

# AGENDA

Tuesday

January 3, 2017

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Tuesday, January 3, 2017  
5:00 p.m.**

**REVISED: December 30, 2016**

**Location: Earle Mountain Room**

**I. PUBLIC NOTICE**

**5:00 p.m.** Opening of Town of Eastham Annual Town Meeting Warrant for Monday, May 1, 2017

**II. PUBLIC/SELECTMEN INFORMATION**

**III. PUBLIC HEARING/LICENSING**

**5:05 p.m. Public Hearing**

**Request for new Common Victualler and Hawker Peddler's Licenses:** Joseph Rugo dba Joey's Food Truck for 4100 State Highway, (Map 8, Parcel 133), formerly Oaxaca Restaurant. The applicant was granted a Food Establishment License by the Board of Health on 12/22/16. Completed application and fees have been received. If approved, the license will not be granted until final building and fire inspections are completed. (public hearing, discussion & vote may be taken)

**IV. LICENSING**

***(All Licenses Require Votes and Signature)***

- A. **2017 Annual Renewal of Common Victualer Licenses** for the following businesses: Dunkin Donuts, Eastham Council on Aging, Eastham Elementary School, Eastham Shell, Eastham Superette, Fat Mike's Pizza, Fort Hill B & B, Hole in One/Fairway, Hole in One, Inn at the Oaks, Karoo, Local Break, Nauset Market, Nauset Regional High School, Orleans Eastham Elks Lodge #2572, Royal Thai Cuisine, Sam's Deli, Sandpipers Sports Pub, Four Points by Sheraton (Bellamy's Restaurant), 7-Eleven 37381H, Town Center Package, Town Crier Motel, Wellfleet Harbor Seafood, and Willy's World Wellness Conference Center.
- B. **2017 Annual Renewal of Entertainment Licenses** for the following businesses: Four Points by Sheraton, Karoo, Orleans Eastham Elks Lodge #2572, and Willy's World Wellness Conference Center
- C. **2017 Annual Renewal Coin-Op Licenses** for Orleans Eastham Elks Lodge #2572, Sandpipers Sports Pub, and Four Points by Sheraton (Bellamy's Restaurant)
- D. **2017 Annual Renewal Billiards Licenses** for Orleans Eastham Elks #2572, Sandpipers Sports Pub, Town Crier Motel, and Willy's World Wellness Conference Center
- E. **2017 Annual Renewal Auto Licenses** for Advanced Equipment, Connors Car Care, Inc., Eastham Auto Sales, and On the Run Auto, Inc.
- F. **2017 Annual Renewal Liquor** for Orleans Eastham Lodge of Elks #2572, South Bay Hotels, LLC (Four Points by Sheraton), Hole in One, Inc., Town Center Package Store, Inc., Wilcox Family Market, Inc. (Eastham Superette), Charles F. Dolan (Nauset Market), 7-Eleven of Massachusetts, Inc., Fat Mike's, Inc. (Red Barn), Willy's World Wellness Conference Center, Bogumila B. Duda (Eastham Shell), Chases Dad Inc. (Local Break), Sandpipers Sports Pub, Inc., and Karoo, Inc.

**V. APPOINTMENTS**

**5:20 p.m. State Passage of "Legalization, Regulation & Taxation of Marijuana", Edward Kulhawik, Police Chief** (discussion only)

**5:30 p.m. FY18 Budget Presentation, Sheila Vanderhoef, Town Administrator.** This is the presentation of the operating and capital budget of the town for FY18 as prepared by the Town Administrator, for review by the Board of Selectmen and Finance Committee. (no vote anticipated)

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



## VI. ADMINISTRATIVE MATTERS

### A. Action/Discussion

1. Cape & Vineyard Electric Cooperative, Inc. Approval needed for Round 1 administrative operational adder for FY18. The Board had previously voted to approve the adder for FY17 but the CVEC did not move forward. They are requesting approval for FY18 adder of \$.005 per kwh. This will amount to \$4,048 as opposed to the \$7,000 requested and approved for last year. The money will be deducted from revenue/credits from the round 1 projects. (discussion & vote may be taken)
2. Committee Resignation. Accept the resignation of Judith Cannon from the Search Committee, effective December 20, 2016. (vote may be taken)
3. Committee Appointments: (discussion & vote may be taken)
  - a. Appointment of Robert Bruns as a Regular Member of the Zoning Board of Appeals beginning January 3, 2017 to complete term vacated by John Zazzaro, term end date 6/30/2017.
  - b. Appointment of Stephen L. Wasby as a regular member of the Zoning Board of Appeals beginning January 3, 2017 to complete term vacated by George Reinhart, term end date 6/30/2018.
  - c. Appointment of Brian Ridgeway as an Alternate Member to the Zoning Board of Appeals beginning January 3, 2017 to complete term vacated by Stephen L. Wasby, term end date 6/30/2018.
  - d. Appointment of Bill Zajac as a Regular Member of the Recycling Committee for his first term beginning January 3, 2017 and ending June 30, 2018. He will replace Roslyn Diamond whose term ended 6/30/2015.

## VII. TOWN ADMINISTRATOR'S REPORT

## VIII. OTHER BUSINESS

### Upcoming Meetings

January 4, 2017	3:00p.m.	Timothy Smith Room	Work Session
January 17, 2017 (Tuesday)	5:00 p.m.	Earle Mountain Room	Regular Meeting
January 18, 2017	3:00 p.m.	Timothy Smith Room	Work Session

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

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

I 5PM

\*\*\*\*\*

**TOWN OF EASTHAM  
PUBLIC NOTICE**

The Warrant for the Eastham Annual Town Meeting, to be held on Monday, May 1, 2017 opens Tuesday, January 3, 2017 and will close Monday, February 06, 2017 at 4:00pm.

\*\*\*\*\*

**Public Notice:** Published in Saturday, December 31, 2016 Cape Cod Times and in Friday, January 6, 2017 edition of the Cape Codder on the Eastham page  
**On Website:** News and Announcements  
**Posted:** Town Hall inside/outside boards





## TOWN OF EASTHAM

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

III. Public Hearing  
5:05 P.M.

# Memorandum

TO: Board of Selectmen

FROM: Planning Department

DATE: December 28, 2016

RE: Joeys Food Truck Common Victualler and Hawker/Peddler license applications

Please find enclosed a request for a new common victualler and new hawker and peddler license from Joseph Rugo. Mr. Rugo proposes to fill the spot vacated by Oaxaca located at 4100 State Highway, Map 8, Parcel 133.

Please note:

- Completed applications have been submitted
- Application fees have been received
- A public hearing has been advertised in the Cape Codder 12/16/16 issue

The Building Inspector, Fire Chief, Police Chief and Health Agent have been notified regarding this application. Comments from the Police Chief, Fire Chief and Building Commissioner are enclosed. The applicant was granted a Food Establishment license from the Board of Health on 12/22/16 pending all other applicable approvals. Final Health, Building and Fire Department inspections will be required prior to opening.

Should you approve this request, please sign the licenses where indicated. Thank you.

enc. License application packet  
Copy of legal ad  
Common Victualler license  
Hawker and Peddler license  
Email from Edward Kulhawik, Chief of Police  
Email from Kent Farrenkopf, Fire Chief  
Email from Tom Wingard, Building Commissioner

---

## CAPE COD PUBLIC MARKET

### BUSINESS PLAN

#### Objective

To create one of the best destinations and most exciting attractions along Cape Cod's busiest highway.

#### Project Outline

**1) To open the restaurant and bar space on a smaller scale. While utilizing the additional space for a cafe or wine bar, a local retail marketplace, and a venue for local artist to display their work.**

We would re-open the 4100 RTE 6 restaurant and bar space on a smaller scale. The indoor seating would go from 220 seats to about 100 seats. Ideally we would acquire an entertainment and liquor license. The down-scaled space would host a restaurant, cafe, juice bar during the day with live entertainment in the evenings.

A) The left side of the building (the function room) would be sectioned off from the seated restaurant and transform it into a art gallery/ retail space potentially displaying a variety of local artist works and locally made crafts and jewelry.

B) The right side of the restaurant space would also be sectioned off from the restaurant to expand on the retail / art concepts or with other locally-sourced food products and crafts (Wellfleet Sea Salt, homemade candles, local honey, lotions and beauty products, canned preserves).

The indoor Restaurant/ Bar & Market concept would be open 10-12 months out of each year.

**2) To create an outdoor food court with more interesting, affordable options for locals and tourists.**

Incidental to the Restaurant / Retail concept inside, we would expand customer food options during the busier Summer months with a "Food Truck Food Court". The outdoor food court will provide interesting and affordable options for locals and tourists alike while maximizing usage of space.

I would like to provide @ the Food Court:

- 5-8 Food Trucks with unique menus: Mexican, Asian, Indian, Vegan
  - A nicely landscaped attraction with proper trash receptacles, available outdoor seating, and appealing decorations.
  - Electric hook-ups (220amp) posts available for trucks to hook-up to and pay a metered charge.
  - An approved fresh-water and grey-water supply for trucks and removal process.
-



---

## CAPE COD PUBLIC MARKET

### **3) To create a venue for local farmers, bread-makers, artists, artisanal craft-makers and multiple locally made products to all be sold in one place on a regular basis.**

Also, during the summer season; I would like to create an extension of the indoor retail space and create an outdoor venue for local farmers, bread-makers, artisanal craft-makers and multiple locally made products to all be sold in one place on a regular basis. I would do this in a sectioned off area in the parking lot between the trucks and the building.

Unlike a traditional farmers market, We would be offering local products 7 days a week and our really unique element would be the fact that the vendors do not need to be on-site. There will be a centralized cashier area where patrons can bring all of the products they desire and at check-out the cashiers will record what is sold, and which vendor it is associated with.

Vendors will be charged a monthly rent for their space and a small percentage of sales will be applied towards labor and overhead expenses. The remainder of sales will be given to the vendor on a weekly or bi-weekly basis.

Ideally the outdoor marketplace would be located under a large tent (temporary structure) to provide shelter and an activity for customers on rainy days. The goods sold would be arranged in a centralized display area with a nice circular flow for customers to walk around. The marketplace will have staff working as cashiers, up-keep, customer service, and theft prevention. The area will also be under 24-hour video surveillance.

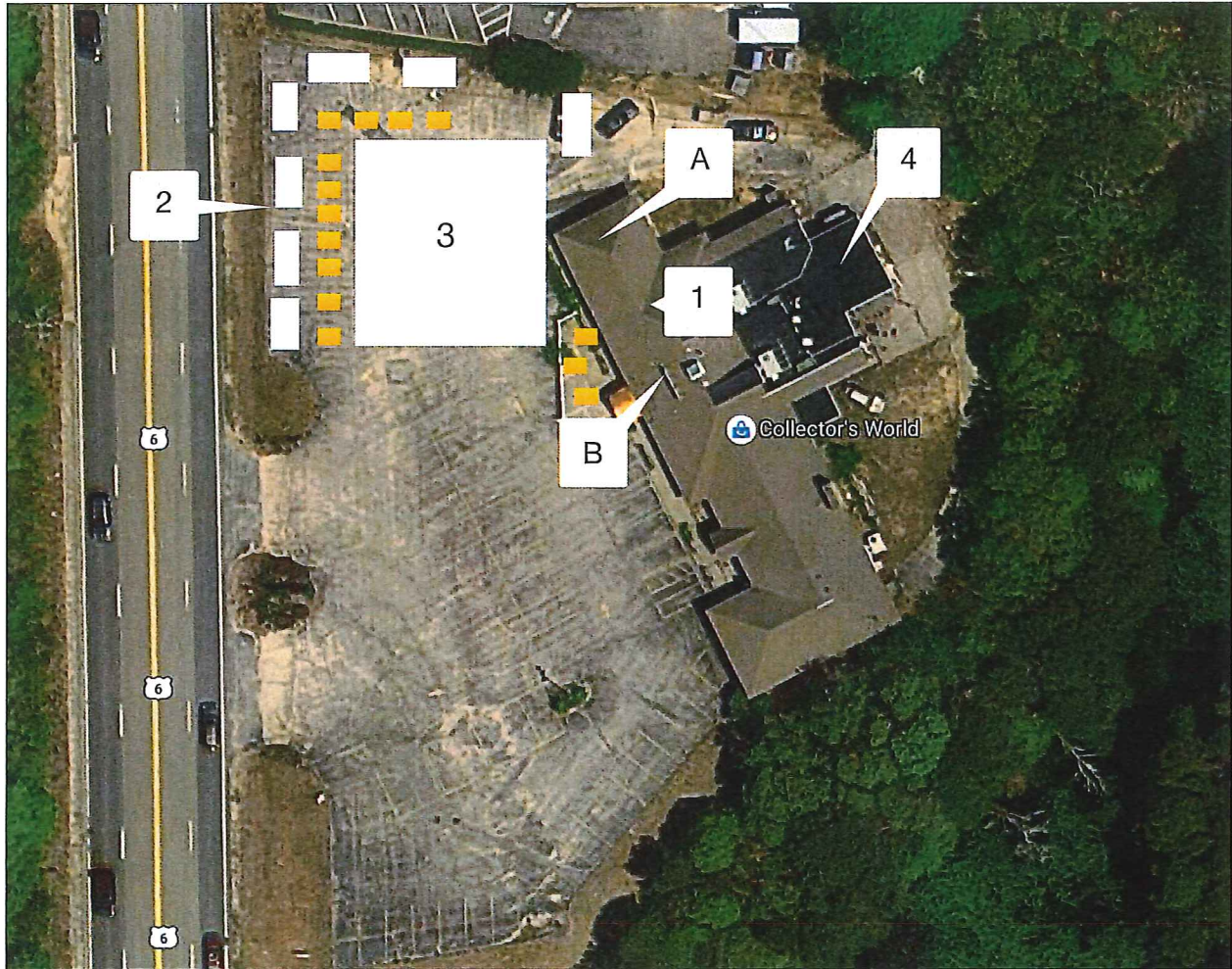
### **4) To create a shared commercial kitchen space used by on-site vendors and community for every day or short term use.**

Massachusetts State and local law requires all mobile vendors, caterers and prepared food makers to have a health inspected certified kitchen to do all preparation and storage. My goal would be to utilize the massive commercial kitchen at 4100 RTE 6. Incidentally to the functioning restaurant and kitchen, we would create a shared commercial kitchen space used by on-site vendors and other interested vendors and businesses in the community for long term or short term use.

---

---

## CAPE COD PUBLIC MARKET



## Property Outline

1- Bar and Restaurant (Primary Business)

A. Retail Space (Local Artisan Vendors)

B. Retail Space (Local Artisan Vendors)

3- Local Artisan Marketplace  
(Incidental to Retail Space)

2- Food Truck Food Court

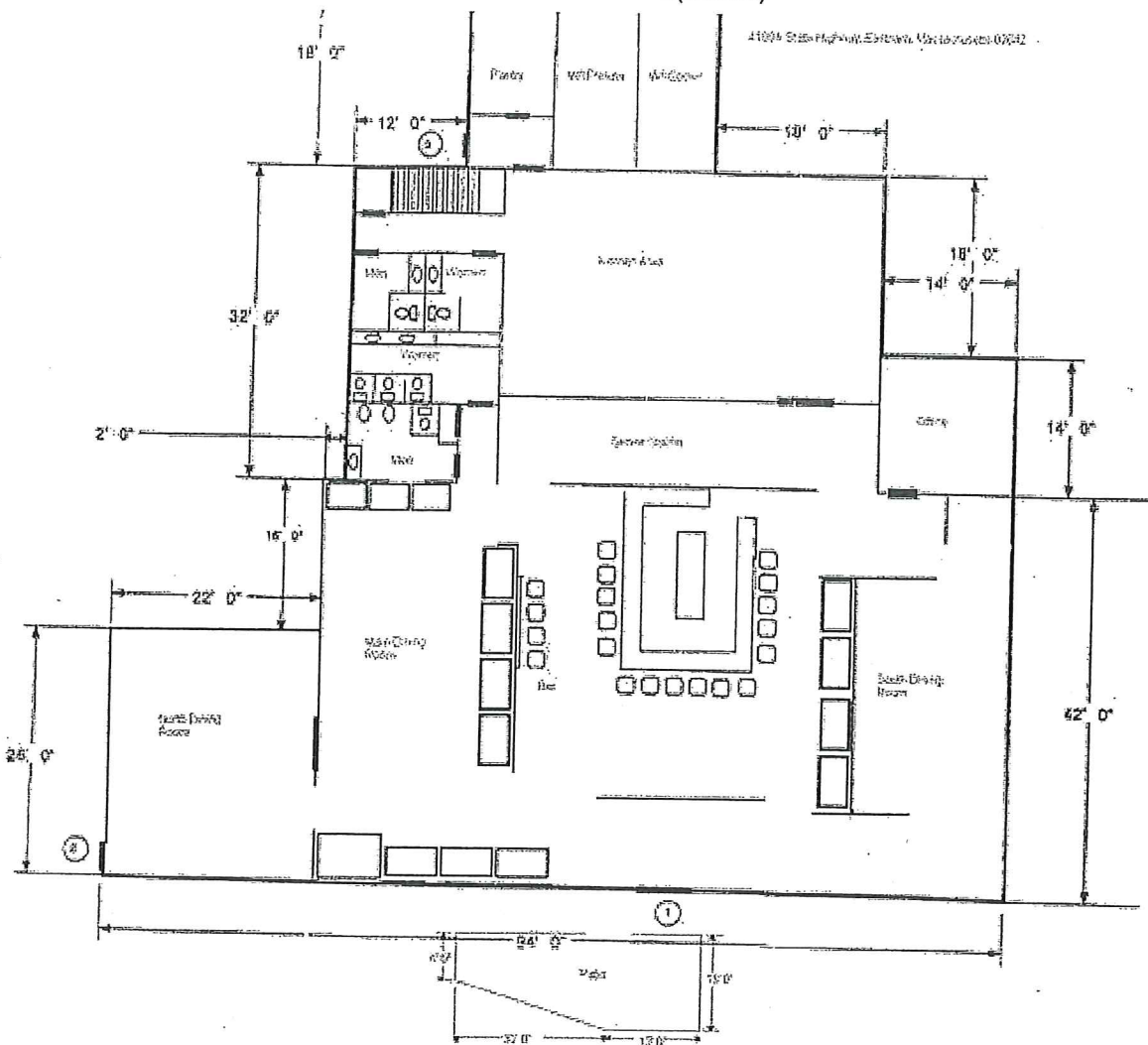
(Incidental to Primary Business)

4- Commissary Kitchen

(Incidental to Primary Business)

---





EXISTING FLOOR PLAN

# tacos

*All tacos are gluten-free!  
Served on Corn Tortillas*

**Jamaican Jerk Chicken (GF)** \$6 \$10

Grilled Jerk Chicken, Shredded Radicchio, Sharp Cheddar, Red Onion Marmalade, Tomato Salsa

**Sweet Braised Pork (GF)** \$6 \$10

Sweet Braised, Chili Rubbed Pork Shoulder, Jicama & Green Apple Slaw, Lime & Cilantro Sour Cream, Shaved Radish, Tomato Salsa

**Codfish (GF)** \$7 \$12

Marinated and Sautéed (never fried) Seasonal Fish, Carrot & Cabbage Slaw, Chipotle Aioli, Pineapple Salsa

**Roasted Veggies (GF, V)** \$6 \$10

Roasted Bell Peppers, Zucchini & Summer Squash, Red Onion Marmalade, Shredded Radicchio, Corn & Black Bean Pico de Gallo, Tomato Salsa.

Optional: Sharp Cheddar

**"Chorizo" Spiced Tofu (GF, V)** \$6 \$10

Chorizo Inspired Crumbled Tofu, Red Onion Marmalade, Shredded Radicchio, Corn and Black Bean Pico de Gallo, Tomato Salsa. Optional: Sharp Cheddar



# corn

**Mexican Street Corn (GF)** \$4

Mexican Style Grilled Corn on the Cob, Rolled in Ancho Chile Butter, Topped with Chipotle Aioli, Feta Cheese, and Cilantro

**Corn On The Cob (GF)** \$2

Classic Grilled Corn on the Cob served with Butter

# burritos

*Wrapped in a flour tortilla or served as a bowl (GF)*

**Rice & Black Bean** \$7

Rice & Black Beans. Optional: Romaine, Radicchio, Sharp Cheddar, Tomato Salsa, Pineapple Salsa, Corn & Black Bean Salsa, Red Onion Marmalade, Chipotle Aioli, Lime & Cilantro Sour Cream, Jicama & Green Apple Slaw, Carrot & Cabbage Slaw

**Jamaican Jerk Chicken** \$10

Rice & Black Beans, Grilled Jerk Chicken, Sharp Cheddar, Shredded Radicchio, Red Onion Marmalade, Tomato Salsa

**Sweet Braised Pork** \$10

Rice & Black Beans, Sweet Braised, Chili Rubbed Pork Shoulder, Jicama & Green Apple Slaw, Lime & Cilantro Sour Cream, Shaved Radish, Tomato Salsa

**Codfish** \$10

Rice & Black Beans, Marinated & Sautéed (never fried) Seasonal Fish, Carrot & Cabbage Slaw, Chipotle Aioli, Pineapple Salsa

**Roasted Veggie (V)** \$10

Rice & Black Beans, Roasted Bell Peppers, Zucchini & Summer Squash, Red Onion Marmalade, Corn & Black Bean Pico de Gallo, Shredded Radicchio, Tomato Salsa. Optional: Sharp Cheddar

**"Chorizo" Spiced Tofu (V)** \$10

Rice & Black Beans, Chorizo Inspired Crumbled Tofu, Red Onion Marmalade, Shredded Radicchio, Corn & Black Bean Pico de Gallo, Tomato Salsa. Optional: Sharp Cheddar



# quesdillas

*Served with Tomato Salsa and Lime & Cilantro Sour Cream  
Side of Guacamole \$2*

**Cheese & Bean** \$6

Black Beans, Mozzarella and Cheddar Blend Melted onto a Large Flour Tortilla

**Cheese** \$5

Classic Cheese Quesadilla made with a Mozzarella and Cheddar Blend Melted onto a Large Flour Tortilla

**Jamaican Jerk Chicken** \$8

Mozzarella and Cheddar Blend, Grilled Jerk Chicken, Flour Tortilla

**Sweet Braised Pork** \$8

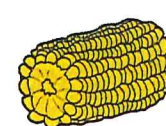
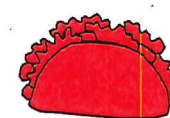
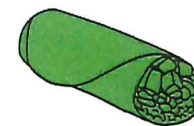
Mozzarella and Cheddar Blend, Sweet Braised Pork, Flour Tortilla

**Roasted Veggie Medley** \$8

Roasted Bell Peppers, Zucchini & Summer Squash, Mozzarella and Cheddar Blend Melted onto a Large Flour Tortilla

**joeys Special** \$10

Grilled Jerk Chicken, Red Onion Marmalade, Chipotle Aioli, Corn & Black Bean Pico de Gallo, Mozzarella & Cheddar Blend Melted onto a Large Flour Tortilla, Served with Tomato Salsa & Fresh Guacamole



# snacks

**Tortilla Chips** served with Tomato Salsa \$2

**Fresh Guacamole (GF)** *Made Daily* \$2

**Rice & Beans (GF)** \$3

**Side of Carrot & Cabbage Slaw (GF)** \$3

**Nathan's All Beef Hot Dog** \$4

Classic Hot Dog Wrapped in a Toasted Bun

Optional: Sharp Cheddar, Red Onion Marmalade

**Please let us know of any allergies before ordering, por favor.**





## TOWN OF EASTHAM

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

IV Licensing

# Memorandum

TO: Board of Selectmen  
FROM: Planning Department  
DATE: December 14, 2016  
RE: 2017 Annual BOS License Renewals: Non-Liquor

Please find enclosed licenses due for annual renewal. All applicable inspections are scheduled to be completed prior to January 1, 2017. Review of the renewals by the Fire and Police Chiefs found no incidents to report. Taxes for all businesses except Willy's World are current per the Treasurer's office.

Please note:

- Hole in One dba Fairway is not renewing their entertainment license.
- As of 12/13/16, the Box Lunch, Chocolate Cafe, Eastham Elementary School, Red Barn, Inn at the Oaks, Karoo, Nauset Market, Elks, Penny Inn, Royal Thai, Sam's Deli, Sandpiper's, Town Crier Motel, Village Green General Store, Willy's World, Advanced Equipment, Connors Car Care, Eastham Auto Sales and On the Run Auto have not submitted renewal applications yet. All renewal paperwork was sent out on 11/4/16 and reminder phone calls to all outstanding applicants were made on 12/13/16. I will provide an update to Laurie on Monday with any remaining applications received.

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

- enc. List of businesses due for license renewals  
Licenses (43 individual cards) to be signed  
Email from Chief Farrenkopf indicating license review  
Memo from Chief Kulhawik indicating license review  
Email from Sandy Johnson, Assistant Tax Collector indicating outstanding taxes (for informational purposes only, as unrelated to the business licenses)

Hold  
Hold

#### Common Vic

Box Lunch
Chocolate Café
Dunkin Donuts
Eastham Council on Aging
Eastham Elementary School
Eastham Shell
Eastham Superette (Wilcox Family Market)
Fat Mike's Pizza
Fort Hill B&B
Hole-In-One
Hole-In-One
Inn at the Oaks
Karoo
Local Break
Nauset Market
Nauset Regional High School
Orleans Eastham Elks Lodge #2572
Penny Lane Guest House and Retreat
Royal Thai Cuisine
Sam's Deli
Sandpipers Sports Pub
Sheraton Four Points (Bellamy's Restaurant)
7-Eleven 37381H
Town Center Package
Town Crier Motel
Village Green General Store
Wellfleet Harbor Seafood Co. Inc
Willy's World Wellness Conference Center

Hold

Hold

#### Entertainment

Four Points by Sheraton
Karoo
Orleans Eastham Elks Lodge #2572
Willy's World Wellness Conference Center

#### Coin-Op

Orleans Eastham Elks Lodge #2572
Sandpipers Sports Pub
Sheraton Four Points (Bellamy's)

#### Billiards

Orleans Eastham Elks Lodge #2572
Sandpipers Sports Pub
Town Crier Motel
Willy's World Wellness Conference Center

#### Auto

Advanced Equipment
Connors Car Care, Inc.
Eastham Auto Sales
On the Run Auto, Inc.



## Cohen, Deborah

---

**From:** Kent , Farrenkopf <kfarrenkopf@eastham-ma.gov>  
**Sent:** Wednesday, November 09, 2016 8:31 AM  
**To:** Cohen, Deborah  
**Subject:** RE: Annual license renewals

Hello, The Fire department has no issues at this time.  
Thanks,  
Kent

Chief Kent Farrenkopf  
**Eastham Fire Department**  
2520 State Highway  
Eastham, Massachusetts 02642  
774 212 2486 [C]  
508 255 2324 [W]  
[Kfarrenkopf@eastham-ma.gov](mailto:kfarrenkopf@eastham-ma.gov)

---

**From:** Cohen, Deborah [<mailto:buildingdept@eastham-ma.gov>]  
**Sent:** Wednesday, November 02, 2016 1:23 PM  
**To:** Edward Kulhawik; Kent , Farrenkopf; tax tax; Town Clerk, Assistant  
**Cc:** Chimwaza, Karen; Gillespie-Lee, Laurie  
**Subject:** Annual license renewals

Hi all,

Please find attached the list of annual BOS license renewals for your review. Let me know if there are any outstanding issues or reasons you would recommend against renewal and I will forward your comments to administration. Thank you,

Debbie Cohen  
Building and Planning Assistant  
Town of Eastham, 2500 State Highway, Eastham, MA 02642  
508 240 5900 x3231



## EASTHAM POLICE DEPARTMENT

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




EDWARD V. KULHAWIK  
*Chief of Police*

KENNETH J. RODERICK  
*Deputy Chief*

### MEMO:

To: Debbie Cohen  
Building and Planning Assistant

FROM: Edward V. Kulhawik   
Chief of Police

CC: Sheila Vanderhoef  
Town Administrator

DATE: 2017 Annual BOS License Renewals

As per your request dated December 14, 2016 a check of our records show no incidents, from a public safety point of view, which may preclude the renewal of the licenses for the establishments forwarded to this department.

Although our records do show that there were incidents in the area of some of these business locations, none were directly associated with the establishments, or cause concerns regarding these renewals.

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



## Cohen, Deborah

---

**From:** Sandra M. Johnson <tax@eastham-ma.gov>  
**Sent:** Tuesday, December 13, 2016 12:28 PM  
**To:** Cohen, Deborah  
**Subject:** Barbara Niggel

Dear Deborah,

Barbara Niggel paid the Personal Property Taxes for Willy's Gym that were outstanding for FY2016 (originally due on 11/1/2015) on 12/5/16.

She also paid the first half FY2017 Personal Property taxes on 11/15/2016, but the check was returned by our bank with insufficient funds, so that payment was reversed.

Lastly she has an overdue Personal Property tax bill from FY2014 assessed to her property at 140 Harvest Rd. Repeated letters sent to her regarding this bill and numerous phone conversations have gone unanswered.

Regards,  
Sandy

Sandra M. Johnson  
Assistant Treasurer/Collector  
Town of Eastham, Massachusetts  
2500 State Highway  
Eastham MA 02642  
508-240-5919 Fax: 508-240-1291  
Direct line 774-801-3219  
hours: M-F 8 am to 4 pm





## 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)

# Memorandum

TO: Board of Selectmen

FROM: Planning Department

DATE: December 14, 2016

RE: 2017 Annual BOS License Renewals: Liquor

Please find enclosed licenses due for annual renewal. All applicable inspections are scheduled to be completed prior to January 1, 2017. Review of the renewals by the Fire and Police Chiefs found no incidents to report. Taxes for all businesses except Willy's World are current per the Treasurer's office.

Please note:

- The ABCC has recently moved their licensing process online. The state renewal forms, renewal certification form and seasonal population estimate form no longer require signatures from the Board (although the local licenses still do).
- As of 12/13/16, the Elks, Nauset Market, Red Barn, Karoo, Sandpiper's and Willy's have not submitted renewal applications yet. All renewal paperwork was sent out on 11/4/16 and reminder phone calls to all outstanding applicants were made on 12/13/16. I will provide an update to Laurie on Monday with any remaining applications received.
- Willy's did not pay for or receive their 2016 liquor license (check was returned with insufficient funds). I would suggest that they are not eligible for renewal.

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

enc. List of businesses due for license renewals  
Licenses (13) for signature  
Email from Chief Farrenkopf indicating license review  
Memo from Chief Kulhawik indicating license review  
Email from Sandy Johnson, Assistant Tax Collector indicating outstanding taxes (for informational purposes only, as unrelated to the business licenses)



Liquor

License #	Name on License	DBA	Type	Category
36400005	Orleans-Eastham Lodge of Elks #2572	Elks (indoor area)	Club	All alcohol
36400007	South Bay Hotels, LLC	Sheraton	Innholder	All alcohol
36400012	Hole-in-One, Inc.	Fairway Pizzeria	Restaurant	All alcohol
36400015	Town Center Package Store, Inc.	Town Center Package Store	Package Store	All alcohol
36400016	Wilcox Family Market, Inc.	Eastham Superette	Package Store	All alcohol
36400018	Charles F. Dolan	Nauset Market	Package Store	Wine and Malt Regular
36400021	7-Eleven of Massachusetts, Inc.	7-Eleven	Package Store	Wine and Malt Regular
36400025	Fat Mike's, Inc.	Red Barn	Restaurant	Wine and Malt Regular
36400030	Willy's World Wellness & Conference Center	Willy's Gym & Fitness Center	Restaurant	All alcohol
36400038	Bogumila B. Duda	Eastham Shell	Package Store	Wine and Malt Regular
36400041	Chases Dad Inc.	Local Break	Restaurant	All alcohol
36400042	Karoo, Inc.	Karoo	Restaurant	All alcohol
36400045	Sandpipers Sports Pub, Inc.	Sandpiper Sports Pub	Restaurant	All alcohol



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
One Ashburton Place, Room 2133  
Boston, Massachusetts 02108

Tel: (617) 727-7775  
TTY Tel: (617) 727-6618  
Fax: (617) 727-4764  
[www.mass.gov/eopss](http://www.mass.gov/eopss)

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

DANIEL BENNETT  
Secretary

V 5:20  
Chief Kulhawik

Police Chief  
January  
Ag-1

December 14, 2016

Colonel Richard D. McKeon  
Massachusetts State Police  
470 Worcester Road  
Framingham, MA 01702

**Re: Passage of Question 4, "Legalization, Regulation, and Taxation of Marijuana"**

Dear Colonel:

I am writing to offer some guidance about the way that the recent passage of Question 4 will affect the way you and your officers enforce state laws regarding marijuana. Effective December 15, 2016, aspects of the new law will take effect, permitting some acts of personal possession and home-growing of marijuana that had previously been illegal. Over the course of the coming year, the phasing in of other aspects of the law will create a complex web of different rules for licensed and unlicensed sellers; for juveniles, young adults, and older adults; for those who sell drugs for profit, and for those who give drugs away. Within certain limits, the new law authorizes some conduct that had previously been prohibited. Beyond those limits, however, possession, cultivation and distribution of marijuana remain illegal under state law. These changes in the law will require your officers to reassess how they evaluate the presence of reasonable suspicion and probable cause, and, as a result, how they proceed in evaluating potentially criminal conduct where marijuana is at issue.

Below are some of the situations you and your departments will encounter, and an explanation of how the new law will apply.<sup>1</sup> Please note that this letter is not intended to direct how your department elects to prioritize its enforcement efforts, but merely to provide guidance about what conduct is now legal, and what is illegal under state law.

**SIMPLE POSSESSION OF MARIJUANA OUTSIDE PRIMARY RESIDENCE: UNDER ONE OUNCE**

Under the new law, a person 21 years or older may legally possess up to one ounce of marijuana outside his or her primary residence. Marijuana concentrate (such as cannabis oil) will be similarly legal, but only in quantities of 5 grams or less. See G.L. c. 94G, § 7(a)(1). This change means that possession of marijuana in

<sup>1</sup> Because Question 4 has no effect upon existing state law regarding medical marijuana, as set out in Chapter 369 of the Acts of 2012, the scenarios below do not address marijuana cultivated, possessed, or sold under the laws governing medical marijuana. See G.L. c. 94G, § 2(a).



these quantities is not merely decriminalized, but *fully legalized*. Accordingly, it will no longer be lawful or appropriate for police to issue a civil citation to a person 21 years or older for possessing quantities of marijuana within these limits, as has been the lawful procedure since the passage of Question 2 in 2008. It will also no longer be lawful for police to seize small quantities of marijuana for forfeiture, as has been past practice, as these small quantities will no longer be considered contraband. Likewise, it will no longer be appropriate for police to initiate a threshold inquiry based merely on a reasonable belief that a person possesses a small quantity of marijuana, if the subject is not consuming the marijuana in a public or a prohibited area, does not appear to be under the age of 21, and does not appear to be engaged in illegal distribution activity.

For persons between the ages of 18 and 21, possession of less than one ounce of marijuana is not fully legalized by Question 4, but it will remain *decriminalized*, as it has been since the passage of Question 2 in 2008. In these cases, a civil citation will remain available, with a penalty of \$100. For juveniles (those under the age of 18), possession of one ounce or less of marijuana likewise remains subject to a civil citation with a penalty of \$100, but with the additional requirement that the juvenile complete a drug awareness program. If the juvenile does not complete the program, the civil fine can be enhanced to \$1000, for which the juvenile's parents may be held liable. See G.L. c. 94C, § 32L.

### **SCHOOLS AND GOVERNMENT BUILDINGS**

The scope of the legal possession provision described above (one ounce or less) does not permit any person to possess any quantity of marijuana on the grounds of a public or private preschool or K-12 school, or on the grounds of (or within) any correctional facility. See G.L. c. 94G, § 2(d)(3). For individuals over 21 who possess less than one ounce of marijuana on school grounds or on the grounds of a correctional facility, a civil penalty will remain available pursuant to G.L. c. 94C, § 32L. For persons under 21, the penalties outlined in the section above will apply. Distribution of (or possession with intent to distribute) marijuana to a prisoner, or concealing marijuana in or about a penal institution with the intent that an inmate should obtain it, remain felony offenses for all persons pursuant to G.L. c. 268, § 28 and G.L. c. 268, § 31, respectively.

State and local governments retain the authority to prohibit possession of marijuana within their buildings, including city halls, police stations, and public housing facilities. See G.L. c. 94G, § 2(d)(2).

### **SIMPLE POSSESSION OF MARIJUANA OUTSIDE PRIMARY RESIDENCE: 1-2 OUNCES**

For an individual 21 years of age or older, possession of a quantity of marijuana greater than one ounce, but less than two ounces, outside his or her primary residence, will be a civil violation subject to a penalty of not more than \$100, and by forfeiture of the *excess* amount of marijuana possessed. See G.L. c. 94G, § 13(e). If such an individual were discovered to possess 1 ½ ounces of marijuana, a police officer could therefore issue a citation and seize ½ ounce of the subject's marijuana, but not the entire quantity.

For an adult under 21 years of age, possession of any quantity over one ounce in a place remains a criminal offense. Likewise, juveniles in possession of more than one ounce remain subject to delinquency proceedings. See G.L. c. 94C, § 34.

### **POSSESSION OFFENSES OUTSIDE PRIMARY RESIDENCE: OVER TWO OUNCES**

A person of any age who possesses more than two ounces of marijuana outside of his or her primary residence will remain subject to existing criminal penalties. See G.L. c. 94C, § 34. The only exception to this rule will be for a person engaged in the lawful operation of a recreational or medical establishment properly licensed by the newly-created Cannabis Control Commission or the Department of Public Health.

### POSSESSION OF MARIJUANA OUTSIDE PRIMARY RESIDENCE

	Under 1 Oz.	1-2 Oz.	Over 2 Oz.
<b>21+ with proper Cannabis Control Commission License</b>	Legalized.	Legalized.	Legalized.
<b>21 + w/o License</b>	Legalized.	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 34.
<b>18-21</b>	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 34.	Criminal penalties available. G.L. c. 94C, § 34.
<b>Juvenile (under 18)</b>	Civil fine of \$100, and mandatory drug education program.	Delinquency proceedings available. G.L. c. 94C, § 34.	Delinquency proceedings available. G.L. c. 94C, § 34.

### POSSESSION OF MARIJUANA INSIDE PRIMARY RESIDENCE

Question 4 permits a person over the age of 21 to possess up to 10 ounces of marijuana inside his or her own primary residence, and, as drafted, permits the lawful possession of additional quantities that have been lawfully cultivated (grown) on the premises. See G.L. c. 94G, § 7(a)(2). Note that a person may only have one “primary residence” at a time, and the question of whether a given location is a person’s primary residence is one that is subject to circumstantial proof.

Whether a given quantity of marijuana was lawfully cultivated on the premises is also a question subject to circumstantial proof. If the subject has no apparent grow operation on the premises, or has quantities of fresh marijuana that appear wholly inconsistent with the quantity that could have been produced by the plants on the premises, or if the fresh marijuana is a different strain than the marijuana plants on the premises, the facts might well be sufficient for police to conclude that the subject has not abided by the safe harbor requirements of the law.

The safe harbor for possessing marijuana in the home applies only to marijuana possessed for lawful purposes, such as personal use. Possession of *any quantity* of marijuana with intent to sell remains a crime in the absence of a license issued by the Cannabis Control Commission. If a person possessing marijuana does not hold such a license, and there is sufficient evidence to prove that the marijuana is intended for 1) sale of any quantity to another party (distribution “for remuneration”); or 2) gifting (distribution “without remuneration”) of more than one ounce to another party; or 3) transfer of any quantity to a person under 21; then the person would be guilty of Possession of a Class D Substance with Intent to Distribute, pursuant to G.L. c. 94C, § 32C, or of Trafficking in Marijuana, pursuant to G.L. c. 94C, § 32E(a)(1), if the quantity in his possession exceeds fifty pounds.

The new law requires that any quantity of marijuana exceeding one ounce be kept under lock and key. A violation of this requirement, however, is subject only to a civil fine of \$100, and forfeiture of the marijuana, and does not make the possession subject to criminal prosecution. G.L. c. 94G, § 13(b).

### CULTIVATION OFFENSES

Where previously the “cultivation” of any quantity of marijuana constituted a violation of G.L. c. 94C, § 32C, the new law legalizes the cultivation of up to 6 marijuana plants by any single person in his or her primary residence, up to a maximum of 12 marijuana plants in a single residence (if there are two or more persons engaged in growing activity there).

A person who grows more than the allowed individual maximum of six plants, but less than the *household* maximum of twelve plants, is subject only to a civil penalty of \$100, see G.L. c. 94G, § 13(e), and not to criminal prosecution. A person who cultivates more than the household limit of twelve plants, however, has violated G.L. c. 94C, § 32C and is subject to criminal prosecution if he is not operating under a cultivator license from the Cannabis Control Commission.

In the absence of a license granted by the Cannabis Control Commission, no place other than a primary residence may be used for the cultivation of marijuana. Accordingly, a person who grows marijuana, even a small quantity, in a rented storage area, at his workplace, or at any location other than his or her primary residence is subject to criminal prosecution pursuant to G.L. c. 94C, § 32C.

In addition, unless a person holds a state license granting him status as a lawful “marijuana retailer” or “marijuana cultivator,” this marijuana may be grown and kept only for limited purposes: personal use, or small scale (under one ounce), non-remunerated “gifting.” If there is sufficient evidence that any quantity of marijuana is being grown for unlawful sale, even if it is within the grower’s primary residence, the grow operation would remain criminal pursuant to G.L. c. 94C, § 32C.

The new law requires that home-grow cultivation be conducted in a manner that is not visible from a public place without the use of aircraft, binoculars, or other optical aids, and that marijuana plants be secured under lock and key or other appropriate security device. Violation of these requirements is subject only to a civil fine of \$300 and forfeiture of the marijuana, and does not make the grower subject to criminal prosecution. See G.L. c. 94G, § 13(a).

## **DISTRIBUTION OFFENSES**

As noted above, the new regime allows persons not licensed to operate a marijuana establishment to “gift” marijuana in quantities under one ounce, but not to sell marijuana in any quantity. Attempts to evade this safe harbor with delayed or disguised payments, contemporaneous reciprocal “gifts” of money or items of value, or other sham transactions, will remain a criminal act. See G.L. c. 94C, § 32C. Simply put, where a person is not operating under the required license, any of the following forms of marijuana distribution remain criminal offenses:

- Giving or selling any amount of marijuana to a person under 21 in any circumstance, even if possession by the purchaser is non-criminal.
- Selling marijuana in any amount, to any person, of any age.
- “Gifting” more than one ounce to any person, of any age.



## CULTIVATION AND DISTRIBUTION OF MARIJUANA

	Gifting or Possession with Intent to Gift, Under 1 Oz.	Gifting or Possession with Intent to Gift, 1 Oz. or more	Sale or Possession with Intent to Sell, any quantity	Cultivation of 6 or fewer plants, at primary residence	Cultivation of 7-12 plants, at primary residence	Cultivation of 12+ plants, at primary residence	Cultivation at location other than primary residence
<b>21+ with proper Cannabis Control Commission License</b>	Legalized.	Legalized.	Legalized.	Legalized.	Legalized.	Legalized.	Legalized.
<b>21 + w/o License</b>	Legalized.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Legalized.	Civil fine of \$100, and forfeiture of excess marijuana.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.
<b>18-21</b>	Civil fine of \$100.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.	Criminal penalties available. G.L. c. 94C, § 32C.
<b>Juvenile (under 18)</b>	Civil fine of \$100, and mandatory drug education program.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.	Delinquency proceedings available. G.L. c. 94C, § 32C.

## TRAFFICKING, MONEY LAUNDERING, AND FORFEITURE

Question 4 repeals the prohibition against marijuana Trafficking only to the degree that it protects properly licensed cultivators, manufacturers, and retailers operating within the limits set by the new law and the regulations issued by the Cannabis Control Commission. Unlicensed persons who possess fifty pounds or more with intent to sell remain guilty of a felony offense pursuant to G.L. c. 94C, § 32E(a)(1). Financial transactions involving the proceeds of felony Trafficking activity remain criminal Money Laundering in violation of G.L. c. 267A, § 2, and the funds associated with such transactions remain subject to seizure and forfeiture. Transactions involving the proceeds of misdemeanor offenses (which include most smaller marijuana sales) do not constitute Money Laundering, but the proceeds of such illegal sales are subject to forfeiture pursuant to G.L. c. 94C, § 47.

## SCHOOL ZONES

Question 4 did not repeal or modify the School Zone statute. Accordingly, any individual who is convicted of a Distribution, Possession with Intent, or Trafficking offense while within a School Zone or Park Zone may face the enhanced penalties of G.L. c. 94C, § 32J.

## USE OF JUVENILES TO DISTRIBUTE MARIJUANA

Marijuana remains a Class D controlled substance under Massachusetts law, and Question 4 does not legalize marijuana for minors. Pursuant to G.L. c. 94C, § 32K, any party, licensed or unlicensed, who causes, induces or abets a person under the age of 18 to distribute marijuana, or to possess with intent to distribute marijuana (e.g., by employing a juvenile as a drug runner for their organization, or by supplying a juvenile drug dealer with marijuana for resale), is subject to criminal prosecution.

## **ATTEMPTS TO PROCURE BY UNDERAGE PARTIES**

Persons under the age of 21, whether they are adults or juveniles, who attempt to purchase or procure any quantity of marijuana are subject to a civil fine of \$100. See G.L. c. 94G, § 13F.

## **SALE OF MARIJUANA-RELATED DRUG PARAPHERNALIA**

The implementation of Question 4 will effectively nullify the application of the existing law prohibiting sale of marijuana-related drug paraphernalia, G.L. c. 94C, § 32I(a), to persons over the age of 21. Thus, it will no longer be illegal to sell bongs, or pipes, or hydroponic equipment intended to facilitate marijuana cultivation, to persons over the age of 21. See G.L. c. 94G, § 8.

Sale of (or possession with intent to sell) such paraphernalia to persons over 18, but under 21 will remain a misdemeanor under G.L. c. 94C, § 32I(a), while sale to persons under the age of 18 will remain a felony. See G.L. c. 94C, § 32I(b). A person under the age of 21 who purchases or attempts to purchase marijuana-related drug paraphernalia may be subject to a civil fine of \$100 and may be required to complete a drug awareness program, but may not be criminally charged. See G.L. c. 94G, § 13(f).

Mere possession of drug paraphernalia remains non-criminal in Massachusetts, though it may be compelling circumstantial evidence either of intent to consume marijuana, or of intent to cultivate or distribute, depending on the nature of the paraphernalia.

## **OPERATING UNDER THE INFLUENCE**

The passage of Question 4 does not have any effect on the longstanding prohibition against operating a motor vehicle under the influence of marijuana. This remains illegal under the terms of G.L. c. 90, § 24(1)(a)(1). See G.L. c. 94G, § 2(a). Though the new law makes the consumption of marijuana broadly legal for individuals over 21, evidence of recent marijuana consumption will remain admissible in OUI prosecutions, much as evidence that a defendant was seen drinking alcohol in a bar shortly before his motor vehicle stop is admissible in an OUI-Liquor prosecution. Accordingly, in OUI-Drugs investigations, police officers may continue to seize evidence of a suspect's marijuana consumption (such as a partially-burned "roach" in a vehicle ashtray) as evidence, just as they may appropriately seize an empty beer can from the floorboards of an OUI-Liquor suspect's vehicle as evidence of recent alcohol consumption.

## **PUBLIC CONSUMPTION OF MARIJUANA**

Prior to the passage of Question 4, municipalities had the authority, but not the obligation, to prohibit public consumption of marijuana. Under the new law, all public consumption of marijuana (other than medical marijuana) is prohibited. Non-public smoking of marijuana is also prohibited in any place where tobacco smoking is prohibited (such as private offices, bars and restaurants, see G.L. c. 270, § 22). Either one of these may result in a civil penalty of not more than \$100. See G.L. c. 94G, § 13(c). For cities and towns that already have a bylaw or municipal ordinance prohibiting public marijuana consumption, these provisions should remain in force and effect, as they do not appear to be preempted by the passage of Question 4. See G.L. c. 94G, § 3(a)(5).

## **MARIJUANA IN VEHICLES**

The new law prohibits possession of an "open container" of marijuana in the passenger area of a motor vehicle while that vehicle is on a public way, whether the car is or is not moving at the time. Violations may be

subject to a civil penalty of not more than \$500. See G.L. c. 94G, § 13(d). Accordingly, any police officer who observes a driver or passenger smoking marijuana in a motor vehicle may lawfully effectuate a motor vehicle stop or initiate a threshold inquiry in order to identify the party and issue a citation. Marijuana that is in a sealed container, or which is secured in a vehicle's trunk or locked glove compartment, is not subject to such a civil penalty.

## **FIREARMS LICENSING**

General language in the new law provides that "a person 21 years or older shall not be . . . disqualified under the laws of the Commonwealth in any manner, or denied any right or privilege . . ." for lawfully possessing, cultivating, or giving away marijuana. See G.L. c. 94G, § 7(a)(1)-(4). Consequently, marijuana-related activity that is now legal cannot constitute a firearms licensing *disqualification* under Massachusetts law, nor can marijuana-related activity that is illegal, but non-criminal (e.g., possession of 1 ½ ounces of marijuana by a person over 21 years old, punishable as a civil offense only). As I noted in my directive to the Firearms Records Bureau on October 8, 2015, past criminal convictions involving the possession of one ounce or less of marijuana should no longer be viewed as a disqualification in a firearms license application.

However, in addition to reviewing an applicant's record for possible disqualifying offenses, a licensing authority is required to assess the *current suitability* of an applicant for a License to Carry or a Firearms Identification Card. In making this evaluation, a licensing authority can and should consider any evidence of an applicant's habitual, excessive consumption of intoxicating substances, which may make an applicant unsuitable in some cases even when the use of those substances (like alcohol and marijuana) has been broadly legalized under state law. See Ceeley v. Firearms Licensing Review Board, 78 Mass.App.Ct. 1125 (2011), 2011 WL 445841 (upholding board's determination that applicant was "unsuitable" for restoration of his firearms rights, based in part on his "long history of alcohol abuse"). Cf. 27 C.F.R. 478.11 (federal regulation defining the phrase "Unlawful user of and addicted to any controlled substance" as including "[a] person who uses a controlled substance and has lost the power of self-control with reference to the use of controlled substance").

## **51A OBLIGATIONS: ABUSE AND NEGLECT OF CHILDREN**

Question Four contains a provision that requires "clear, convincing and articulable evidence" that a person's actions related to marijuana have created "an unreasonable danger to the safety of a minor child" before such actions may form "the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation or any other parental right or responsibility." See G.L. c. 94G, § 7(d).

This provision qualifies the manner in which a parent or caregiver's involvement with marijuana may be considered in making decisions about child protection and welfare. The provision does not change a police officer's duties as a mandated reporter pursuant to G.L. c. 119, § 51A. Accordingly, nothing in the new marijuana laws should be viewed as preventing a police officer, in his or her capacity as a mandated reporter, from making a 51A report, as required by the statute, where there is reasonable cause to suspect that a child has been abused or neglected.

## **PROTECTIVE CUSTODY**

The protective custody law, G.L. c. 111E, § 9A, which Governor Baker signed into law in July, is not affected in any way by the passage of Question 4. Police officers retain the authority to take into protective custody any person who is incapacitated by the consumption of *any* drug, regardless of the age of the drug user, and regardless of whether the possession or consumption of the drug was itself illegal. Protective custody is not



an arrest for a criminal act, but an emergency caretaking power designed to protect the immediate safety of the incapacitated party and the public.

## **FEDERAL LAW**

Marijuana remains broadly prohibited under federal law. Since the issuance of its memorandum of August 29, 2013 providing "Guidance Regarding Marijuana Enforcement" (the "Cole Memorandum"), however, the Department of Justice has taken the position that marijuana distribution conducted in compliance with a "strong and effective state regulatory system" should be a relatively lower priority for federal enforcement efforts. At this time, it is not yet clear whether the incoming administration will maintain that position, or whether federal enforcement agencies will take a more aggressive stance toward state legalization initiatives.

State and local law enforcement officers should keep in mind that their primary obligation is to enforce the laws of the Commonwealth, and to protect the citizens of the Commonwealth. But we also have an obligation to be good neighbors. To the extent that actors within Massachusetts are engaged in efforts to illegally traffic controlled substances outside our borders and into neighboring states, we should remain vigilant in helping our federal partners, and our brother and sister agencies in other states, to carry out their duties as well. This is no doubt an area that will require new policies as warranted by developments on the ground.

Thank you, as always, for your commitment to our shared mission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel Bennett", with a long horizontal flourish extending to the right.

Daniel Bennett, Secretary  
Executive Office of Public Safety and Security

# FY18 Budget Presentation

VI A.1.

**Sheila Vanderhoef**

---

**From:** Liz Argo <largo@cvecinc.org>  
**Sent:** Thursday, December 22, 2016 5:30 PM  
**To:** Sheila Vanderhoef  
**Cc:** Joe Bayne  
**Subject:** Presentation for discussion on Round 1 Adder  
**Attachments:** Eastham FY16 Adder Presentation -12.20.16.pptx

Hi Sheila,

Attached is a revised presentation that CVEC gave last year to the Eastham SelectBoard. The Eastham SelectBoard then voted to support the presented request for a Round 1 Administrative Operational Adder of \$0.01 per kilowatt hour to be installed in FY17. The Adder was not installed in FY17 and CVEC is returning to ask for approval of an Adder to be installed in FY18, but, after much belt tightening, at a lower rate. The Round 1 Adder will now have only half the affect as that which was approved by the SelectBoards last year.

In many cases CVEC has not needed to return this year to make the presentations again to the affected towns, because the Adder was approved at a higher rate last year. Needless to say, however, we stand ready to accommodate any request made by you on behalf of your town as we seek Eastham's approval of the Round 1 Adder.

Happy Holidays!!!!

Thank You,

*Liz*

Liz Argo  
Manager, Programs & Administration



Cape & Vineyard Electric Cooperative, Inc.  
23H2 White's Path, Suite 2  
South Yarmouth, MA 02664  
774-722-1812 (cell)





**Cape & Vineyard Electric Cooperative, Inc.**

**Town of Eastham**

12.20.16



Liz Argo, Manager, Projects and Administration

---

---

---


---

---

---

---

---



**Cape & Vineyard Electric Cooperative, Inc.**

**Municipal Net Metered Power**

**Cape & Vineyard Electric Cooperative**

**Past - Present - Future**

- Three PV Initiatives totaling 28.5MW are now producing power
  - The largest block of Cooperative PV power in New England
  - At end of FY16 – Total distribution of net metering benefits = **\$5,599,000 at no capital cost to participants!**
  - **No liability and no O&M responsibility!**
- Potential Future PV Initiatives - based on 3 previous initiatives' successes. Solar Carport and Roof Top Initiatives
- Battery Back-up - CVEC currently awarded a \$1.5 million grant for a battery back-up system at DY High School Regional County Emergency Shelter
- Potential Future Battery Initiatives
- Net Metering Credit purchases for offtakers (Dartmouth Solar, Future Generation Wind, Syncarpha's Marie's Way)

---

---

---

---

---

---

---

---



**Cape & Vineyard Electric Cooperative, Inc.**

**CVEC Financial & Operations Management Services**

*In addition to leading further PV and Battery development in Region*

- Maintain Schedule Z database for all projects - host & offtaker (needed for accurate distribution of net metering credits)
- Calculate monthly net metering credit activities: Expense, Revenue, Net
- Provide professional third party annual audit reports
- Provide monthly and annual reports; showing costs and net benefits
- Verify achievement of production expectations (GAO) and assure shortfall compensation
- Interface with Utility and PV system owner to assure proper compensation, proper maintenance and repairs.
- Provide annual reports to Mass DOER
- Provide legal services associated with management of systems
- Provide assistance with tax assessment, insurance, emergency response, etc.

---

---

---

---

---

---

---

---



## Cape & Vineyard Electric Cooperative, Inc.

### The "Ask"

- In 2010 the CVEC Board voted not to impose the typical Administrative Operational Adder of \$0.01 on the 8 Round 1 projects under construction in Barnstable, Harwich, Chatham, Brewster, Eastham, Edgartown & Tisbury.
- In 2011 the Board voted to impose the typical Administrative Operational Adder on the Round 2 projects nearing completion; \$0.01 for members and \$0.015 for non-members was added to the PPA costs. Round 2 included PV projects in Orleans, West Tisbury, Barnstable and at DYRSO sized comparably to Round 1.
- Still meeting final debt associated with the Round 1 installation, in late 2014 CVEC recognized it couldn't maintain financial and operations services for all participants at the current level.
- To continue services for all members, in 2015 the CVEC Board voted to propose an Adder of \$0.01 on the Round 1 projects, similar to the Adder on its Round 2 projects. **Eastham BOS approved the \$0.01 Adder last year.**
- In 2016, following a year of reduced CVEC activities and spending, the CVEC Board voted to reduce the Round 1 Adder request to \$0.005. The \$0.005 Adder will provide an annual revenue to CVEC of just over \$100,000.**



## Cape & Vineyard Electric Cooperative, Inc.

### The \$0.005 Adder to Eastham in dollars and cents

	Net Benefit
FY16 Net Benefit from R1 to Eastham as Host with Offtakers	\$75,937
Apply estimated affect of adder of \$0.01 per kWh to R1 (Last year's Adder request)	\$7,369
Apply adder of \$0.005 per kWh to R1	\$4,048
Adjusted FY16 Net Benefit from R1 to Eastham as Host with Offtakers with \$0.005 Round 1 Adder	\$71,889
Percentage Year One Income Reduced by	5%

\*\*\* The NMC used in the calculations is the actual NMC over the course of FY16. In the future the NMC will adjust up or down over the life of the project, with a net rise expected as the cost of electricity is expected to rise. Thus the net effect of the Adder will lessen over time.



## Cape & Vineyard Electric Cooperative, Inc.

### The Need in dollars and cents

#### CVEC FY17 Budgeted Income and Expenses

	Annual Income	Annual Expenses	Net Income (Loss)
Projected TOTALS	\$188,200	\$238,750	(\$50,548)

An adder of \$0.005 on Round 1 projects starting in FY18 will provide an additional approximate annual revenue of \$100,000, with which CVEC can continue to operate at current levels and establish a necessary operational reserve.



## Cape & Vineyard Electric Cooperative, Inc.

### • SUMMARY

- In FY16, Eastham's annual savings from CVEC's projects totaled over \$75,937
- CVEC seeks a \$.005 per kilowatt hour Operational Adder (\$.0025 to system off-takers) on the Round 1 systems for approximate annual revenue to CVEC of \$106,000
- With a Round 1 Adder, the savings that CVEC sends Eastham will be reduced by approximately \$4,048 over the course of a year
- The annual revenue from the Adder on all 8 CVEC Round 1 projects will close the gap in CVEC's operational revenue and expenses, allowing CVEC to continue to manage its current projects as well as continue to bring forward more regionally beneficial projects

---

---

---

---

---

---

---

---



## Cape & Vineyard Electric Cooperative, Inc.

### Assurances

- CVEC will revisit the adder on Round 1 at the end of year one to determine whether it is recommended that the adder be discontinued, continued, or reduced




---

---

---

---

---

---

---

---





VI A. 2.

ADMINISTRATION

DEC 23 2016

RECEIVED

## TOWN CRIER MOTEL, INC

3620 State Highway  
EASTHAM, MA 02642  
508 255 4000  
Email: [judy@towncriermotel.com](mailto:judy@towncriermotel.com)

---

Board of Selectmen  
Eastham, Ma 02642

December 20, 2016

To Whom It May Concern

It is with reluctance that I present my resignation from the Search Committee. It has been a great pleasure working on this committee.

Sincerely,

A handwritten signature in cursive script that reads "Judith Cannon".

Judith Cannon



## 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)

VI A.3

**January 3, 2017**

To: Board of Selectmen  
From: Sheila Vanderhoef, Town Administrator  
Re: **Committee Appointments**

---

The following is the information needed to make four committee appointment.

**Robert Bruns**

The Search Committee recommends the appointment of Robert Bruns to the Zoning Board of Appeals as a regular member.

If the Board appoints him, his first term would commence January 3, 2017 and expire June 30, 2017. He seeks to replace John Zazzaro, who resigned; his term was to end 6/30/17.

---

**Stephen Wasby**

The Zoning Board of Appeals recommends the appointment of Stephen Wasby to the Zoning Board of Appeals as a regular member.

If the Board appoints him, his first term would commence January 3, 2017 and expire June 30, 2018. He seeks to replace George Reinhart, who resigned; his term was to end 6/30/18.

---

**Brian Ridgeway**

The Search Committee recommends the appointment of Brian Ridgeway to the Zoning Board of Appeals as an alternate member.

If the Board appoints him, his first term would commence January 3, 2017 and expire June 30, 2018. He seeks to replace Stephen Wasby, who is becoming a regular member.

---

**Bill Zajac**

The Search Committee recommends the appointment of Bill Zajac to the Recycling Committee as a regular member.

If the Board appoints him, his first term would commence January 3, 2017 and expire June 30, 2018. He seeks to replace Roslyn Diamond, whose term ended 6/30/15.

---

# Charge To The Zoning Board Of Appeals

---

**9-5-13 Statute Chapter 40A-Zoning Board of Appeals.** A Zoning Board of Appeals of five members and two alternates shall be appointed by the Board of Selectmen for three year overlapping terms.

From Eastham Home Rule Charter - 1992

# Charge To The Recycling Committee

---

## Charge To The Recycling Committee

In accordance with the provisions of the Eastham Home Rule Charter Section 9.5.I4, the Board of Selectmen hereby appoints a committee that shall be known as the **Eastham Recycling Committee**. The Committee shall consist of five (5) members, plus a Subcommittee of up to 12 non-voting members for the sole purpose of working in the Swap Shop, in overlapping, rotating shifts, during hours of operation. All Committee and Subcommittee members shall be appointed by the Board of Selectmen for three-year overlapping terms. No appointee may serve more than three consecutive terms.

The specific responsibilities of the Committee shall include, but not be limited to the following:

1. The Committee will focus on encouraging recycling at the Eastham Transfer Station through recommendation to the DPW Superintendent of innovative ways to increase the rate of recycling including, but not limited to, development with the Board of Health of new Transfer Station regulations and, with the Board of Selectmen, development of an evaluation of the costs and benefits of mandatory recycling.
2. The Committee shall assist the Transfer Station Manager with the development of volunteer work hours, operating hours, and regulations for the Swap Shop.

As part of this Task, the Committee shall

- Develop written protocols for and train volunteers
  - Develop written Volunteer Handbook
  - Develop protocols for outreach to social service agencies for them to request items for use by their clientele, and specify items possible for agency selection
  - Work with appropriate local, county, and state agencies and employees to secure funding for educational materials and events to educate about and encourage opportunities for further diversion of re-useable items from the waste stream.
3. The Committee will continue to review Transfer Station hauling costs and resident fee structures and recommend changes to the BOS for their consideration as and when appropriate.
  4. The Committee shall prepare a summary of its yearly activities for inclusion in the Town of Eastham Annual Report.

The Committee shall consider existing regulations, by-laws, policies and procedures in developing their proposals and shall include in any proposal, as necessary, any enforcement recommendations or methods and costs and savings anticipated by implementation.

The Town Administrator shall designate staff support for this Committee, which may include, but not be limited to, staff of the Board of Health and Department of Public Works.

*Adopted by the Board of Selectmen on March 3, 2010*

*Revised and Adopted by the Board of Selectmen on May 23, 2012*

*Revised and Adopted by the Board of Selectmen on May 19, 2014*



# INFORMATION



## 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)

December 23, 2016

Patrick Higgins  
PO Box 24  
Swansea, MA 02777

RE: Open Meeting Law Complaint – Eastham Board of Selectmen

Dear Mr. Higgins:

We apologize for our error in this matter. You are correct that the agenda should have included a listing. The list of licenses to be reviewed by the Board was posted with the Agenda Packet on the Website.

As per your requested remedy, we will post a public meeting agenda with appropriate details and revote the list. This action is scheduled for the January 3, 2017 Board of Selectmen meeting.

Town Counsel provides regular training and written updates on the Open Meeting Law and both the Board and support staff will attend.

Respectfully,

Sheila Vanderhoef  
Town Administrator

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

Eastham Board of Selectmen

SV/lg

**OPEN MEETING LAW COMPLAINT FORM**

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

Please note that all fields are required unless otherwise noted.

**Your Contact Information:**

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 679-0160 Ext.

Email: patrick@patrickhiggins.net

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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

(For statistical purposes only)

☐ Individual

☒ Organization

☐ Media

**Public Body that is the subject of this complaint:**

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/  
town, county or region, if applicable): Eastham Board of Selectmen

Specific person(s), if any, you allege  
committed the violation:

All Members

Date of alleged violation: Dec 19, 2016

**Description of alleged violation:**

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

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

The Eastham Board of Selectmen violated the Open Meeting Law as follows:

1. The board listed on their meeting notice "Annual Renewals Liquor License Approval (Vote)" without providing a list of the names and address of the establishments being considered for renewal or denial of their liquor licenses. See 2016-90.
2. The board listed on their meeting notice "Annual Renewals Non-Liquor License Approval (Vote)" without listing the names and addresses of the establishments being considered for renewal or denial of their licenses. See 2016-90.

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

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

Properly post a meeting notice which contains the names and addresses of locations where the licenses are being renewed and revoke the renewals.  
Attend a formal open meeting law training.  
Learn and comply with the Open Meeting Law.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

**II. Consulting With a Private Attorney.**

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

**III. Submit Your Complaint to the Public Body.**

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

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

Signed: Patrick Higgins

Date: 12/23/2016





The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the Attorney General a copy of the complaint and a description of any action the public body has taken to address it. At the same time, the body must send the complainant a copy of its response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

# Eastham, Massachusetts

2500 State Hwy, Eastham, MA 02642  
ph: 508.240.5900

## BOARD OF SELECTMEN

Monday, December 19, 2016 at 4:00 PM  
EARLE MOUNTAIN ROOM

TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, December 19, 2016  
4:00 p.m.

Location: Earle Mountain Room

### I. SELECTMEN/PUBLIC INFORMATION

### II. APPOINTMENTS

- A. Discussion/Presentation  
4:05 p.m. Complete Street Policy (Vote) – Paul Lagg, Town Planner & Neil Andres, DPW Superintendent  
4:15 p.m. Annual Town Audit – Dan Sullivan & Josee Young, Clifton, Larson, Allen LLP

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

### III. ADMINISTRATIVE MATTERS

#### A. Action

- Committee Appointment – Board of Council on Aging, Deborah Albert (Vote)
- Tri Town Supplemental Intermunicipal Agreement (Vote)

### IV. LICENSING

- Annual Renewals Liquor License Approval (Vote)
- Annual Renewals Non-Liquor License Approval (Vote)

### V. INTERVIEW TOWN ADMINISTRATOR CANDIDATES

- 5:00 p.m. Timothy J. King  
6:30 p.m. Jacqueline W. Beebe

### VI. TOWN ADMINISTRATOR'S REPORT

#### A. 2017 Calendar

### VII. OTHER BUSINESS

Letter from Open Space Committee – Scenic Impact from Water Main at Boat Meadows

#### Upcoming Meetings

January 3, 2017 (Tuesday), 5:00p.m. Earle Mountain Room Regular Session  
Presentation of FY18 Municipal and Capital Budgets - Finance Committee members will be in attendance.  
January 4, 2017 3:00p.m. Timothy Smith Room Work Session  
Development of Selectmen's and Finance Committee Budget Review Schedule for January 2017

*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)*

own of Eastham MA - BOARD OF SELECTMEN

[http://www.eastham-ma.gov/public\\_documents/EasthamMA\\_Calendar...](http://www.eastham-ma.gov/public_documents/EasthamMA_Calendar...)



**Cape Cod Children's Place  
North Eastham  
Job # 5587**

December 5, 2016 thru December 16, 2016

*Bos info*

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
December 5, 2016	December 6, 2016	December 7, 2016	December 8, 2016	December 9, 2016	December 10, 2016
Stake corners of foundation in the hole. <b>Bennett Environmental Foundation Mobilization S and S</b>	Foundation Work <b>S and S</b>	Foundation Work <b>S and S</b> Concrete Testing and Rebar inspection <b>Briggs</b>	Foundation Work <b>S and S</b>	Foundation Work <b>S and S</b>	No work scheduled.

Notes: Weather forecast for next week shows some inclement weather which may, or may not, impact excavation.

**Install signage on fence as soon as it is available. NO WORK TO START BEFORE 7:00 am per Town and Police.**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
December 12, 2016	December 13, 2016	December 14, 2016	December 15, 2016	December 16, 2016	December 17, 2016
Foundation Work <b>S and S</b> Concrete Testing and Rebar inspection <b>Briggs</b>	Foundation Work. <b>S and S</b>	Foundation Work <b>S and S</b> Foundation Damp Proofing	Back fill and Slab prep <b>GFM</b> Bi-Weekly Job Meeting	Backfill and Slab Prep <b>GFM</b>	No work scheduled

NOTES: **NO WORK TO START BEFORE 7:00 am per Town and Police.**





**Cape Cod Children's Place  
North Eastham  
Job # 5587**

12/12/2016

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
December 12, 2016	December 13, 2016	December 14, 2016	December 15, 2016	December 16, 2016	December 17, 2016
Foundation Concrete Placement <b>S and S</b> Concrete Testing and Rebar inspection <b>Briggs Engineering</b>	Foundation Work <b>S and S</b>	Foundation Work Strip Forms <b>S and S</b>	Foundation Work <b>S and S</b> Engineer to measure and plot for certified foundation plan. <b>Bennet Engineering</b> Bi-weekly job meeting	Foundation moisture proofing <b>Collins Construction</b> Mobilization for slab prep <b>GFM</b>	No work scheduled.

Notes: Weather forecast for next week shows some inclement weather which may, or may not, impact excavation.

**Install signage on fence as soon as it is available. NO WORK TO START BEFORE 7:00 am per Town and Police.**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
December 19, 2016	December 20, 2016	December 21, 2016	December 22, 2016	December 23, 2016	December 24, 2016
Slab prep <b>GFM</b>	Slab Prep <b>GFM</b>	Slab Prep <b>GFM</b>	Back fill and Slab prep <b>GFM</b> Mobilize for selective demo and deck frame <b>Collins Construction</b>	Selective demo and framing <b>Collins Construction</b>	No work scheduled

NOTES: **NO WORK TO START BEFORE 7:00 am per Town and Police.**



**Cape Cod Children's Place  
North Eastham  
Job # 5587**

12/19/2016

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
December 26, 2016	December 27, 2016	December 28, 2016	December 29, 2016	December 30, 2016	December 31, 2016
<b>Christmas Holiday</b>	Selective Demo and temp wall construction. <b>Czyoski</b> Make safe electric <b>M-V Electric</b>	Selective demo, temp walls and slab demo. <b>Czyoski and Collins</b> Underslab plumbing <b>Casey</b>	Selective Demo and temp walls. Sills on foundation <b>Czyoski</b> Underslab plumbing and inspection <b>Casey and Eastham Plumbing Inspector</b>	Selective demo, temp walls and sills on foundation. <b>Czyoski</b> Fill in trench and plate over for access to baths. <b>Czyoski and Collins</b>	New Year's Eve

Notes:

**Install signage on fence as soon as it is available. NO WORK TO START BEFORE 7:00 am per Town and Police.**

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
January 2, 2015	January 3, 2017	January 4, 2017	January 5, 2017	January 6, 2017	January 7, 2016
<b>New Year's Holiday</b>	Start wood first floor deck. Selective demo. <b>Czyoski</b> School reopens	First floor deck and wall layouts. <b>Czyoski</b>	Framing <b>Czyoski</b> Bi-Weekly job meeting	Framing <b>Czyoski</b>	No Work Scheduled

**NOTES: NO WORK TO START BEFORE 7:00 am per Town and Police.**

PRINTED ON: 12/28/2016

BOS  
1/3

**Sheila Vanderhoef**

---

**From:** Debra DeJonker-Berry <ddejonkerberry@clamsnet.org>  
**Sent:** Thursday, December 22, 2016 2:57 PM  
**To:** Sheila Vanderhoef  
**Subject:** Fwd: Eastham Public Library energy efficiency incentives from Cape Light Compact

FYI...

Deb

----- Forwarded message -----

**From:** Kevin Galligan <[kgalligan@galliganenergy.com](mailto:kgalligan@galliganenergy.com)>  
**Date:** Thu, Dec 22, 2016 at 1:24 PM  
**Subject:** Eastham Public Library energy efficiency incentives from Cape Light Compact  
**To:** Debra DeJonker-Berry <[ddejonkerberry@clamsnet.org](mailto:ddejonkerberry@clamsnet.org)>  
**Cc:** Margaret Song <[msong@capelightcompact.org](mailto:msong@capelightcompact.org)>, Fred Fenlon <[fredfj@comcast.net](mailto:fredfj@comcast.net)>

Hi Debra: I am pleased to let you know that after my inspection on 11/30/16, all application signatures and now that we have all specs and backup invoices in hand, the energy efficiency incentives are approved and being processed for payment to the Town of Eastham for the new public library.

A \$78,243 check (total of all incentives) should arrive in about 4 - 6 weeks. Estimated annual energy savings is over 90,600 kWh/yr based on the selection and installation of high efficiency cooling, heating, lighting and controls. We hope that you, staff and all your visitors will enjoy many years of comfort and energy savings in your new facility.

Congratulations!

Kevin Galligan

consultant for Cape Light Compact

**Kevin F. Galligan** | Galligan Energy Consulting Inc.  
Cell [\(508\) 255-2036](tel:5082552036) | [kgalligan@galliganenergy.com](mailto:kgalligan@galliganenergy.com)

--

Debra DeJonker-Berry  
Director



TO: Board of Selectmen

Sheila Vanderhoef, Town Administrator

FROM: Stephen L. Wasby, for Zoning Board of Appeals *plw*

DATE: December 15, 2016

RE: Additional material concerning requested animal regulations committee

Info only at this  
point - Paul Lagg  
will review + bring  
back w/ Steven  
to the Board.

Having been requested to provide additional information concerning the suggestion that the Board of Selectmen establish a committee to develop animal regulations for the Town of Eastham, we submit the following:

(1) We wish to state our belief that all animal regulations in the Town of Eastham should be brought together in one place, so that the citizens of the Town can easily learn what is expected of them with respect to animals they have or might wish to obtain.

We also believe that such disparate regulations as the Town now has are not sufficiently comprehensive, so that gaps need to be filled.

In addition, there appear to be some existing regulations that require enforcement, such as the one that a special permit is required for an animal shelter.

(2) At the present time, regulations, scattered in bylaws and regulations, cover some aspects of the following, but some topics are not adequately developed. Topics covered include:

- types of animals allowed or not allowed:
- license requirement for animals
- kennel license requirement (for more than 3 dogs)
- vaccinations
- shelter requirements, with special permit requirements
- leash, restraint, and waste removal
- limits on dogs on beaches
- nuisance, including noise levels
- annual inspection by dog control officer
- impoundment

Among subjects for which we believe regulations perhaps ought to be developed are:

- types of animals to be allowed, including endangered and exotic species
- size and composition of shelters
- minimum lot size for larger animals
- processes for disposal of animal waste
- requirement of permit to have animals
- required inspections of animals
- required inspections of facilities
- measures of potential adverse effects on neighbors
- protection against invasion by wild animals



(2) There are a number of ways in which the suggested committee could be structured. However, we believe that the following members should be included: :

- Town animal control officer
- a veterinarian
- representative of Dog Owners' Association (as already existing group)
- member of the Zoning Board of Appeals or Planning Board
- a citizen of the Town (selected by Search Committee)

Staff assistance could be provided by the Town Planner, as any additions or alterations to present regulations would likely be placed in the Zoning By-Laws.

**"Bits and Pieces of Town of Eastham regulations relating to animals"**  
**(from Paul Lagg, Town Planner, December 12, 2016)**

**General Bylaw:**

**Chapter 17 - Animals** - *(Section has some general language that would apply to all animals but most of the section is specific to dogs)*

- Dogs on Beaches
- Dog Licenses and Tags
- Vaccinations
- Kennel Licenses
- Failure to provide adequate animal shelter
- Leashing/Restraining/Waste Removal
- Barking/Other noises
- Complaint/Hearing procedures
- Impoundment/reclamation
- Violations/Penalties

**Chapter 312 Nuisances** *(section could be applicable under certain situations)*

**Nuisance Definition:** *Any source of filth or cause of sickness, including but not limited to, any collection of junk and/or debris, such as abandoned household property, industrial or commercial equipment, debris, and unsafe structures, but exclusive of putrescible wastes utilized in farming, gardening or fisheries, provided that this use does not cause offensive odors.*

Regulation of nuisances:

A. *No owner, occupant, tenant or manager of any property situated in the Town of Eastham shall cause or permit to exist a nuisance on said property.*

B. *Upon determination by the Board of Health or its agent(s) that a nuisance exists, the Board of Health or its agent(s) shall notify the owner, occupant, tenant or manager of the property of the nuisance, by certified mail, return receipt requested. Said notice shall specify the nature of the nuisance, order specific correction and indicate a time certain within which correction must be completed. Where appropriate, the Board may notify the owner, occupants, tenant or manager that it is investigating into a possible nuisance on the property and provide an opportunity for said owner, occupant, tenant or manager to be heard prior to making a determination that a nuisance exists. Nothing herein shall be construed to abrogate or limit the authority of the Board of Health to exercise its statutory powers to abate a nuisance pursuant to MGL C. 111, § 122 et seq. without prior hearing, upon its determination that the nuisance comprises a clear and imminent danger to the public health.*

**ZONING BYLAW**

**Section V - Uses**

- The keeping of non-commercial livestock, animals and poultry, excluding piggeries and the raising of mink or fox, on parcels of less than five acres, by residents or owner occupants, provided such use is not injurious, noxious or offensive to the neighborhood. No building shall be used to house animals, livestock or poultry without a special permit from the special permit granting authority.

12-21-16

COPY TO JOHN KNIGHT, CHAIRMAN  
EASTHAM SELECTMEN

To: Sheila Vanderhof

One might venture the thought that there are thousands upon thousands of miles of dirt roads which get plowed in winter with nary a gray hair appearing or slightest of worries aroused. Why is there such consternation in Eastham, which finally got on the band wagon in September of 2015, with the most restrictive snowplowing rules. Why?!

Eastham requires double (20') the width of ALL other towns. And, the roads MUST be paved, where other towns will plow paved or unpaved roads. Dennis, Harwich and Brewster will plow single lanes 10' in width, while Chatham requires 12'. Barnstable has no restrictions what-so-ever. Harwich has been plowing private roads for 13 years, and Dennis has been at it for 7 years. Wellfleet and Truro are not yet started, and Provincetown plows everything.

Every town requires the 2' road side clearance, both sides, but that's bogus. Why? All towns require hold-harmless clauses so as not to get sued. They also "threaten" other obstructive "stone walls" and that sort of side edifices. This is sort of ridiculous, wouldn't you say?

When we arrived here 18 years ago Tern Lane was a mess, and I eventually asked neighbors to chip in for crushed stone which I spread throughout our 1200' road. I also created a drainage system for a particularly low, water collection point. Every year I fix the potholes, and I have snow-blown the road clear for immediate neighbors. Some of those neighbors are no longer here, and I have aged to 75+ years. Like others I'm running out of time and strength.

Eastham Selectman decided the roads must be paved the 1<sup>st</sup> year. We are now into the 2<sup>nd</sup> year of the policy, and I'd certainly hope that the very restrictive requirements will be revisited before snow falls THIS year.

Chatham has 402 private roads and only 88 have failed to meet only one or 2 of the requirements, which are mostly over-hanging branches and pot holes, and can easily be remedied. ALL passed the "paved required" rule. Why not Eastham???

My neighbor on Tern Lane went to the trouble of filing the required paperwork with all dwelling and property owner's signatures; a significant task. A neighbor on Gull Lane did the same thing. I have leveled the road surface and trimmed back branches on Tern Lane, but Mr. Andre merely looked at the roads, said "they are not paved", then proceeded to argued his case further, not to plow.

We actually don't care to hear his arguments. Rather, we'd like the Selectman to revisit these very stringent requirements and get to a much more reasonable basis for approval. I'd guess that would be a fairer position to take with tax-paying, fulltime residents.

I'm also curious about the access to Deacon Paine road, and how those streets will be plowed. Won't the plows be required to plow a dirt (Hay) road to get to Deacon Paine?

Please. Give us a break.

Earl Krause  
Earl Krause  
15 TERN LANE  
(508) 255-1708

ADMINISTRATION

DEC 23 2016

RECEIVED





JAN BOS 0002864  
ADMINISTRATION  
DEC 09 2016  
RECEIVED

## PROCLAMATION REQUEST MEMORANDUM

**TO:** The Honorable John Knight  
Chairwoman, Board of Selectmen, Town of Eastham

**FROM:** Andrew R. Campanella  
President, National School Choice Week

**SUBJECT:** Town of Eastham School Choice Week (Jan. 22 – 28)

**DATE:** November 28, 2016

---

I am writing to respectfully request that you issue an official proclamation commemorating January 22 - 28, 2017 as Town of Eastham School Choice Week.

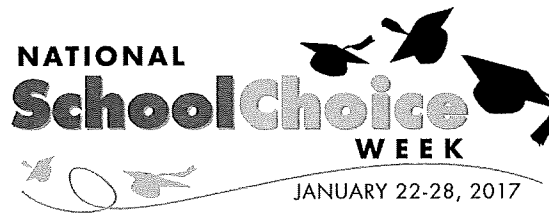
I have attached draft proclamation text for your convenience. The proclamation, along with National School Choice Week, provides you with an opportunity to recognize the excellent education options available to families in Town of Eastham as a part of a nationwide celebration.

Held every January, National School Choice Week shines a spotlight on effective education options for children – including traditional public schools, public charter schools, public magnet schools, private schools, online learning, and homeschooling.

National School Choice Week 2017 will feature nearly 20,000 independently-planned events across all 50 states, which will make it the largest celebration of educational opportunity in American history. Schools and community organizations in almost every city and county across America are participating.

As a nonpolitical, nonpartisan public awareness campaign, National School Choice Week does not advocate for legislation. We have enjoyed wide support from elected officials of both parties. During our celebration in 2016, more than 250 mayors and county executives, along with 33 governors, issued proclamations recognizing the Week. The US Senate also unanimously passed a bipartisan resolution recognizing NSCW.

I hope you will join us in celebrating National School Choice Week by issuing an official proclamation. If you have any questions, please contact National School Choice Week's outreach manager, Noelle DeLaney, at [noelle@schoolchoiceweek.com](mailto:noelle@schoolchoiceweek.com), or by telephone at 202-480-2927 ext. 820. Thank you in advance for your consideration.



## SUGGESTED PROCLAMATION LANGUAGE

### A Proclamation Commemorating Town of Eastham School Choice Week

WHEREAS all children in Town of Eastham should have access to the highest-quality education possible; and,

WHEREAS Town of Eastham recognizes the important role that an effective education plays in preparing all students in Town of Eastham to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Town of Eastham; and,

WHEREAS Town of Eastham is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, John Knight do hereby recognize January 22-28, 2017 as Town of Eastham **SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

---

### INSTRUCTIONS:

- To download a copy of this language in Word format, visit [www.schoolchoiceweek.com/proclamations](http://www.schoolchoiceweek.com/proclamations).
- If you issue a proclamation, please send a .pdf copy of the proclamation to Noelle DeLaney at [Noelle@schoolchoiceweek.com](mailto:Noelle@schoolchoiceweek.com), so that we may recognize you for participating.
- If you choose to send a hard copy of an issued proclamation, please send it to: Noelle DeLaney, National School Choice Week, 28 Paul Drive, San Rafael, California 94903.



## CITIES AND COUNTIES ISSUING SCHOOL CHOICE WEEK PROCLAMATIONS IN 2016

---

Albany County, New York  
Allen, Texas  
Amador County, California  
Amarillo, Texas  
Apple Valley, California  
Arlington Heights, Illinois  
Arlington, Texas  
Armstrong County, Pennsylvania  
Atlantic City, New Jersey  
Aurora, Colorado  
Austin, Texas  
Avondale, Arizona  
Baker County, Oregon  
Baltimore, Maryland  
Bannock County, Idaho  
Bay St. Louis, Mississippi  
Beaverton, Oregon  
Benewah County, Idaho  
Bessemer, Alabama  
Bethlehem, Pennsylvania  
Billings, Montana  
Biloxi, Mississippi  
Birmingham, Alabama  
Bloomington, Illinois  
Bolingbrook, Illinois  
Boynton Beach, Florida  
Broome County, New York  
Bucks County, Pennsylvania  
Cache County, Utah  
Camden, New Jersey  
Carbon County, Pennsylvania  
Cascade County, Montana  
Charleston, South Carolina  
Charlotte, North Carolina  
Chattanooga, Tennessee  
Chautauqua County, New York  
Clark County, Nevada  
Cleveland, Ohio  
Clifton, New Jersey  
Cloud County, Kansas  
Cobb County, Georgia

Columbus, Georgia  
Concord, New Hampshire  
Costa Mesa, California  
Crest Hill, Illinois  
Crook County, Wyoming  
Davenport, IA  
Dayton, Ohio  
De Baca County, New Mexico  
Dearborn, Michigan  
Deltona, Florida  
Denton, Texas  
Denver, Colorado  
DeSoto County, Florida  
Echo, Minnesota  
El Cajon, California  
Elgin, Illinois  
Erie, New York  
Fort Bend County, Texas  
Fort Lauderdale, Florida  
Frederick County, Maryland  
Fremont County, Wyoming  
Fullerton, California  
Fulton County, Georgia  
Gainesville, Florida  
Garden Grove, California  
Garland County, Arkansas  
Gary, Indiana  
Gilbert, Arizona  
Gilchrist County, Florida  
Goldsboro, North Carolina  
Gooding County, Idaho  
Greeley, Colorado  
Greene County, New York  
Greenville, South Carolina  
Hamilton County, Ohio  
Hancock County, Maine  
Hawaii County, Hawaii  
Henderson, Nevada  
Hernando County, Florida  
Hesperia, California  
Highland Village, Texas

Hillsborough County, Florida  
Hilo County, Hawaii  
Hilton Head Island, South Carolina  
Hoover, Alabama  
Indian River County, Florida  
Indio, California  
Irving, Texas  
Irvington, New Jersey  
Jackson County, Missouri  
Jackson County, Oregon  
Jackson, Mississippi  
Jacksonville, Florida  
Jefferson County, Missouri  
Johnson County, Kansas  
Johnson County, Wyoming  
Joliet, Illinois  
Kalamazoo, Michigan  
Kansas City, Missouri  
Kent County, Michigan  
Kent, Washington  
Killeen, Texas  
Kissimmee, Florida  
La Paz County, Arizona  
Laguna Niguel, California  
Laguna Niguel, California  
Lake, Florida  
Lake County, Oregon  
Lakeland, Florida  
Lakewood, Colorado  
Largo, Florida  
Las Cruces, New Mexico  
Lauderhill, Florida  
League City, Texas  
Lee County, Florida  
Lehigh County, Pennsylvania  
Lewis County, New York  
Lewisville, Texas  
Los Angeles County, California  
Loudon County, Virginia  
Lyon County, Nevada  
Madera County, California

## CITIES AND COUNTIES ISSUING SCHOOL CHOICE WEEK PROCLAMATIONS IN 2016

---

Madison County, Alabama	Peoria County, Illinois	Springfield, Massachusetts
Mahoning County, Ohio	Peoria, Arizona	St. Charles, Missouri
Maitland, Florida	Pharr, Texas	St. Louis, Missouri
Manatee County, Florida	Phoenix, Arizona	Stanislaus County, California
Mansfield, Ohio	Placer County, California	Sumner County, Tennessee
Manteca, California	Plantation, Florida	Sumter County, Florida
Marion County, Florida	Pompano Beach, Florida	Suwannee County, Florida
Marion County, Kansas	Portsmouth, Virginia	Tacoma, Washington
Mariposa County, California	Prince George's County, Maryland	Tampa, Florida
Medford, Oregon	Prince William County, New York	Temecula, California
Melbourne, Florida	Racine County, Wisconsin	Thornton, Colorado
Memphis, Tennessee	Redondo Beach, California	Thousand Oaks, California
Miami Gardens, Florida	Reno, Nevada	Tracy, California
Miami, Florida	Richardson, Texas	Tulsa, Oklahoma
Midland, Texas	Richland County, South Carolina	Tuscaloosa, Alabama
Milpitas, California	Richmond, Virginia	Tyler, Texas
Miramar, Florida	Rio Ranch, New Mexico	Uintah County, Utah
Mission Viejo, California	Rockland County, California	Upland, California
Modoc County, California	Rockland County, New York	Vacaville, California
Montgomery, Alabama	Roseville, California	Vallejo, California
Moreno Valley, California	Sacramento County, California	Vancouver, Washington
Nashville, Tennessee	Sacramento, California	Venango County, Pennsylvania
Nassau County, Florida	Saint Charles City, Missouri	Victorville, California
Nassau County, New York	Saint Joseph, Missouri	Volusia County, Florida
New Bedford, Massachusetts	San Antonio, Texas	Waldo County, Maine
New Orleans, Louisiana	San Luis Obispo County, California	Walton County, Florida
Newport News, Virginia	San Mateo County, California	Warren County, Pennsylvania
Norfolk, Virginia	San Ramon, California	Warwick, Rhode Island
O'Fallon, Missouri	Santa Clara, California	Wasatch County, Utah
Oakland County, Michigan	Santa Cruz County, Arizona	Washington County, Pennsylvania
Oceanside, California	Santa Rosa, California	Washington, DC
Orange County, New York	Scottsdale, Arizona	Waterbury, Connecticut
Orange, New Jersey	Sedgwick County, Colorado	Watertown, South Dakota
Orlando, Florida	Sedgwick County, Kansas	West Palm Beach, Florida
Oswego County, New York	Sedgwick County, Kansas	Wichita Falls, Texas
Ozark, Missouri	Sheridan County, Wyoming	Will County, Illinois
Palatine, Illinois	Shreveport, Louisiana	Will County, Illinois
Palm Bay, Florida	Sioux City, Iowa	Woodbury, Minnesota
Pasco County, Florida	Smith County, Texas	Woodstock, Georgia
Paterson, New Jersey	Somerset County, Pennsylvania	Yamhill, Oregon
Pembroke Pines, Florida	Sonoma County, California	Yavapai County, Arizona
Pensacola, Florida	Springdale, Arkansas	

December 14, 2016

To: Eastham Board of Selectmen

From: Eastham Board of Library Trustees

Subj: Public Access to Depot Pond

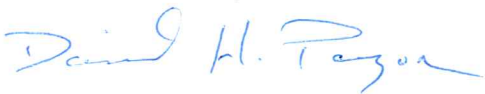
The incident this fall after the first heavy rain in months led to Library Trustee discussions with both Conservation and some of our neighbors who abut Depot Pond. What occurred was rainwater had eroded the freshly seeded bank on the east side of the library above and below the 100 foot pond setback and some washed into Depot Pond. The silt fence erected by Nauset Construction to prevent erosion down the old fire access road to the pond had been broken by canoes or kayaks dragged through it.

In a meeting with our neighbors the subject of access to the pond was brought up. We were told there is a long history of loud late night parties and trash left behind by people gaining access to the pond over Library property. Trash at the edge of the pond was recently left behind, we were told, and was cleaned up by our Pond neighbors.

The Trustees believe this is not a Library matter and think the Selectmen might choose to consider some action. If there is to be public access to Depot Pond across Library property, can hours of use be restricted — perhaps sunrise to sunset? For reasons of safety the Trustees would like to direct pond access via the west side of the building where there is no generator or bank of condensers, and where there is a sidewalk and/or a more gentle slope to traverse. 1/2 hour after the Library closes there is no lighting on either side of the building, especially down the stairs of the west side. The generator poses what we believe could be a safety problem in that the wiring arrangement from it to the Library is exposed to possible collision with kayaks or canoes dragged by it.

Since this will be an ongoing situation, we hope there might be some way to deal with it.

For the Trustees,



David Payor, Trustee Chair



## Vicki Reis

---

**From:** Jerry Boucher <nausetgas@yahoo.com>  
**Sent:** Tuesday, December 27, 2016 2:51 PM  
**To:** Vicki Reis  
**Subject:** Town Adminiistrator

Selectmen,

Please know that I and several neighbors have had multiple dealings with Jackie Bebe during the Hay Rd issue. We all agree that Jackie was very helpful and extremely professional. For these and other reasons I hope Jackie is chosen to be the next Town Administrator. I am confident that she would be the best choice to carry on the fine job that Sheila has done for so many years.

Sincerely,  
Jerry Boucher  
30 Lucinda CT.



## 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)

December 23, 2016

NRH Brothers Corp.  
Village Green General Store  
PO Box 877  
N. Eastham, MA 02651

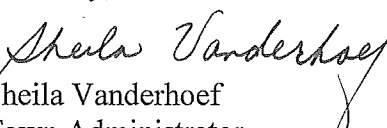
Dear NRH Brothers Corp.:

This letter is notice that your common victualler license will expire on December 31, 2016. Without a common victualler license, your business is not authorized to serve food to patrons.

The Board of Selectmen, acting as licensing board, will not meet again until January 3, 2017. If you would like your application to be heard at that time, please return a completed application and fee to our office by Wednesday, December 28, 2016.

If you have any questions, please contact Debbie Cohen at 508 240 5900 x3231 or [buildingdept@eastham-ma.gov](mailto:buildingdept@eastham-ma.gov).

Sincerely,

  
Sheila Vanderhoef  
Town Administrator

cc: Board of Selectmen





## 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)

December 23, 2016

Elaine Gremila  
Chocolate Café  
PO Box 998  
N. Eastham, MA 02651

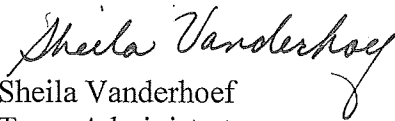
Dear Ms. Gremila:

This letter is notice that your common victualler license will expire on December 31, 2016. Without a common victualler license, your business is not authorized to serve food to patrons.

The Board of Selectmen, acting as licensing board, will not meet again until January 3, 2017. If you would like your application to be heard at that time, please return a completed application and fee to our office by Wednesday, December 28, 2016.

If you have any questions, please contact Debbie Cohen at 508 240 5900 x3231 or [buildingdept@eastham-ma.gov](mailto:buildingdept@eastham-ma.gov).

Sincerely,

  
Sheila Vanderhoef  
Town Administrator

cc: Board of Selectmen



## 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)

December 23, 2016

Gerard Hill  
Box Lunch  
4205 State Highway  
Eastham, MA 02642

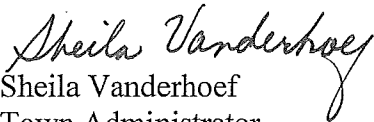
Dear Mr. Hill:

This letter is notice that your common victualler license will expire on December 31, 2016. Without a common victualler license, your business is not authorized to serve food to patrons.

The Board of Selectmen, acting as licensing board, will not meet again until January 3, 2017. If you would like your application to be heard at that time, please return a completed application and fee to our office by Wednesday, December 28, 2016.

If you have any questions, please contact Debbie Cohen at 508 240 5900 x3231 or [buildingdept@eastham-ma.gov](mailto:buildingdept@eastham-ma.gov).

Sincerely,

  
Sheila Vanderhoef  
Town Administrator

cc: Board of Selectmen