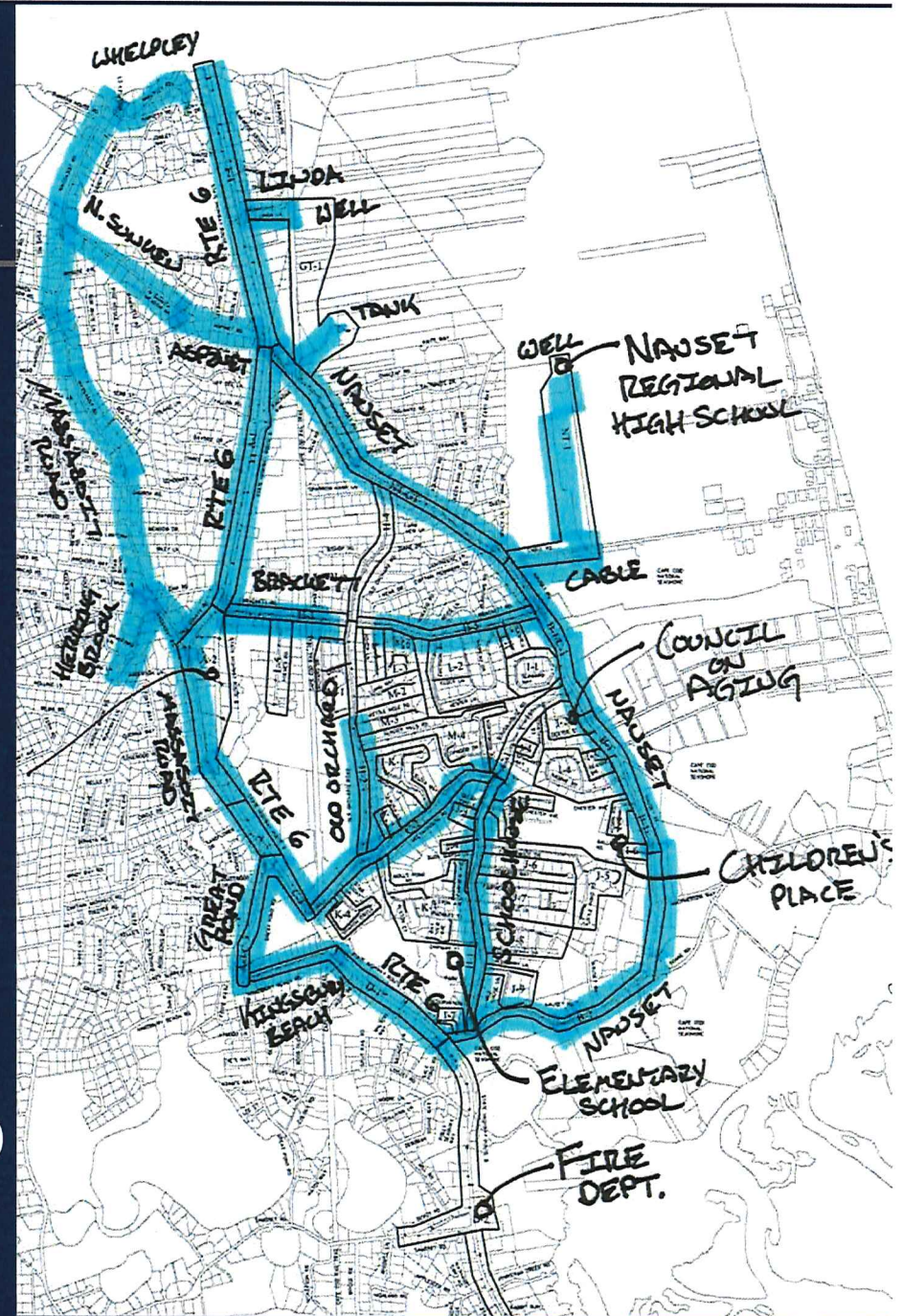
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# Fire Protection

- Hydrants highlighted in blue are currently active
- Route 6 to Town Hall & Samoset to the Library activated this week
- Water was available to the library on October 11 for testing





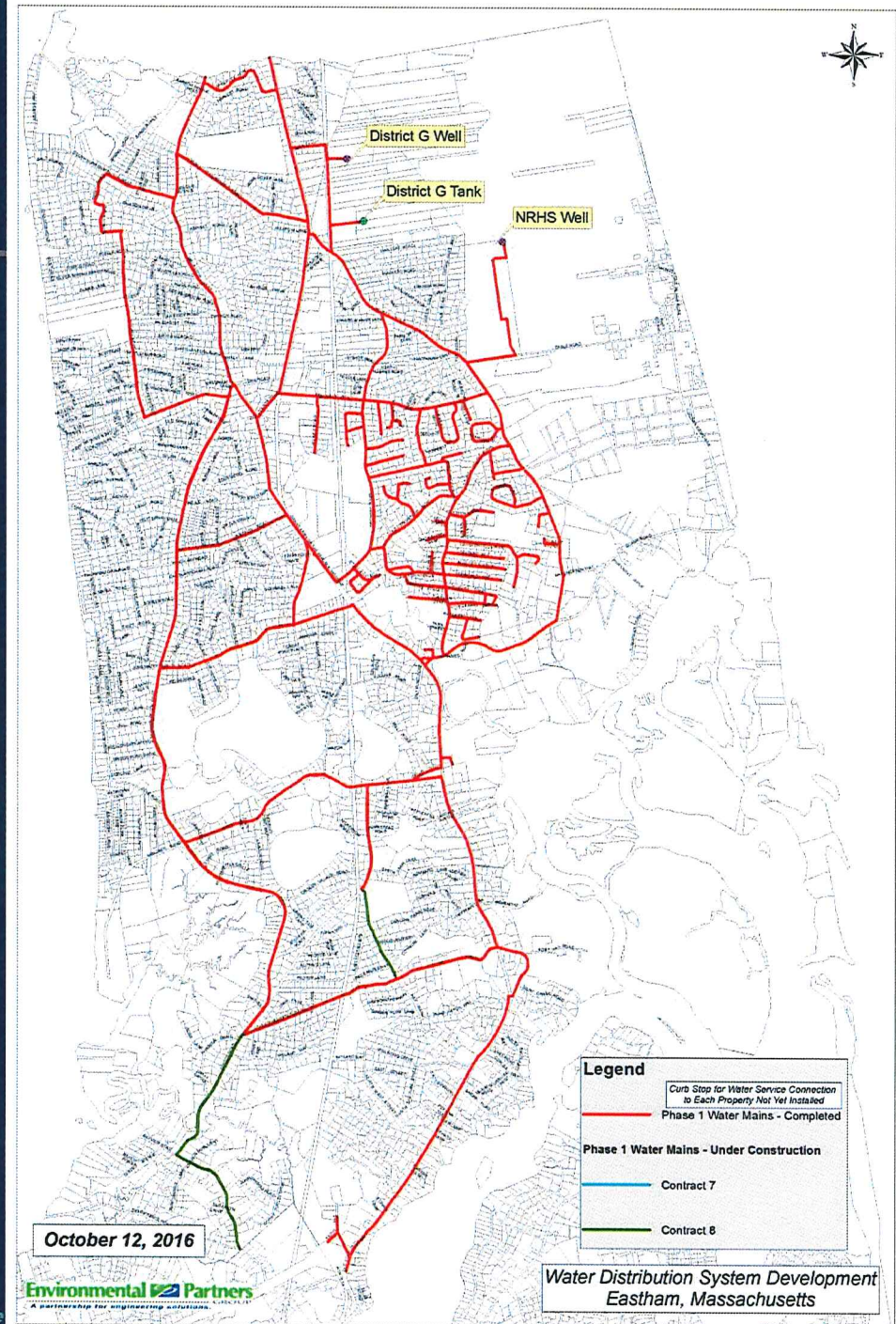
# Fire Training





# Phase 1

- Installed water mains (in red)
- Filling/Flushing Update
- Curb Stops currently ongoing
- Water Mains Remaining (in green – Contract 8 only)





# Bridge Crossing, Bridge Road

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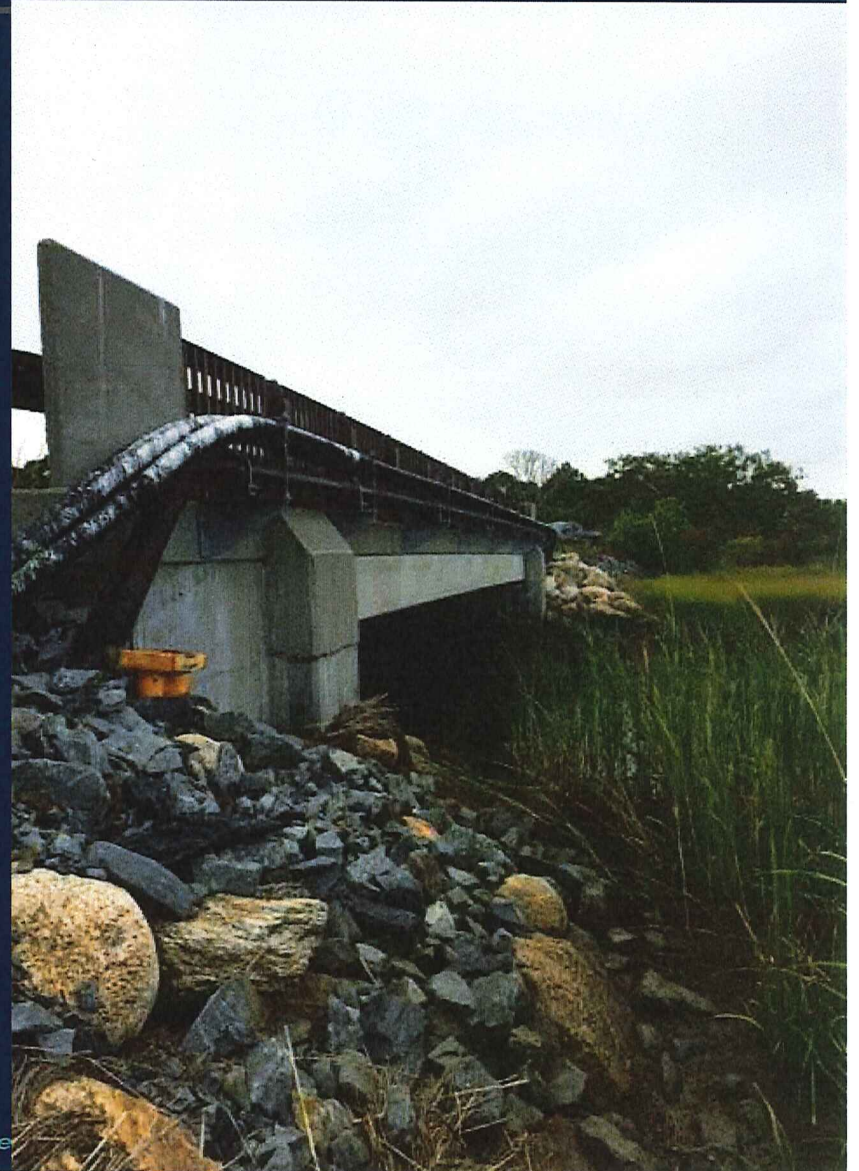
- Water Main & Guard Rail
- Bridge Work – This week, one lane closed





# Bridge Crossing, Bridge Road

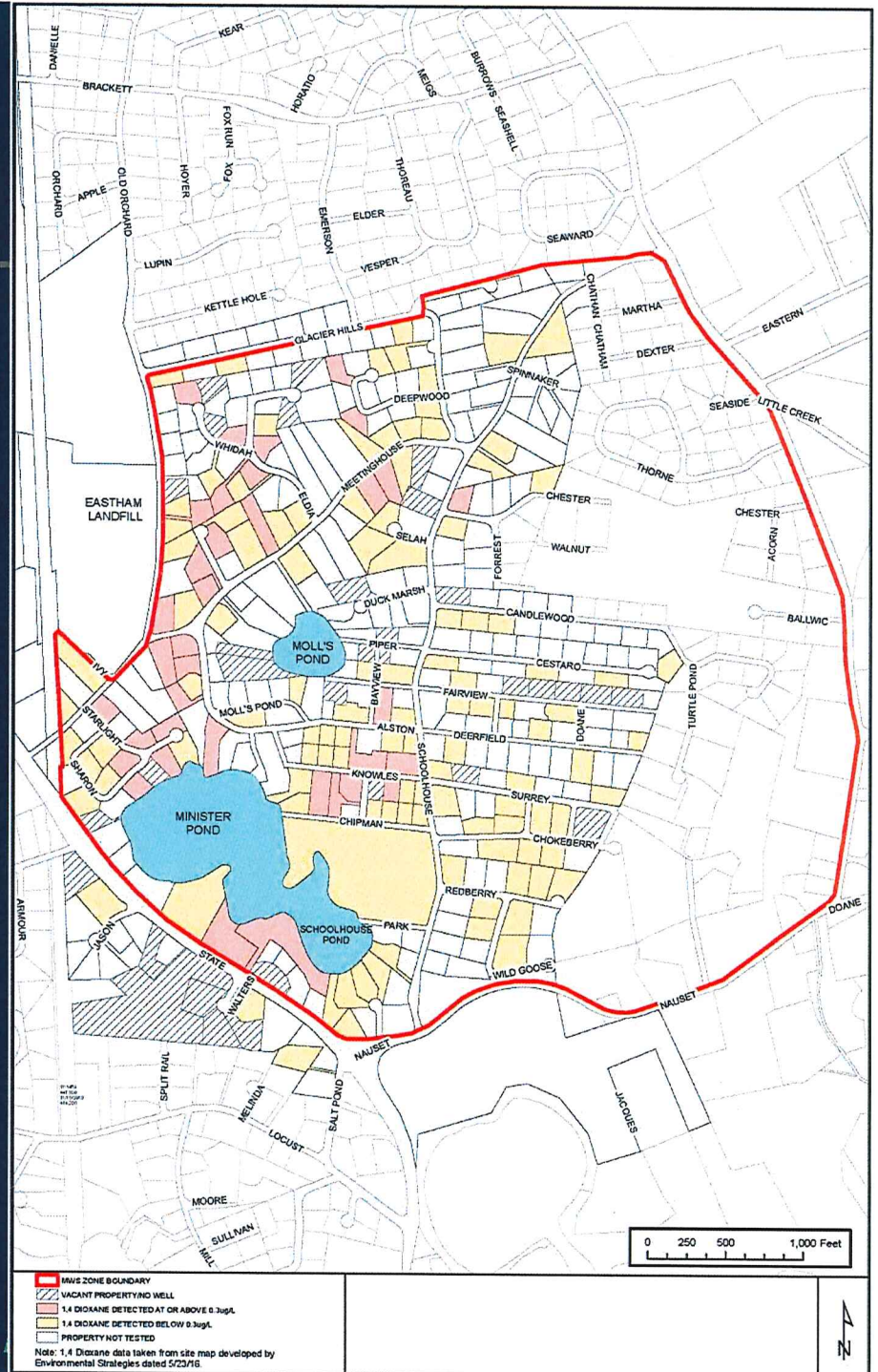
- Bridge Road Water Main  
– November 7 to December 9<sup>th</sup>, road closed to through traffic from 7am-5pm M-F
- Alternate Routes to Route 6 – Samoset or Governor Prence from the north





# Mandatory Connection Area

- To address DEP requirement to protect public health
- Town pays to make connection to water system
- Three quotes received
- Award to Robert B. Our for \$2.1M





# Mandatory Service Connection Area Process

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- Discussion/site visit to your home
  - About 125 site visits completed
- Right of Entry document to allow access to your property
- Installation of service line
- Setting of meter  
(in basement or a meter pit)
- Turning water on to Town system
- Estimated to begin in November





# Water Connection Process

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- Application
- Site plan with property information
- Meter sized and issued
- Service line and meter installation
- Inspections
- Record information
- Water turn-on





# Phase 1 Budget Status

## Through August & September 2016

*Construction is about 70% complete.*

	Original Budget	Current Budget	Total Completed
<b>TOWN MEETING APPROPRIATION</b>	<b>\$ 45,800,000</b>	<b>\$ 45,800,000</b>	<b>\$ 45,800,000</b>
Construction	\$ 35,670,000	\$ 30,173,038	\$ 22,311,133
Police Details	\$ 2,320,000	\$ 2,320,000	\$ 825,228
Engineering	\$ 5,400,000	\$ 5,400,000	\$ 3,598,056
Additional Items		\$ 5,852,978	\$ 688,107.00
<b>TOTAL</b>	<b>\$ 43,390,000</b>	<b>\$ 43,746,016</b>	<b>\$ 27,422,524</b>
<b>BALANCE, Phase 1</b>	<b>\$ 2,410,000</b>	<b>\$ 2,053,984</b>	





# Public Outreach & Information

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- Eastham web page

**<http://easthamwaterproject.weebly.com>**

- Eastham Water Projects Email Address:

**[easthamwater@envpartners.com](mailto:easthamwater@envpartners.com)**

- Eastham Water Project Phone Number

**617-657-0279**



**Gillespie-Lee, Laurie**

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**From:** Sheila Vanderhoef <svanderhoef@eastham-ma.gov>  
**Sent:** Tuesday, October 11, 2016 3:47 PM  
**To:** Carolyn Mcpherson  
**Cc:** Gillespie-Lee, Laurie  
**Subject:** RE: Affordable Housing Trust

yes. I don't believe we have a resignation in hand and our last conversation with her after the appointment was all positive. I will accept her email to you as a resignation to the Board and place it on the next agenda. If you or others on the committee have candidates please let me know.

---

**From:** Carolyn Mcpherson [mailto:cmcperson8@cox.net]  
**Sent:** Monday, October 10, 2016 12:52 PM  
**To:** 'Elizabeth Gawron'  
**Cc:** Sheila Vanderhoef  
**Subject:** FW: Affordable Housing Trust

So does the Town need to formally accept her resignation?

carolyn

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**From:** Joanie Matern [mailto:capecodjoanie@yahoo.com]  
**Sent:** Sunday, October 2, 2016 11:36 AM  
**To:** Carolyn Mcpherson  
**Cc:** Eastham Townhall; Sue Canavari  
**Subject:** Re: Affordable Housing Trust

Thank you for your quick response to my request for information regarding the Affordable Housing Trust. Although Affordable Housing has been of utmost importance to me in my professional life, I regret to inform you that I am declining the appointment to the trust.

I have been sworn in to serve on the Human Service Committee and plan to continue to volunteer on that Committee.

again, Thank you.

---

**From:** Carolyn Mcpherson <cmcperson8@cox.net>  
**To:** capecodjoanie@yahoo.com  
**Cc:** 'Paul Lagg' <plagg@eastham-ma.gov>  
**Sent:** Wednesday, September 28, 2016 12:16 PM  
**Subject:** RE: Affordable Housing Trust

Joan, as the Chair of the Affordable Housing Trust, welcome to the committee. We are looking forward to having you join us. Would you like to meet before the next meeting so I could try to catch you up on the activities we have going? The next meeting will be Wednesday October 26 at either 8:30 or 9:00. We are just in the process of changing the time. Give me a call at your convenience and we can set up a time for you and I to talk.

Welcome aboard!  
Carolyn

Carolyn McPherson  
8 Fallon Road  
Eastham MA 02642  
757-377-1850 c  
[cmcpherson8@cox.net](mailto:cmcpherson8@cox.net)

---

**From:** Eastham Townhall [<mailto:townhall@eastham-ma.gov>]  
**Sent:** Wednesday, September 28, 2016 9:58 AM  
**To:** [capecodjoanie@yahoo.com](mailto:capecodjoanie@yahoo.com)  
**Cc:** Gillespie-Lee, Laurie; [cmcpherson8@cox.net](mailto:cmcpherson8@cox.net)  
**Subject:** RE: Affordable Housing Trust

Hi Joan,

I apologize for the error on the cover letter for your appointment to the Affordable Housing Trust. A corrected version is attached if you would like it. Everything else on the letter and certificate of appointment that you received is correct, and at your convenience before the next AHT meeting, you will need to come in to be sworn in at the Town Clerk's office as stated on the letter.

Please feel free to let me know if you have any further questions.

Thanks so much,

Jessica Burt  
Receptionist

Town of Eastham  
2500 State Highway  
Eastham MA, 02642  
508-240-5900 tel.  
508-240-1291 fax.

---

**From:** Gillespie-Lee, Laurie [<mailto:admin2@eastham-ma.gov>]  
**Sent:** Tuesday, September 27, 2016 12:38 PM  
**To:** [cmcpherson8@cox.net](mailto:cmcpherson8@cox.net)  
**Cc:** Eastham Townhall  
**Subject:** Affordable Housing Trust

Hi Carolyn,

Joan Matern has been appointed to the Affordable Housing Trust. Please call her at 774-722-1700 to review meeting schedules etc.

Thanks..

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



Eastham, MA 02642

Telephone: 508-240-5900, ext 3207

Fax: 508-240-1291

E Mail: [admin2@eastham-ma.gov](mailto:admin2@eastham-ma.gov)





## TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544  
All departments 508-240-5900 • Fax 508-240-1291  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

III A 2

October 3, 2016

Mr. Sims McGrath, Chairman  
Town of Orleans Board of Selectmen  
19 School Road  
Orleans, MA 02653

Dear Mr. McGrath,

The Board of Selectmen met on September 7, 2016 to discuss the Orleans proffer to allow Eastham residents to purchase stickers to drive on the Southern portion of the Nauset Spit conditioned on the approval of the Eastham voters to rescind the no driving on the beach bylaw.

After significant discussion, the Board's decision is to decline this offer. While we appreciate the gesture, there is a long tradition in Eastham of supporting the no-driving bylaw. It would be difficult, perhaps impossible, to overcome this as long as residents would still not be allowed to drive on the Eastham portion of the Spit.

DRAFT.  
For Finalization  
on Wednesday





## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

[www.eastham-ma.gov](http://www.eastham-ma.gov)

III A 3

October 13, 2016

Ms. Devon Goodall  
Massachusetts Office of Business Development  
10 Park Plaza, Suite 3730  
Boston, MA 02116

Dear Ms. Goodall:

We write in support of funding of the Regional Economic Development Organization (REDO) grant to the Cape Cod Economic Development Council, Inc. The CCEDC has an established track record of receiving and executing REDO grants in the past and is an important community asset. This grant request has the support of the town of Eastham.

This REDO grant will advance several important initiatives to the region including Blue Economy Project efforts to grow technology transfer opportunities and retain locally developed technologies, further develop the existing marine technology cluster, and work to pair workers with employers.

Funding will also support new workforce development efforts by the Cape Cod Chamber of Commerce to develop a skills pipeline for future jobs, and business development initiatives with SCORE and Coastal Community Capital. This designation and related effort is important to the Cape region, and is aligned with the Baker Administration's economic development priorities.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely,

William O'Shea  
Vice-Chairman, Eastham Board of Selectmen





## TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544  
All departments 508-240-5900 • Fax 508-240-1291  
[www.eastham-ma.gov](http://www.eastham-ma.gov)

December 10, 2015

Emily Chabot  
Massachusetts Office of Business Development  
10 Park Plaza, Suite 3730  
Boston, MA 02116

Dear Ms. Chabot,

On behalf of the Town of Eastham, I am glad to support the funding of the Regional Economic Development Organization (REDO) grant to the Cape Cod Economic Development Council, Inc. The CCEDC has an established track record of receiving and executing REDO grants in the past and is an important community asset.

The Blue Economy concept, which this REDO grant will advance, is an important step in creating year-round family sustainable wage jobs for the Cape and Islands region. The \$75,000 request will fund regional efforts to support the Blue Economy concept. This vital initiative is important to the Cape and Islands as well as in line with the Baker Administration's economic development priorities.

Earlier this month Lieutenant Governor Karyn Polito endorsed the development of a Blue Economy at the Maritime Innovations Conference at the University of Massachusetts Dartmouth Center for Innovation and Entrepreneurship. In addition to the Administration's support, regional academic, business and policy makers have all endorsed this innovative initiative.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely,

Elizabeth Gawron  
Chairman, Eastham Board of Selectmen





## TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544

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

[www.eastham-ma.gov](http://www.eastham-ma.gov)

December 10, 2015

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Earlier this month Lieutenant Governor Karyn Polito endorsed the development of a Blue Economy at the Maritime Innovations Conference at the University of Massachusetts Dartmouth Center for Innovation and Entrepreneurship. In addition to the Administration's support, regional academic, business and policy makers have all endorsed this innovative initiative.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely,

Elizabeth Gawron  
Chairman, Eastham Board of Selectmen

[Town's Letterhead]

September 22, 2016

Ms. Devon Goodall  
Massachusetts Office of Business Development  
10 Park Plaza, Suite 3730  
Boston, MA 02116

Dear Ms. Goodall:

We write in support of funding of the Regional Economic Development Organization (REDO) grant to the Cape Cod Economic Development Council, Inc. The CCEDC has an established track record of receiving and executing REDO grants in the past and is an important community asset. This grant request has the support of the town \_\_\_\_\_.

This REDO grant will advance several important initiatives to the region including Blue Economy Project efforts to grow technology transfer opportunities and retain locally developed technologies, further develop the existing marine technology cluster, and work to pair workers with employers.

Funding will also support new workforce development efforts by the Cape Cod Chamber of Commerce to develop a skills pipeline for future jobs, and business development initiatives with SCORE and Coastal Community Capital. This designation and related effort is important to the Cape region, and is aligned with the Baker Administration's economic development priorities.

Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely yours,



## Vicki Reis

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**From:** Sheila Vanderhoef <svanderhoef@eastham-ma.gov>  
**Sent:** Friday, October 07, 2016 11:51 AM  
**To:** Vicki Reis  
**Subject:** FW: REDO letter follow-up FY17  
**Attachments:** Attachment 2 - REDO Support Ltr FY17.docx

We need to find last year's letter. There may have been a problem. Then print on letterhead with corrections and I will sign.

---

**From:** Julie Quintero-Schulz [mailto:julie@capecodchamber.org]  
**Sent:** Friday, October 07, 2016 9:43 AM  
**To:** Sheila Vanderhoef  
**Subject:** REDO letter follow-up FY17

Good Morning Sheila!

Hope you're having a great day—we've met a few times when I was the Assistant in Harwich. Anyway, I am now at the Cape Cod Chamber and we are submitting a grant that we need Town support from. We did this last year for a grant to bring money to Cape Cod & the Islands. Would you mind signing and sending back to me? Town Administrators/Managers in Cape Cod Towns and the Islands are signing. Thanks so much!!!!

Thanks,  
Julie

**Julie Quintero-Schulz**  
**Vice President of Member Services**  
**& Community Development**



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5 PATTI PAGE WAY  
CENTERVILLE, MA 02632  
DIRECT: (508)-744-5564 (ext. 512)  
CELL: (774)-994-7318  
[www.CapeCodChamber.org](http://www.CapeCodChamber.org) | [www.WhyCapeCod.org](http://www.WhyCapeCod.org) | [www.CapeCodWedding.com](http://www.CapeCodWedding.com)



[Download the free ArtsApp for the Cape & Islands.](#)

**Request for Proposals (RFP)**  
**Regional Economic Development Organization (REDO) Grant Program**

**RFP Release Date:** September 16, 2016

**RFP Deadline:** October 7, 2016 by 4:00PM  
Late or incomplete applications will not be accepted.

**Send RFP to:** [REDOApplications@state.ma.us](mailto:REDOApplications@state.ma.us)  
Cc: Applicable MOBD Regional Director.

**Address:** Massachusetts Office of Business Development  
10 Park Plaza, Suite 3730  
Boston, MA 02116

**Contact Person:** Devon Goodall Email: [Devon.L.Goodall@state.ma.us](mailto:Devon.L.Goodall@state.ma.us) Phone: 617-973-8541



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## Announcement and Purpose of Grant

The Executive Office of Housing and Economic Development (EOHED) through the Massachusetts Office of Business Development (MOBD) is now accepting proposals for the Regional Economic Development Organization (REDO) Grant Program for FY2017.

Selected organizations must support regionally based efforts to stimulate, encourage, facilitate and nurture economic growth and prosperity in the Commonwealth including, but not limited to, the identification of regional competitive strengths, challenges and opportunities, regional cluster development strategies, the development of long-range regional workforce skills pipelines in collaboration with workforce and education partners, transportation and land use planning, and other systems-based activities related to the growth and retention of existing businesses and the attraction of new businesses into the Commonwealth.

REDOs shall work with MOBD in establishing and carrying out the regional initiatives and the scope of work with the given key components. The collaboration between MOBD and REDOs should provide efficient and consistent responses to businesses seeking assistance from the Commonwealth.

## Eligibility

- Be exempt from federal taxation under 501(c) of the Internal Revenue Code.
- Demonstrate a primary focus on regional economic development (such as creating, retaining, and attracting businesses across all industry sectors).
- Perform the services required by MGL Chapter 23A Section 3J and 3K, as amended by sections 8 and 9 of Chapter 219 of the Acts of 2016 – see *Governance* on p.7
- Operate regionally and service 10 or more contiguous cities/towns with interrelated economic assets.
- Develop programs to encourage participation in economic development activities from businesses, public and quasi-public agencies, and municipalities.
- Have received or have commitments to receive substantial financial and in-kind support from private resources or member municipalities.
- Be capable of and agree to provide services to the entire region identified in the proposal.

## Ineligible Organizations

- Organizations that do not operate regionally and/or do not service 10 or more contiguous cities or towns.
- Governmental regional entities, which serve as regional or district planning commissions under M.G.L. Chapter 40B.
- Regional employment boards.
- Tourism councils under M.G.L. Chapter 23A § 14.

- Entities that are a political subdivision of a municipality or wholly owned by a municipality.



## Use of Funds

### Limitation on Non-REDO Associated Overhead Costs

- No more than 10% of the REDO grant can be used for the grantee's overhead costs (see Governance attachment for specific activities)

### Total Budgetary Limitations

- This REDO grant may only supplement budgets; therefore, **the requested amount should not exceed 50% of the organization's actual prior year operating budget** (assuming the organization's current operating budget has not increased by more than 15% over the prior year).
- This grant is intended to increase organizational capacity and improve service delivery for the benefit of the Massachusetts business climate.
- Grant funds from the REDO Grant Program **cannot** be used to subsidize operating costs for the grantee's other (non-REDO) functions.
- Organizations shall leverage at least \$.50 in matching funds for every \$1 granted pursuant to this program, and shall file interim and annual reports as detailed in Grant Program Reporting section below.

### Other Public or Quasi-Public Funding Sources

- Organizations are required to list other funding sources on the application. Please disclose:
  1. The origin and amount of the funding;
  2. Detailed budgets and accounting documents for REDO grant funds in order to differentiate spending from each source of funding; and
  3. If applicable, describe any initiatives that are planned to be jointly funded through the REDO Grant and another public funding source.

Key Components	Grant Conditions	Deliverables in FY2017
	Represents the baseline expectation for the FY2017 REDO Grantees.	<u>Minimum Deliverable</u> required in FY2017. In the Proposal Narrative and Performance Measures Attachment, the applicant is encouraged to define other deliverables/actions in the key component areas.
<b>Regional Initiatives &amp; Strategic Partners</b>	<p>Assessing regional competitive strengths, weaknesses and opportunities;</p> <p>Representing the regional business community in collaborative, long-range workforce skills, transportation and land use planning;</p> <p>Promoting connections across sectors of the regional economy.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Identity the strengths, weaknesses, and opportunities in the region and elaborate details and the plans in the attachment 3 narrative.</li> <li><input type="checkbox"/> List key strategic partnerships the organization has formed across sectors to enhance economic development in the region.</li> <li><input type="checkbox"/> List current resource offerings and capabilities related to regional expertise. Explain further how the organization will develop regional partnerships and expertise resources.</li> </ul>
<b>Retain, Expand, and Attract Businesses</b>	<p>Promoting regionally significant industry clusters;</p> <p>Maintaining an inventory of key development parcels;</p> <p>Furnishing advice and assistance to businesses and industrial prospects which may locate in the region; measuring and tracking results in job growth, retention or technical assistance.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Maintain and provide a copy of priority development sites.</li> <li><input type="checkbox"/> Host or participate in an event to promote regional clusters, such as Manufacturing Day.</li> <li><input type="checkbox"/> Invite MOBD to at least 10 company meetings over the grant period.</li> <li><input type="checkbox"/> Provide the number of jobs created and retained, and the total private business investment if available, and the number and names of small businesses that are being supported by the REDO.</li> <li><input type="checkbox"/> Establish performance measures and track market activity for business development efforts and share as requested through REDO Grant Program reporting.</li> </ul>
<b>Education and Workforce Development</b>	<p>Representing the regional business community in long-range workforce skills pipeline planning efforts to ensure robust skills and talent pipelines that meet regional needs.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consistent with the goals of the Governor's Workforce Skills Cabinet, ensure that initiatives and collaboration efforts are aligned with regional economic development, workforce development, and higher education strategic planning priorities. Work in partnership with universities, community colleges, regional Workforce Development Boards, and vocational-technical schools to build pathways for available jobs in high-growth industries. In partnership with education and workforce partners, host at least 1 job fair or similar event to promote regional workforce development.</li> </ul>
<b>Regional Collaboration</b>	<p>Working with MOBD, Regional Directors, and partners to establish a series of regionally-based economic development forums focused on economic development strategies, best practices, regional challenges and other regional topics.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> In partnership with the MOBD Regional Director, host at least 1 forum with regional economic development partners to discuss regional strategies, best practices, on-going challenges and issues, etc.</li> </ul>
<b>Communication, Highlights, Issues &amp; Reports</b>	<p>Marketing the region in coordination with the Massachusetts marketing partnership established under section 13A; maintaining a calendar of regional events, major forums and groundbreakings;</p> <p>Assisting the MOBD Regional Director with content for MOBD newsletter</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Meet with MOBD Regional Director at least once per month to update on the program. Communicate timely on major events and issues in the region.</li> <li><input type="checkbox"/> Regularly update website with regional events, major events and groundbreakings.</li> <li><input type="checkbox"/> Submit at least one newsletter story of best practices or region highlight to MOBD per month.</li> </ul>



## Selection process and criteria

MOBD, in consultation with EOHED, will review and score the grant proposals and at its sole discretion contract with individual organizations and/or regional partnerships that demonstrate an ability to utilize grant funds to improve upon the region's economic competitiveness. Successful proposals will meet the minimum eligibility requirements, and:

- Detail a compelling vision for the use of public funds, in accordance with the contractual priorities outlined above, and in alignment with the Commonwealth's comprehensive economic development plan, *Opportunities for All*;
- Demonstrate the value added by the organization to the region, and present a thoughtful, organized, well-written and complete grant proposal;
- If applicable, demonstrate the successful implementation of services outlined in the organization's most recent REDO Grant Program contract with MOBD;
- Demonstrate a data-driven understanding of regional competitive strengths, challenges, and opportunities, and regionally significant industry clusters;
- Include regional collaboration. Partnerships are encouraged among similar organizations, including workforce and education partners, in the same region;
- The Massachusetts Office of Business Development reserves the right to require, as a condition of a grant of funds, that two or more organizations with significant overlap in service areas or initiatives create a regional partnership to ensure regional coverage.

## Contract and Payment

If the proposal is accepted for funding, disbursement of grant funds is subject to the execution of a contract with the grantee. The application and grant proposal narrative shall become the basis for MOBD's contract negotiations with the applicant to determine the precise scope of work, budget and use of funds. All documents deemed necessary by MOBD will be revised from the grant proposal and incorporated into the contract as attachments, including a scope of work submitted by the Grantee and approved by MOBD. References to all attachments will be written into the standard contract form prior to execution by the Grantee.

## Grant Program Reporting

- Executive summaries (quarterly and annually) should include regional highlights, issues, events, updates on programs and initiatives, and other high level information that is deemed necessary.
- For partnerships, the lead organization should provide an evaluation of the collaboration in addition to the summary. Partnerships are expected to collaborate on executive summaries and submit one summary per partnership.
- It is expected that important regional highlights will be communicated in real-time to the MOBD Main Office or Regional Offices
- Tracking outreach templates (in excel) should be submitted quarterly and can be done jointly or separately

### **Application Checklist**

- ☐ Application
- ☐ Attachment 1: List of board of directors, if available
- ☐ Attachment 2: Minimum 10 letters of support from municipalities
- ☐ Attachment 3: Narrative proposal on the initiatives proposed
- ☐ Attachment 4: Proposed performance measures for initiatives, programs, and market activity
- ☐ Attachment 5: Most recent audited or reviewed financial statements
- ☐ Attachment 6: Line item budget for proposed use of funds
- ☐ Attachment 7: Schedule of grant usage and matching grant details
- ☐ Attachment 8: Map of communities proposed to be served

### **Application Checklist for Partnership**

- ☐ Application – Completed by lead organization only; other organization(s) must still complete Part I and II (page 1) of the application
- ☐ Attachment 1: List of board of directors, if available
- ☐ Attachment 2: Minimum 10 letters of support from municipalities
- ☐ Attachment 3: Joint narrative proposal on the initiatives **and** how the organizations will collaborate and carry them out; this should include the application's lead contact, who shall be responsible for grant money disbursement, reporting and communication to MOBD
- ☐ Attachment 4: Proposed performance measures for joint initiatives, programs, and market activity
- ☐ Attachment 5: Most recent audited or reviewed financial statements for each partner
- ☐ Attachment 6: Joint line item budget for proposed use of funds
- ☐ Attachment 7: Joint schedule of grant usage and matching grant details
- ☐ Attachment 8: Map of communities proposed to be served



**Governance: REDO Services Required by Section 9 of Chapter 219 of the Acts of 2016**

**Contracts for services entered into under this section shall include, but not be limited to, the following required services to be performed by the regional economic development organizations on behalf of the commonwealth:**

- (i) assessing regional competitive strengths, weaknesses and opportunities;
- (ii) representing the regional business community in long-range workforce skills pipeline planning efforts to ensure robust skills and talent pipelines that meet regional needs;
- (iii) representing the regional business community in collaborative, long-range workforce skills, transportation and land use planning;
- (iv) promoting regionally significant industry clusters;
- (v) promoting connections across sectors of the regional economy;
- (vi) maintaining an inventory of key development parcels;
- (vii) marketing the region in coordination with the Massachusetts Marketing Partnership established under section 13A; and
- (viii) furnishing advice and assistance to businesses and industrial prospects which may locate in the region.

# REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION APPLICATION - FY 2017

PART I. APPLICANT INFORMATION				
<b>Organization Name:</b>				
<b>Is this applicant organization applying as part of a regional partnership?</b>		Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>If Yes, name of other organization(s) comprising the Partnership:</b>				
<b>Website(s):</b>				
<b>Lead Contact Info</b>	Name/Title: Phone: Email:			
<b>Organization Address</b>				
<b>Organization Details</b>	Year established:		Number of full time employees:	

PART II. ORGANIZATION STRUCTURE & ELIGIBILITY		
Is the organization a public/private partnership?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the organization a membership organization?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>If Yes, number of members:</b>		
Does the organization have a Board of Directors?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>If Yes, please attach a list of board members</b>		Attached <input type="checkbox"/>
An IRS designated 501(c) - organization?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Primarily focused on regional economic development?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Represent <b>10 or more contiguous</b> cities or towns?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Actively engage in activities that promote job creation and retention across all industry sectors within the region identified in Part III?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have a comprehensive plan with formal programming that encourages participation in economic development activities by a wide variety of organizations, governments and businesses operating in the identified region?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Receiving or have commitments to receive substantial financial and in-kind support from private resources or member municipalities?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Capable of and agrees to provide services to the entire region identified in the proposal?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have a demonstrated history of collaboration with the business community, local officials, higher education and other strategic partners within the identified region?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Establish, track and evaluate results-driven performance measures of programs, initiatives and regional market activity?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Perform the services required by MGL Chapter 23A Section 3J and 3K, as amended by Sections 8 and 9 of Chapter 219 of the Acts of 2016?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Serve as or constitute as any of the following:</b>		
Regional Employment Board under G.L. c. 40B?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Tourism Council under G.L. c. 23A §14?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Entities, which are political subdivisions of a municipality or wholly owned by a municipality?	Yes <input type="checkbox"/>	No <input type="checkbox"/>



**PART III. IDENTIFICATION OF REGION & COVERAGE AREAS**

**Indicate the total number of the following:**

Municipalities Represented:	
If applying as a part of regional partnership, total combined municipalities represented:	
43D Communities represented:	
Gateway Cities represented:	
Please list municipalities represented by the organizations (Please indicate 43D Communities with a pound (#) sign). <b>Attachment 2: Please attach at least 10 letters of support from elected official from municipalities.</b>	

**PART IV. REDO GRANT PROPOSAL NARRATIVE, KEY COMPONENTS & PERFORMANCE MEASURES**

**Proposal Attachment 3 – Narrative on proposed initiatives**

**Attached** ☐

Applicants should address how the organization will align its initiatives to the key components described on the following pages. This is an opportunity for the REDO to self-identify initiatives and programming, define the most organizationally-relevant performance measures and ensure that the organization has the capacity to meet the minimum grant conditions and deliverables required by MOBD. The narrative should also include the value-added by the organization to the region and how it demonstrates the intended purposeful uses of grant funds. Limited to 4 pages.

**\*\*Partnerships are allowed max 5 pages for a signed joint narrative, including how the organizations will collaborate on executing the initiatives.**

**Proposed performance measures for initiatives, programs, and market activity**

**Attached** ☐

Define performance measures and key deliverables for each of the Key Components (Attachment 4)

# REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION APPLICATION - FY 2017

PART V. ORGANIZATION OPERATING BUDGET, OTHER FUNDING & GRANT REQUEST		
<b>Operating Budget (not including REDO funding):</b>	Total estimated operating budget:	\$
	What is the percentage of budget above from the private sector?	%
	What is the percentage of budget above from public sector? (not including REDO grant funds)	%
	<b>*Note: both percentages should add up to 100%</b>	
<b>Audited Financial Statements</b>	<b>Proposal Attachment 5 (provided by the applicant): Most recent audited or reviewed financial statements.</b> Please submit a copy of the applicant's most recent audited or reviewed financial statements.	Attached <input type="checkbox"/>
<b>Federal Grant Funds:</b>	Did your organization or your affiliate organization receive any federal grants in FY2016?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please list granting organization and amount:	
<b>REDO Grant Funds:</b>	Did your organization or affiliate organization receive a REDO grant in FY2016?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please provide amount: \$	
<b>Massachusetts State, Quasi and Local Grant Funds:</b>	Did your organization or affiliate organization receive any other non-REDO state or quasi-public funding in FY2016?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please list granting organization and amount:	
	Will your organization or affiliate organization receive, or apply for any federal, non-REDO state or quasi-public program funding for <b>FY2017</b> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please disclose in an attachment to the line item budget: 1) The origin and amount of the funding; 2) Define how the REDO Grant funds will be differentiated; and 3) If applicable, describe any initiatives that are planned to be jointly funded through the REDO Grant and another public funding source.	Attached <input type="checkbox"/>
<b>FY2017 REDO Funding Request:</b>	Amount: \$	
<b>Line Item Budget</b>	<b>Proposal Attachment 6 (provided by the applicant): Line item budget for proposed use of funds.</b> Please submit a line item budget for the proposed use of funds in a table format.	Attached <input type="checkbox"/>



**PART VI. CONFLICT OF INTEREST**

Pursuant to Chapter 240 of the Acts of 2010, REDOs are subject to not only performance measurements (see <http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6A/Section16G>) and uniform standards related to accounting procedures, personnel practices, and purchasing procedures, but they are also subject to conflict of interest rules (see <http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/state-employees-summary.html>). Accordingly, as a condition to receiving grant funds from MOBD, the REDO Grant contract shall require that in any matter in which a person, corporation or other business entity in which you or any member of your organization is in any way interested, such interest shall be disclosed in writing in advance and that you or any member of your organization having such an interest may not participate in a decision relating to such person, corporation or other business entity. As deemed necessary, the REDO Grant contract shall also require that the Grantee undergo a biennial audit and examination of the audited financial statements of the REDO conducted by the auditor of the Commonwealth.

I agree ☐

**PART VII. SIGNATORY, CERTIFICATION & ACKNOWLEDGEMENT**

*I/We, (names and titles) of the (Regional Economic Development Organization) submitting a proposal for the FY2017 Regional Economic Development Organization Grant Program, as established by the Commonwealth of Massachusetts and administered by the Massachusetts Office of Business Development, hereby certify that I/we have been authorized to file this proposal and to provide the information within and accompanying this proposal. I/we certify that the information provided herein is true and complete and that it reflects the applicant's intentions to the best of my/our knowledge. I/We understand that the information provided within this proposal will be relied upon by the Commonwealth in deciding whether to contract with the organization and that the Commonwealth reserves the right to take action against the applicant organization or any other beneficiary if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/We make this certification under the pains and penalties of perjury.*

*The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).*

[Type name here]

☐ E-Signature of REDO Representative

Date

[Type name here]

☐ E-Signature of REDO Representative

Date

*This Application is requested electronically. For reporting purposes, please type in your name and click the box acknowledging your E-Signature.*

# REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION APPLICATION - FY 2017

## Attachment 4: Proposed performance measures for initiatives, programs, and market activity

Please note that all rows in the table DO NOT need to be completed, but the **minimum deliverables of each key component must be met as outlined in the Key Components** (one sample listed below). Please elaborate or add your goals and deliverables.

Key Component	Measurable Goals / Initiatives	FY'17 Deliverable
Regional Initiatives and Programs & Strategic Partners		
Retain, Expand, and Attract Businesses		
Workforce Development	Representing the regional business community in long-range workforce skills pipeline planning efforts to ensure robust skills and talent pipelines that meet regional needs	Host 1 job fair or similar event to promote workforce development (please give the date)
Regional Collaboration		
Communication, Highlights, Issues & Reports		



**Michele E. Randazzo**  
[mrandazzo@k-plaw.com](mailto:mrandazzo@k-plaw.com)

October 13, 2016

Hon. John F. Knight and  
Members of the Board of Selectmen  
Eastham Town Hall  
2500 State Highway  
Eastham, MA 02642

Re: Determination and Consent Pursuant to the Massachusetts Rules of Professional Conduct,  
Rule 1.7 - Representation of Town of Dennis, and/or Eastham, Brewster in connection with a  
Memorandum of Understanding, POCCA/Eversource administrative appeal

Dear Members of the Board of Selectmen:

We have received a request from the Town of Dennis to assist it in drafting and/or reviewing a proposed Memorandum of Understanding ("MOU") with Attorney Bruce R. Taub. The MOU is essentially a retention of services/fee agreement for Attorney Taub's representation of the Towns of Dennis, Brewster, Orleans and Eastham, in connection with an administrative appeal, Brewster, et al. v. MDAR. As you know, KP Law, P.C. serves as Town Counsel for Eastham, Brewster, and Dennis. Given that the issues related to the proposed MOU are the same for Eastham, Brewster, and Dennis, we believe it is cost-effective for the firm to provide relevant advice to all three towns simultaneously.

With respect to the firm's ability to represent any of the three towns in this regard, however, our relationship with all three communities creates an interest that requires disclosure pursuant to the Rules of Professional Conduct applicable to members of the Massachusetts Bar, and we must obtain the "informed consent" of all three communities, after disclosure of adequate information and explanation about the risks of, and alternatives to, the proposed simultaneous representation, before we can undertake such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not "municipal employees" pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of conflict on the firm's behalf in this matter.

#### MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if doing so involves a concurrent conflict of interest. The standard for determining whether a concurrent conflict of interest exists is: (1) will the representation of one client be directly adverse to another client; or (2) is there a significant risk that the representation of one or more clients will be materially limited by our responsibilities to another client, a former client, a third person, or our own personal interest. Even where a concurrent conflict of interest exists, we may



Hon. John F. Knight and  
Members of the Board of Selectmen  
October 13, 2016  
Page 2

still undertake the simultaneous representation if: we reasonably believe that we will be able to provide competent and diligent representation to each client; there is no legal prohibition on the simultaneous representation; the simultaneous representation does not involve the assertion of a claim by one client, against another, in a single piece of litigation or other proceeding before a tribunal; and each client gives informed consent, confirmed in writing.

I do not believe that our role as town counsel to Eastham, Brewster, and Dennis, including any guidance we may provide to each town relative to the proposed MOU, creates a concurrent conflict of interest. Furthermore, even if a concurrent conflict of interest is present, I do not believe that our ability to provide competent and diligent representation to the Town of Eastham will be affected by our representation of Dennis or Brewster as town counsel, either generally, or with specific reference to the proposed MOU. The proposed MOU is a single entity agreement, meaning, each Town would have a separate agreement with Attorney Taub (in contrast, it is not a joint agreement or intermunicipal agreement). As a result, each Town's agreement may reflect provisions applicable to only that Town, based upon the terms to which the Town originally agreed to retain Attorney Taub and/or provide some funding toward the POCCA/Eversource administrative appeal. I understand that each of the Towns has met with representatives of POCCA, and I further understand each Town has participated in joint meetings with the other Towns to discuss the status of the administrative appeal. It appears, therefore, that the Towns have heretofore worked collaboratively with respect to the administrative appeal, and I do not have any information to indicate that the Towns are adverse to each other in any way.

Reviewing and/or drafting an MOU template that all three of the communities could use will result in a cost savings to each town individually.

Please note, however, that joint representation implicates our obligations as Town Counsel to each town, including confidentiality and the attorney-client privilege. As a result, if at some point the interests of Eastham, Brewster and/or Dennis diverge with respect to the MOU, we would not be able to negotiate on your behalf with Dennis or Brewster. I simply wanted to alert you to that possibility.

Finally, if the Town does not wish to utilize the firm's services in connection with the proposed MOU, I would nonetheless ask for your consent in the Town performing such work for Dennis, and Brewster, as may be requested of us. In that event, the Town of Eastham would not be charged any fees associated with work done on the MOU.

#### DETERMINATION

It is my belief that the firm's representation of Eastham, Brewster, and Dennis, for the purposes and under the conditions described in this letter, does not constitute a concurrent conflict of interest. It is my further belief that even if a concurrent conflict of interest exists, our ability to





Hon. John F. Knight and  
Members of the Board of Selectmen  
October 13, 2016  
Page 3

provide competent and diligent representation to the Town of Eastham will not be negatively impacted by our simultaneous representation as town counsel to Brewster and Dennis. It is, however, for you to determine, as Appointing Authority, as to whether the representation described herein will not impair the integrity of this firm's services to Eastham, either generally, or with respect to the drafting and/or review of a proposed MOU with Attorney Bruce R. Taub.

Therefore, I request that you, as Appointing Authority for Town Counsel, consent to KP Law, P.C.'s representation of the Town of Eastham in connection with the above-referenced issues, notwithstanding that the firm also serves as counsel to Brewster and Dennis. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to me, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate contact me with any questions you have in this regard.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michele E. Randazzo".

Michele E. Randazzo

MER/jam  
Enc.  
cc: Town Clerk

566178/EAHM/0001

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Eastham Board of Selectmen consents to KP Law, P.C. representing the Towns of Eastham Brewster, and/or Dennis with regard to a proposed Memorandum of Understanding with Attorney Bruce R. Taub, as disclosed in a letter to the Board dated October 13, 2016, notwithstanding that KP Law, P.C. serves as Town Counsel and represents the Towns of Dennis and Brewster.

Dated: \_\_\_\_\_, 2016.

TOWN OF EASTHAM  
By its Board of Selectmen,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Town Administrator's Report

ADMINISTRATION

OCT 13 2016

RECEIVED

670 Massasoit Road  
Eastham, MA 02642  
11 October 2016

Mr. John F. Knight, Chairperson  
Board of Selectmen  
Town Hall  
Route 6  
Eastham, MA 02642

Dear Mr. Knight:

Our house has been here since approximately 1800, and is of considerable historical significance, having been a lodging place for Henry David Thoreau, the home of Maurice Wiley, one of Eastham's most influential Selectmen, and having received the George Abbott award for historical preservation from the Eastham Historical Commission.

On 11 October 2016 crews working for the Town dug a trench from the water main on Massasoit Road to our property line. In doing so, the backhoe operator destroyed a large root of one of the large maple trees between our house and the road.

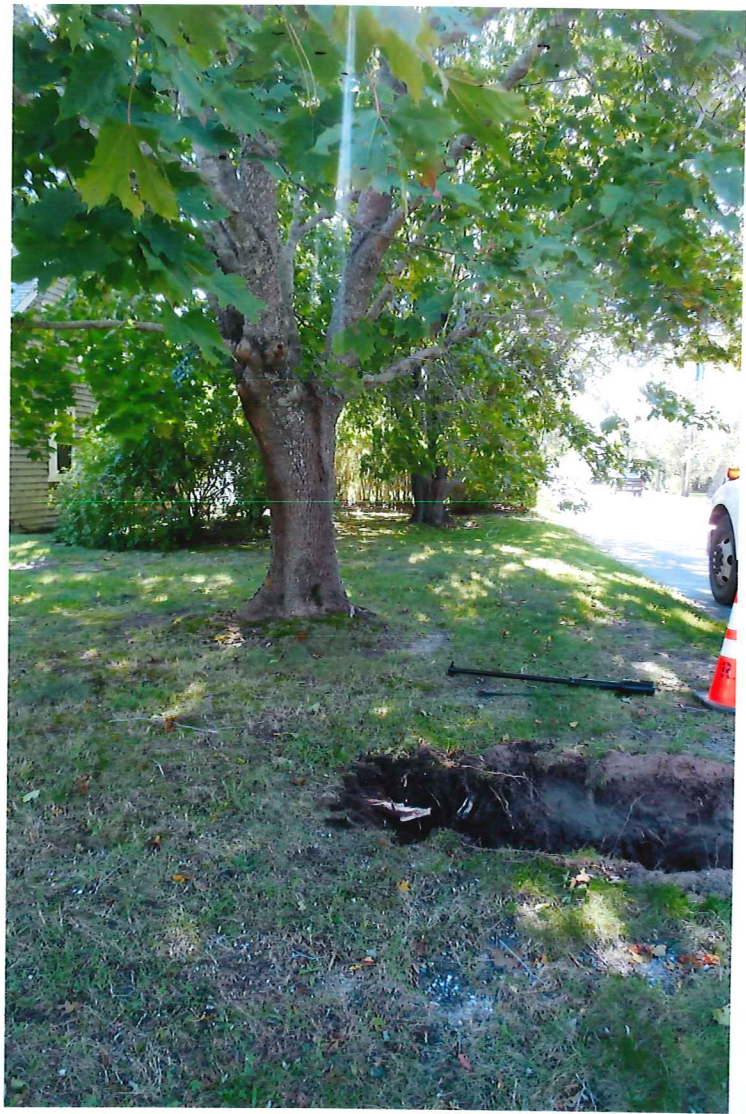
These trees have been growing in front of our house for many decades and are in excellent condition, even in this year's drought. They protect the house from noise and pollution from Massasoit Road traffic, which is very busy, especially in summer. The trees also provide the house with essential shade and wind protection. In short, these trees significantly enhance the attractiveness, historical value, and practical functioning of our property and therefore its market value.

We believe that with a little care the water-connection trench could have been excavated without damaging the tree root, which was very close to the surface and at the far end of the trench. Therefore, if this tree proves to have been significantly damaged, we shall consider it to be the fault of the contractor and/or the Town and shall seek recompense therefor.

Sincerely,

*S. Lawrence Dingman*  
S. Lawrence Dingman  
*Jane V.Z. Dingman*  
Jane V.Z. Dingman





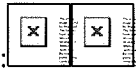
## Sheila Vanderhoef

---

**From:** Gregory C. Sands <gcs@envpartners.com>  
**Sent:** Thursday, October 13, 2016 9:31 AM  
**To:** Sheila Vanderhoef; Jacqueline Beebe; Gillespie-Lee, Laurie  
**Cc:** Mark White; Ryan J. Trahan  
**Subject:** Re: INQUIRY - PHONE MSG: Liability Policy on Tree Damage | 670 Massasoit Road - 508-240-3980  
**Attachments:** image1.jpeg; image2.jpeg

Good morning,

Please find attached photos and message below:



Mr. John F. Knight, Chairperson Board of Selectmen  
Town Hall  
Route 6

Eastham, MA 02642 Dear Mr. Knight:

Our house has been here since approximately 1800, and is of considerable historical significance, having been a lodging place for Henry David Thoreau, the home of Maurice Wiley, one of Eastham's most influential Selectmen, and having received the George Abbott award for historical preservation from the Eastham Historical Commission.

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Sincerely,

S. Lawrence Dingman

Jane V.Z. Dingman

**Gregory C. Sands, E.I.T.**  
**Engineer**



**Environmental Partners Group, Inc.**  
A Partnership for Engineering Solutions  
[1900 Crown Colony Drive, Suite 402](#)  
[Quincy, MA 02169](#)

Office: [617.657.0261](#) (direct)  
Mobile: [617.653.4882](#)  
Fax: [617.657.0201](#)

Hyannis:  
[396 North Street](#)  
[Hyannis, MA 02601](#)

Woburn:  
[18 Commerce Way, Suite 2000](#)  
[Woburn, MA 01801](#)

[www.envpartners.com](http://www.envpartners.com)

On Oct 12, 2016, at 14:34, Gregory C. Sands <[gcs@envpartners.com](mailto:gcs@envpartners.com)> wrote:

Hello Sheila,

Since Ryan's email, Mr. Dingham called a more pleasant manner. Yesterday Mr. Dingham sent a letter to the Eastham Board of Selectmen. He said he'd try to email it to us/EPG as well. If he does send the email, we'll forward it along to you immediately.

For a sequence of events:

1. Mr. Dingham and myself chose the curb stop location for his parcel together last Thursday. Yesterday morning the curb stop was installed.
2. During construction there was a root within the bounds of the trench for the curb stop. The root is from a maple tree on Mr. Dingham's property. Mr. Dingham believes the root was damaged from the bucket of the mini excavator (Robert B. Our) and would've preferred the trench around the root to have been hand shoveled.
3. Mr. Dingham called and left a message with Kemi as to the Town's policy on damaged trees from work within the right of way. Neil forwarded EPG the message Kemi took and asked us to follow up on the issue. We returned the call yesterday and left a voicemail.
4. Mrs. Dingham called us back this afternoon, resulting in Ryan's email below. Mr. Dingham called back shortly after.
5. Mr. and Mrs. Dingham both confirm that the curb stop has been installed where we agreed it should be located.

Please

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**From:** Ryan J. Trahan  
**Sent:** Wednesday, October 12, 2016 1:34 PM  
**To:** Sheila Vanderhoef ([svanderhoef@eastham-ma.gov](mailto:svanderhoef@eastham-ma.gov)) ([svanderhoef@eastham-ma.gov](mailto:svanderhoef@eastham-ma.gov)); [jbeebe@eastham-ma.gov](mailto:jbeebe@eastham-ma.gov); [admin2@eastham-ma.gov](mailto:admin2@eastham-ma.gov)  
**Cc:** Mark White; Gregory C. Sands  
**Subject:** FW: INQUIRY - PHONE MSG: Liability Policy on Tree Damage | 670 Massasoit Road - 508-240-3980

Hi Sheila,

You may receive an angry phone call or letter from the woman (Mrs. Dingman) at 670 Massasoit Rd. Greg had a civil discussion with her today about damage she believe was caused to her maple tree during her curb stop installation. She then began to berate Greg and we decided to end the phone call. She mentioned discussing it with Town Hall.

Greg can fill in the details here, but we wanted to give you a heads up an unpleasant phone call or letter will be arriving.

Please call or email with any questions or comments.

Thanks,  
Ryan

**Ryan J. Trahan, P.E.**  
**Principal**

**Environmental Partners Group, Inc.**  
*A Partnership for Engineering Solutions*  
1900 Crown Colony Drive, Suite 402  
Quincy, MA 02169

Office: 617.657.0253 (direct)  
Mobile: 617.216.7360

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[www.envpartners.com](http://www.envpartners.com)

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**From:** Gregory C. Sands  
**Sent:** Wednesday, October 12, 2016 12:44 PM  
**To:** Neil Andres; Ryan J. Trahan  
**Subject:** RE: INQUIRY - PHONE MSG: Liability Policy on Tree Damage | 670 Massasoit Road - 508-240-3980

Hi Neil,

We did not receive an answer from Mr. Dingham, at either number, but we did leave a voicemail and our direct callback number.

I located the preferred service with Mr. Dingham on Thursday morning.

We'll try back later,  
Greg

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**From:** Neil Andres [<mailto:nandres@eastham-ma.gov>]  
**Sent:** Tuesday, October 11, 2016 1:00 PM  
**To:** Gregory C. Sands; Ryan J. Trahan  
**Subject:** FW: INQUIRY - PHONE MSG: Liability Policy on Tree Damage | 670 Massasoit Road - 508-240-3980  
**Importance:** High

Greg - Can you confirm you reached mr. Dingman. The correct number is 508-240-3986

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**From:** Tilton, Teena [<mailto:dpw@eastham-ma.gov>]

**Sent:** Tuesday, October 11, 2016 11:09 AM

**To:** Neil Andres

**Subject:** INQUIRY - PHONE MSG: Liability Policy on Tree Damage | 670 Massasoit Road - 508-240-3980

**Importance:** High

Neil,

Mr. Dingman, property owner from **670 Massasoit Road**, called at 10:54am, inquiring about the Town's stance on damaging his Maple tree due to a trench being currently dug out for the water project. His is very concerned and wants to speak with you today.

Mr. Dingman's number is **508-240-3980**.

<image002.png>**KEMI MORRISON**

TOWN OF EASTHAM, DPW | DNR | CONSERVATION

508.240.5973 - PUBLIC WORKS | OFFICE OF THE SUPERINTENDENT

508.240.5972 - NATURAL RESOURCES | OFFICE OF THE HARBORMASTER

508.240.5971 - CONSERVATION



