

# AGENDA

Monday

April 3, 2017

**TOWN OF EASTHAM  
AGENDA  
BOARD OF SELECTMEN  
Monday, April 3, 2017, 5:00 P.M.**

*Location: Earle Mountain Room*

**I. PUBLIC/SELECTMEN INFORMATION**

**II. LICENSING**

- a. Action/Discussion (Vote may be taken)
  - i. **Transient Vendor Licenses**
  - ii. **2017 Seasonal Liquor License (Common Victualler) renewals** for the following establishments: Dell Enterprises (the Lobster Shanty, Orleans-Eastham Lodge of Elks, LT Fine Foods (Laura and Tony's Kitchen), Jarope, Inc (Arnold's Seafood), Woody's Eastham Lobster Pool (Stewart's Seafood), El Mercado Loco (Sam's Uncorked), Tides Landing LLC (Tides landing). (Vote needed)
  - iii. **Coin-Op License:** Red Barn Gift Barn (Vote needed)
  - iv. **Mini Golf License:** Red Barn Gift Barn, and Jarope, Inc (Arnold's) (Vote needed)
  - v. **Seasonal Entertainment:** Woody's Eastham Lobster Pool (Stewart's) (Vote needed)

**III. ADMINISTRATIVE MATTERS**

- a. Action/Discussion (Votes may be taken)
  - i. Town Meeting Warrant Update: Withdrawal of CPA Article and change in Article 13. (Vote needed)
  - ii. Review/Discuss Charge and possible vote to create the Cable T.V. License Renewal Advisory Committee. This committee is needed to prepare for negotiations with Comcast for cable contract in 2020.
  - iii. Review/Discuss Charge Shellfish & Waterways Advisory Committee. This committee was discussed at the recent public hearing on Aquaculture Regulations, and the board requested a draft charge for the committee.
  - iv. Discuss/Vote on Policy to allow Remote Participation at Meetings
  - v. Review/Discuss IT Policy Acceptable Use

**IV. TOWN ADMINISTRATOR'S REPORT**

**V. OTHER BUSINESS/CORRESPONDENCE**

**Upcoming Meetings:**

<i>Wednesday, April 5, 2017</i>	<i>3:00 p.m.</i>	<i>Work Session</i>
<i>Tuesday, April 18, 2017</i>	<i>5:00 p.m.</i>	<i>Regular Meeting</i>
<i>Wednesday, April 19, 2017</i>	<i>3:00 p.m.</i>	<i>Work Session</i>

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

*\*Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.*

*\*If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact Laurie Gillespie-Lee, 5900 x3207.*



## 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)

II. A.i.

**April 3, 2017**

To: Board of Selectmen

From: Jacqueline W. Beebe, Town Administrator

**Re: Transient Vendor Permits**

Hands on the Arts- June 20 & 21, 2017

Windmill Weekend- September 9-11, 2017

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

The following permits are valid as stated below.

Brennan III, Thomas 451 Stony Brook Road Brewster, MA 02631 Valid: April 3, 2017- April 3, 2018	Kelly, Patricia (Kelamix) PO Box 464 West Hyannisport, MA 02672 Valid: April 3, 2017-April 3, 2018
Froes, Leslie 564 Main Street Hyannis, MA 02645 Valid: April 3, 2017-April 3, 2018	Glazebrooke, Josephine (Odyssey Stoneware) 774 Main Street Brewster, MA 02631 Valid: April 3, 2017-April 3, 2018



## TOWN OF EASTHAM

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

II.A. ii - iv

# Memorandum

TO: Board of Selectmen  
FROM: Planning Department  
DATE: March 28, 2017  
RE: 2017 Seasonal BOS License Renewals: Liquor

Please find enclosed liquor and associated licenses due for seasonal renewal. All applicable inspections are scheduled to be completed prior to opening. Taxes for all businesses are current per the Treasurer's office. Review of the renewals by the Fire and Police Chiefs found no incidents preventing renewal of any licenses.

Please note:

- The Gift Barn licenses (mini-golf and coin-op) have been included in this submittal as all applications and inspections have already been completed for the season.

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

enc. List of business due for license renewals  
Licenses (17) to be signed  
Email from Chief Farrenkopf indicating license review  
Email from Chief Kulhawik indicating license review  
Email from Sandy Johnson, Assistant Tax Collector indicating license review



Liquor

36400013	Dell Enterprises, Inc.	The Lobster Shanty	Restaurant	All alcohol
36400022	Orleans-Eastham Lodge of Elks #2572	Elks (outdoor area)	Club	All alcohol
36400032	L & T Fine Foods Corporation	Laura & Tony's Kitchen	Restaurant	All alcohol
02857-RS-0364	Jerope, Inc.	Arnold's Restaurant	Restaurant	All alcohol
36400036	Woody's Eastham Lobster Pool, LLC	Stewart's Seafood Restaurant and Tavern, Inc.	Restaurant	All alcohol
36400040	El Mercado Loco, Inc.	Sam's Uncorked	Package Store	Wine and Malt Regular
36400046	Tides Landing LLC	Tides Landing	Package Store	Wine and Malt Regular

and

Coin-Op

Gift Barn

Mini Golf

Gift Barn

Please note:

The Lobster Shanty, Laura and Tony's, Arnold's, Stewart's Restaurant/Stewart's Mambo Gelato and Tide's Landing are renewing their seasonal common victualler licenses at this time. Sam's and the Elk's renewed at the annual deadline.

Stewart's is renewing their seasonal entertainment license.

Arnold's is renewing their seasonal mini-golf license.

## Cohen, Deborah

---

**From:** Kent , Farrenkopf <kfarrenkopf@eastham-ma.gov>  
**Sent:** Monday, March 06, 2017 10:59 AM  
**To:** Cohen, Deborah  
**Subject:** RE: Seasonal BOS license renewals

Hello Deb,

At this time, I have no issues with the businesses on the attached list. This spring the Health Inspector, Building Inspector and the Fire Chief will be inspecting these properties before they open or start the summer season. If you have any questions please call me.

Thanks,

Kent

---

**From:** Cohen, Deborah [<mailto:buildingdept@eastham-ma.gov>]  
**Sent:** Monday, March 06, 2017 9:56 AM  
**To:** Edward Kulhawik <[ekulhawik@eastham-ma.gov](mailto:ekulhawik@eastham-ma.gov)>; Kent , Farrenkopf <[kfarrenkopf@eastham-ma.gov](mailto:kfarrenkopf@eastham-ma.gov)>; Thomas Wingard <[twingard@eastham-ma.gov](mailto:twingard@eastham-ma.gov)>; tax tax <[tax@eastham-ma.gov](mailto:tax@eastham-ma.gov)>  
**Subject:** Seasonal BOS license renewals

Hi all,

Please find attached a list of businesses up for seasonal BOS license renewals to check against your records. Please send me an email or letter that I can include in the BOS packets with your comments. Thank you!

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

## Cohen, Deborah

---

**From:** Edward Kulhawik <ekulhawik@eastham-ma.gov>  
**Sent:** Monday, March 06, 2017 10:09 AM  
**To:** Cohen, Deborah  
**Subject:** RE: Seasonal BOS license renewals

Deb:

I have checked our department records on each of these establishments and I have found no basis for concern on renewal for any of these businesses.

Thanks  
Chief Ed Kulhawik

**From:** Cohen, Deborah [<mailto:buildingdept@eastham-ma.gov>]  
**Sent:** Monday, March 06, 2017 9:56 AM  
**To:** Edward Kulhawik <ekulhawik@eastham-ma.gov>; Kent , Farrenkopf <kfarrenkopf@eastham-ma.gov>; Thomas Wingard <twingard@eastham-ma.gov>; tax tax <tax@eastham-ma.gov>  
**Subject:** Seasonal BOS license renewals

Hi all,

Please find attached a list of businesses up for seasonal BOS license renewals to check against your records. Please send me an email or letter that I can include in the BOS packets with your comments. Thank you!

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

## Cohen, Deborah

---

**From:** tax tax <tax@eastham-ma.gov>  
**Sent:** Monday, March 06, 2017 3:05 PM  
**To:** Cohen, Deborah  
**Subject:** RE: Seasonal BOS license renewals

Dear Deborah,

Both lists I have checked and all are good to go with the exception of the Lobster Shanty. The did not pay their FY2016 Real Estate and Personal Property Taxes.

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

PAID  
PER JOAN  
3/24/17



---

**From:** Cohen, Deborah [<mailto:buildingdept@eastham-ma.gov>]  
**Sent:** Monday, March 6, 2017 9:56 AM  
**To:** Edward Kulhawik <[ekulhawik@eastham-ma.gov](mailto:ekulhawik@eastham-ma.gov)>; Kent , Farrenkopf <[kfarrenkopf@eastham-ma.gov](mailto:kfarrenkopf@eastham-ma.gov)>; Thomas Wingard <[twingard@eastham-ma.gov](mailto:twingard@eastham-ma.gov)>; tax tax <[tax@eastham-ma.gov](mailto:tax@eastham-ma.gov)>  
**Subject:** Seasonal BOS license renewals

Hi all,

Please find attached a list of businesses up for seasonal BOS license renewals to check against your records. Please send me an email or letter that I can include in the BOS packets with your comments. Thank you!

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



III. a.i

**TOWN OF EASTHAM  
ANNUAL TOWN MEETING WARRANT  
AND FINANCE COMMITTEE REPORT AND  
RECOMMENDATIONS  
7:00 P.M.**

**MAY 1, 2017**

**NAUSET REGIONAL HIGH SCHOOL GYMNASIUM  
ANNUAL TOWN ELECTION  
MAY 16, 2017**

**POLLS OPEN 7:00 A.M. - 8:00 P.M.**

**EASTHAM TOWN HALL  
2500 STATE HIGHWAY  
EASTHAM, MA  
FOR COPIES OF THIS WARRANT IN LARGER PRINT  
OR ON TAPE, PLEASE CALL 508 240-5900.  
Also available on the town website  
[www.eastham-ma.gov](http://www.eastham-ma.gov)**

**Please bring this warrant to Town Meeting**

# TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 1, 2017

ARTICLE #	SHORT TITLE	PAGE #
1	GREENHEAD FLY CONTROL	6
2	DEP LIABILITY	6
3	NAUSET REGIONAL SCHOOL FUNDING AGREEMENT	6
4	REAUTHORIZE REVOLVING – FUNDS	7
5	NEW REVOLVING AUTHORIZATION	8
6	RECEIPTS RESERVED FOR APPROPRIATIONS (CABLE) ACCOUNT	8
7	VISITORS SERVICE BOARD	8
8	CHAMBER OF COMMERCE GRANT	8
9	OPEB TRUST FUNDING	9
10	STABILIZATION FUND	9
11	ELECTED OFFICIALS SALARIES	9
12	MUNICIPAL OPERATING BUDGET	10-12
13	FY18 CAPITAL ACQUISITION ARTICLE	13-14
14	FIVE YEAR CAPITAL PLAN	15-19
15	FY17 TRANSFERS	20
16	FUND COLLECTIVE BARGAINING AGREEMENTS	20
17	AUTHORIZE BOND PREMIUM FOR DEBT PAYDOWN	20
18	PRIOR YEAR UNPAID BILLS	20
19	TRI TOWN DEMOLITION	21
20	MacNEILL LAND GIFT	21
21	ZONING - FLOOD PLAIN AMENDMENT	21
22	ZONING – SITE PLAN AMENDMENT	22
23	ZONING – NORTH EASTHAM OVERLAY DISTRICT AMENDMENT	22-26
24	CPA- RESERVES	27
25	CPA - ADMINISTRATIVE EXPENSES	27
26	CPA – DEBT TRANSFER PAYMENT	27
27	CPA – EXTEND RENTAL SUBSIDY	28
28	CPA - CAMPBELL-PURCELL COMMUNITY HOUSING DEVELOPMENT	27-28
29	CPA – CAPE COD CHILDREN’S PLACE PLAYGROUND	29
30	CPA – CAPE COD VILLAGE	29
31	CPA – 390 LOCUST ROAD LAND PURCHASE	30
32	COLE ROAD LAND EASEMENT	31
33	NAUSET REGIONAL HIGH SCHOOL RENOVATION STUDY	31-32
34	NON-BINDING RESOLUTION PILGRIM NUCLEAR POWER PLANT	32
35	NON-BINDING RESOLUTION NO IMMIGRATION INFORCEMENT WITHOUT WARRANT OR PROBABLE CAUSE	33
36	ACCEPT PUBLISHED REPORTS	34
	PROCEEDURES FOR TOWN MEETING	35

# **TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 1, 2017**

---

## **TOWN OF EASTHAM ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts  
Barnstable, ss. ~

To: Either of the Constables of the Town of Eastham  
In the County of Barnstable

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Nauset Regional High School Gymnasium, Monday, the first day of May, Two Thousand and Seventeen, at Seven o'clock in the evening, then and there to act on the following articles in this Warrant and to meet in the Eastham Town Hall at 7:00 a.m. Tuesday, the sixteenth day of May next, then and there to elect the following Town Officers:

Moderator	One three-year term (Vote for one)
Board of Selectmen	Two three-year terms (Vote for two)
Town Clerk	One three-year term (Vote for one)
Library Trustee	Two three-year terms (Vote for two)
Elementary School Committee	Two three-year terms (Vote for two)

and to act on the following question:

### **QUESTION 1**

Shall the Town of Eastham be allowed to exempt from the provisions on proposition two and one half, so called the amounts required to pay for the bonds issued, in order to pay the Town share of cost for the demolition and site restoration of the Tri-Town Septage Treatment Plant in Orleans, MA., and other related costs incidental and related thereto?

### **QUESTION 2**

Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the interest and principal on borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of a feasibility study for the Nauset Regional High

## **TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 1, 2017**

---

School 100 Cable Road N. Eastham, MA 02651 including the payment of all costs incidental and related thereto?

### **QUESTION 3**

**Non-Binding Public Advisory Question: To protect public health and safety, move spent fuel at Pilgrim Nuclear Power Station to secure dry casks as soon as possible.**

Whereas, the original design for the Pilgrim Nuclear PowerStation (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber attack, and;

Whereas, citizens of the Town of Eastham find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner.

Therefore, Should the people of the Town of Eastham direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Eastham and its inhabitants and visitors?

**POLLS OPEN 7:00 A.M. AND CLOSE AT 8:00 P.M.**



# **TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 1, 2017**

---

## **FINANCE COMMITTEE REPORT**

The role of the Eastham Finance Committee under our Town Charter is to provide recommendations to the citizens of the Town on articles and questions presented in the Town Warrant. We consider each warrant question and article carefully, seeking and receiving input from appropriate committees, consultants, departments, and interested parties before discussing each issue and reaching our conclusions. We encourage the public to attend our meetings, which are posted online and in the Town Clerk's office.

The items in this year's warrant which the Finance Committee thought it appropriate to bring to the taxpayers' attention include line items 29 and 49 within Article 12 (the Municipal Operating Budget), line item 33 in Article 13 (the Capital Acquisition Plan), as well as Articles 21 and 28.

Article 12 encompasses Eastham's budgetary request for fiscal year 2018. The Finance Committee recommends approval of this article and would like to explain some of the larger increases. Line Item 29, Fire Salary, has gone up due to the addition of a firefighter, which the Finance Committee feels is important for the protection of citizens and their property. This should help Eastham achieve a lower ISO rating. Line Item 49 has gone up because this includes new municipal water operating expenses, which in the future will be broken out individually.

Article 13 (vote 6-0-0 to recommend) is the FY18 Capital Acquisition Plan. Line Item 33 includes funds for the purchase of power load stretchers to be used by our rescue personnel. This equipment facilitates loading and unloading individuals into rescue vehicles. There has been an increase in the rate of work injuries in this activity and these stretchers should alleviate that problem resulting in lowering workers' compensation costs.

Article 21 (vote 6-0-0 to recommend) is a modification of the Flood Plain Zoning Regulations. This change puts us in compliance with requirements to enroll in FEMA's voluntary Community Rating System, which in turn can reduce taxpayer flood insurance rates up to 45%.

Article 28 (vote 6-0-0 to recommend) relates to the Campbell-Purcell community housing development and provides CPA funding to move forward with this program. Affordable housing is a critical need in Eastham as well as all of Cape Cod. Eastham currently has the lowest percentage of affordable housing on the Cape. The Campbell-Purcell project will move us closer to achieving our goal of 10%.

Respectfully Submitted,  
Michael Hackworth, Chair  
Russ French  
Art Autorino  
Jerry Cerersala  
Judy Cannon  
John Knox  
Fred Guidi  
Aimee Eckman  
Peter Wade

### ARTICLE 1

To see if the Town will vote to raise and appropriate or transfer from available funds **\$1,700** for Greenhead Fly Control as authorized by G.L. C.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury; or take any action relative thereto.

By Board of Selectmen

#### Summary:

This is a standard article to appropriate money to pay the Town's share of the Greenhead Fly Control Program.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

### ARTICLE 2

To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts; or take any action relative thereto.

By Board of Selectmen

#### Summary:

All Massachusetts municipalities indemnify the DEP for work in the local communities with this standard article.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE: RECOMMENDATION: 6-0

*(Majority vote required)*

### ARTICLE 3

To see if the Town will vote to accept the provisions of G. L. C.71, §16B, which would reallocate the sum of member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for fiscal year 2019; or take any action relative thereto.

By Nauset Regional School Committee

#### Summary:

This article will apportion the Nauset Regional School Assessments for FY19 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last ten years by town meeting vote.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 4**

To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

#### **Revolving Funds**

There are hereby established in the Town of Eastham pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

<b>Revolving Fund</b>	<b>Authorize to Spend Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>
<b>Recreation – Bottles &amp; Cans</b>	Recreation Director	Collection & Redemption of Bottles & Cans	Beach & Recreation Programs
<b>Home Composting Bin/Recycling</b>	BOS or designee	Sale of Compost Bins	Purchase additional bins & advertise their availability
<b>Vehicular Fuel Sales</b>	BOS or designee	Sale of fuel to other government entities	Purchase additional fuel for sale to other government entities
<b>Council on Aging/Lower Cape Adult Day Center</b>	COA Director	Funds from fees, charges for COA programs and performances	Pay for additional COA programs and performances
<b>PEG Access Cable Receipts</b>	Town Administrator	Funds from cable tv receipts	For cable broadcast related expenses.

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

By Board of Selectmen

#### **Summary:**

Revolving funds must now be established by bylaw or ordinance, and the expenditure limits must be established annually and prior to July 1. The Municipal Modernization Act eliminates the per board and total limitations on the size of such funds.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 5**

To see if the Town will set FY18 spending limits for the revolving funds as follows: Recreation – Bottles & Cans **\$10,000**, Home Composting Bin/Recycling **\$1,200**, Vehicular Fuel Sales **\$35,000** and Council on Aging/Lower Cape Adult Day Center **\$12,500**; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is required and sets the maximum amount for each of the revolving funds.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 6**

To see if the Town will vote to accept MGL Chapter 44, Section 53F¾ to establish a Receipts Reserved for Appropriation Account to deposit receipts from the PEG Access Cable Account; or take any action relative thereto.

By Board of Selectmen

Summary:

This article authorizes cable receipts to be deposited into a reserved account to be used for cable expenses similar to the revolving funds established in prior articles.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 7**

To see if the town will vote to appropriate and transfer the sum of **\$12,000** from Fiscal Year 17 Hotel Motel Excise Tax (free cash so called), in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitors Services Board on the following items: Landscaping, lighting, holiday decorations and general improvement on Windmill Green \$3,500, Flower Island support \$500, and Summer concerts \$8,000; or take any action relative thereto.

By Visitor Services Board

Summary:

This is an annual article to fund activities of the Visitors Services Board, which enhance and promote tourism in the Town. This year, for the first time since 1998, the amount is increased by \$2,000.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 8**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$16,000** to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth; or take any action relative thereto.

By Board of Selectman/Chamber of Commerce



Summary:

Annually the Town has supported a grant to the Chamber of Commerce to assist in paying for the operation of the Information Booth. This money is used primarily for staff salaries. The Town continues to provide maintenance services and utilities to this town owned property.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 9**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$50,000** to the Trust Fund for Other Post-Employment Benefits (OPEB) as provided under Chapter 40, Section 5B of the General Laws to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions; or take any action relative thereto.

By Board of Selectmen

Summary:

This article seeks to appropriate funds to add to the trust fund reserved for future post-employment benefit costs (OPEB's), which was established by Town meeting in May 2014. The current balance in the account is **\$75,000**. The Town has joined with other municipalities in a Plymouth County based municipal trust that manages and invests the fund deposited by all participants.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 10**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$100,000** to be deposited into the Stabilization Fund, established under Massachusetts General Laws, Chapter 40, Section 5B; or take any action relative thereto.

By Board of Selectmen

Summary:

This article seeks to appropriate and set aside money into a Stabilization Fund or savings account for the Town. Currently the fund has a low balance and the Board of Selectmen think it is prudent and are committed to increasing reserves for emergencies and future tax rate stabilization. Town Meeting must authorize any expenditure of money from the stabilization fund.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 11**

To see if the Town will vote to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41, General Laws, as amended, and to raise and appropriate or transfer from available funds the following sums of money for salaries:

Moderator	\$ 500
Town Clerk	\$70,713
Selectmen (5) 2,500 each	\$12,500
<b>Total</b>	<b>\$83,713</b>

or take any action relative thereto.

By Elected Officials

Summary:

The Town Clerk salary has been adjusted for a cost of living increase in line with union and non-union staff this year. All other salaries in this article are level funded.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 12**

To see if the Town will vote to act on the operating budget, including recommendations and reports of the Selectmen, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved, and other available funds and accounts, the sum of **\$27,040,843** and further to transfer from the dog receipts reserved (free cash so called) the additional sum of **\$2,500** to the Library, line item 60; or take any action relative thereto.

By Board of Selectmen

Summary:

Article 12 contains the operating expenses for all the municipal departments including all three schools (Eastham Elementary, Cape Cod Regional Technical High School and the Nauset Regional School District). This year the total budget is up by 3.9%, and is a balanced budget.

An examination of the various sectors of the budget shows increases in some areas and reductions in others, resulting in the overall increase. The general government sector and several other areas increased less than 1%, while some other departments are up. For example, sanitation is up 10.8% as a result of adding expense for water system operations to the town budget for the first time. This expense will be offset by revenue, but needs to be built into the operating budget. Also due to the start of water system operations, we have added funding to the building & inspectional services line for additional inspections during the start-up. Other general government expense reflects the rise in employee health benefit expense which rose 7.3% this year. Additional wastewater planning and pilot project implementation represents a small budget increase. Beach and recreation expense reflects an increase in the cost of renting and maintaining portable restrooms for our beaches and town recreational areas.

The school budgets as a whole reflect a reduction in expenses this year of 1.8%; both the Nauset Regional School and Cape Cod Tech assessments were lower than expected, and only the Elementary School presented an increase of 2%. The three combined produced an overall decrease in educational spending for next year.

The fire salary line within public safety has increased to reflect an additional Deputy Chief position that will assist the Chief with inspectional duties and in combination with additional emphasis on training, ensure compliance with progress towards a reduced ISO rating for the Town, which is a priority for FY18.

The budget, as presented, includes the continuation of all programs and services. It provides for educational services as requested by all three school departments, and adds support for water system operations and additional fire services. As is noted, the overall goal is to temper the larger increases with corresponding restraint whenever possible, in order to keep the overall budget amount stable and within the framework of existing revenues, so that programs and services are continued at expected levels for the community.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

LINE		FY17	FY18
#		APPROVED	SELECTMEN'S
	<b>GENERAL GOVERNMENT</b>		
1	SELECTMEN/TN ADMIN OFFICE SALARY	391,514.00	\$346,338.00
2	SELECTMEN/TOWN ADMIN EXPENSE	16,100.00	\$16,100.00
3	RESERVE FUND	65,000.00	\$65,000.00
4	TOWN ACCOUNTANT OFFICE SALARY	185,933.00	\$182,421.00
5	TOWN ACCOUNTANT EXPENSE	34,620.00	\$34,570.00
6	ASSESSOR OFFICE SALARY	191,395.00	\$174,993.00
7	ASSESSOR EXPENSE	27,430.00	\$38,750.00
8	ASSESSOR EXPENSE CAPITAL		\$6,897.00
9	TREASURER/COLLECTOR SALARY	205,418.00	\$207,251.00
10	TREASURER/COLLECTOR EXPENSE	7,970.00	\$8,030.00
11	LEGAL SERVICES EXPENSE	80,000.00	\$80,000.00
12	DATA PROCESSING SALARY	133,937.00	\$137,192.00
13	DATA PROCESSING EXPENSE	165,829.00	\$189,634.00
14	TAX TITLE EXPENSE	7,000.00	\$7,000.00
15	CENTRAL PURCHASING SUPP /SERVICE	103,206.00	\$112,000.00
16	TOWN CLERK/ELECTIONS SALARY	104,390.00	\$105,391.00
17	TOWN CLERK /ELECTIONS EXPENSE	10,740.00	\$9,727.00
18	NATURAL RESOURCES/CONS SALARY	334,870.00	\$317,670.00
19	NATURAL RESOURCES/CONS EXPENSE	26,865.00	\$27,165.00
20	ENVIRONMENTAL PLANNING/ GIS	91,100.00	\$93,376.00
21	ENVIRONMENTAL PLNG/ GIS EXPENSE	2,915.00	\$2,965.00
22	MUNICIPAL BUILDINGS SALARY	155,868.00	\$156,459.00
23	MUNICIPAL BUILDINGS EXPENSE	53,116.00	\$77,120.00
24	ENERGY FUELS EXPENSE	263,040.00	\$263,041.00
25	ENGINEER/ SUPPORT SERVICES EXP	4,000.00	\$30,000.00
		<b>\$2,662,256.00</b>	<b>\$2,689,090.00</b>
26	POLICE SALARY	1,610,267.00	\$1,609,986.00
27	POLICE EXPENSE	116,195.00	\$158,894.00
28	POLICE CAPITAL	14,000.00	\$13,656.00
29	FIRE SALARY	1,759,497.00	\$1,961,360.00
30	FIRE EXPENSE	127,730.00	\$139,189.00
31	FIRE CAPITAL EXPENSE	272,065.00	\$272,570.00
32	DISPATCHING SALARY	309,158.00	\$316,398.00
33	DISPATCHING EXPENSE	2,700.00	\$2,700.00
34	BUILDING/PLMBG/ELEC INSPECTION	210,477.00	\$274,913.00
35	BUILDING INSPECTION EXPENSE	4,935.00	\$4,435.00
36	BUILDING INSPECTION CAPITAL		\$6,828.00
37	EMERGENCY MANAGEMENT EXPENSE	100.00	\$100.00
38	TREE WARDEN EXP /DUTCH ELM/INSECT	7,590.00	\$7,590.00
		<b>\$4,434,714.00</b>	<b>\$4,768,619.00</b>
	<b>EDUCATIONAL SERVICES</b>		
39	ELEMENTARY SCHOOL OPERATIONS	3,420,926.00	\$3,501,799.00
40	NAUSET REGION CAPITAL ASSESS	110,016.00	\$53,169.00
41	NAUSET REGION OPERATING ASSESS	4,886,205.00	\$4,723,844.00
42	CAPE COD REGIONAL TECHNICAL	309,752.00	\$291,987.00
		<b>\$8,726,899.00</b>	<b>\$8,570,799.00</b>

	<b><i>PUBLIC WORKS &amp; SANITATION</i></b>		
43	GENERAL MAINTENANCE SALARY	514,922.00	\$518,262.00
44	GENERAL MAINTENANCE EXPENSE	155,587.00	\$169,587.00
45	GENERAL MAINTENANCE CAPITAL	53,811.00	\$43,811.00
46	SNOW & SANDING EXPENDITURES	83,132.00	\$83,132.00
47	STREET LIGHTING EXPENSE	7,600.00	\$7,600.00
48	WASTE COLLECTION & DISPOSAL SAL	190,965.00	\$191,181.00
49	WASTE COLLECTION & DISPOSAL EXP	600,023.00	\$787,684.00
		<b>\$1,606,040.00</b>	<b>\$1,801,257.00</b>
	<b><i>HEALTH &amp; HUMAN SERVICES</i></b>		
50	VETERANS' GRAVE OFFICER	75.00	\$75.00
51	PUBLIC HEALTH SALARY	190,892.00	\$191,552.00
52	PUBLIC HEALTH EXPENSE	24,620.00	\$24,620.00
53	INSPECTION OF ANIMALS EXPENSE	250.00	\$250.00
54	COUNCIL ON AGING	238,203.00	\$221,656.00
55	COUNCIL ON AGING	20,807.00	\$19,897.00
56	VETERANS' SERVICES - EXPENSE	20,237.00	\$20,053.00
57	VETERANS' SERVICES - BENEFITS	13,000.00	\$9,000.00
58	HUMAN SERVICES AGENCIES	68,980.00	\$71,000.00
		<b>\$577,064.00</b>	<b>\$558,103.00</b>
	<b><i>CULTURE &amp; RECREATION</i></b>		
59	LIBRARY SALARY	319,617.00	\$301,772.00
60	LIBRARY EXPENSE	89,277.00	\$85,935.00
61	BEACH & RECREATION SALARY	282,676.00	\$279,907.00
62	BEACH & RECREATION EXPENSE	67,670.00	\$85,952.00
		<b>\$759,240.00</b>	<b>\$753,566.00</b>
	<b><i>DEBT AND BANKING SERVICES</i></b>		
63	LIBRARY BOND.	225,000.00	\$225,000.00
64	INTEREST EXPENSE (LONG/SHT TERM)	916,882.00	\$1,225,167.00
65	TAX ANTICIPATION NOTES/BANS	10,000.00	\$10,000.00
66	SEPTIC BETTERMENT LOANS	20,400.00	\$20,400.00
67	PURCELL LAND PURCHASE	45,000.00	\$45,000.00
68	EASTHAM ELEMENTARY SCHOOL	410,000.00	\$395,000.00
69	MUNICIPAL WATER	395,000.00	\$395,000.00
70	MUNICIPAL WATER		\$51,801.00
71	MUNICIPAL WATER		\$233,833.00
72	MUNICIPAL WATER SRF	561,627.00	\$576,133.00
73	BANK AGENT FEES & CHARGES	175,191.00	\$121,128.00
74	BANS Principal Rock Harbor /WATER		\$194,418.00
		<b>\$2,759,100.00</b>	<b>\$3,492,880.00</b>
	<b><i>OTHER EXPENSES (GENERAL GOVERNMENT)</i></b>		
75	EMPLOYEE BENEFITS/TRAINING	13,500.00	\$13,500.00
76	BARN. COUNTY RETIREMENT	1,438,962.00	\$1,487,129.00
77	TOWN INSURANCE - UNEMPLOYMENT	20,000.00	\$20,000.00
78	INSURANCE – EMPLOYEE HEALTH	2,335,000.00	\$2,520,000.00
79	TOWN INSURANCE (PROP & LIAB)	331,900.00	\$365,900.00
		<b>\$4,139,362.00</b>	<b>\$4,406,529.00</b>
	<b>TOTAL</b>	<b>\$25,664,675.00</b>	<b>\$27,040,843.00</b>



### **ARTICLE 13**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$931,000** to purchase the following capital items, make improvements to capital facilities as listed below; or take any action relative thereto.

By Board of Selectmen

**Summary:**

Article 13 represents the Capital Plan for the coming year, covering all departments and the Eastham Elementary School and includes vehicles, technology upgrades, and improvements to municipal buildings. Each year town departments, including the elementary school, work with the Town Administrator to prioritize items from the five-year plan, and recommend them for funding in the current budget cycle. Article 13 details the capital needs for the coming year, and is the acquisition article for those items. The plan as presented continues our investment in improving IT services replaces vehicles and provides necessary maintenance to town buildings. It features one addition that was not on the five-year plan, the expense for power load stretchers, which will allow the EMT/paramedics to lift patients without stress to either staff or the patient, and is an important safety improvement in service to residents.

**BOARD OF SELECTMEN RECOMMENDATION: 4-0**

**FINANCE COMMITTEE RECOMMENDATION: 6-0**

**(4/5ths Majority vote required)**

# ARTICLE 13

	DEPARTMENT	ITEM	FY18	
	<b>DATA PROCESSING</b>			
1		COMPUTER HARDWARE/SPECIALIZED SOFTWARE	\$44,000.00	F
2		SERVER UPGRADES/NETWORK ENHANCEMENTS	\$22,000.00	F
3		LASERFICHE UPGRADES/EXPANSION	\$40,000.00	F
4		MOBILE COMPUTING & TABLET ACQUISITION/REPLACEMENTS	\$3,000.00	F
	<b>SUB-TOTAL</b>		<b>\$109,000.00</b>	
	<b>NATURAL RESOURCES</b>			
5		4x4 PICK UP TRUCK ( YEAR ONE OF 3 YR LEASE )	\$15,000.00	F
6		BOAT MOTOR 130HP/50HP	\$15,000.00	F
7		HERRING RUN GATE & IMPROVEMENTS	\$3,000.00	F
	<b>SUB-TOTAL</b>		<b>\$33,000.00</b>	
	<b>MUNICIPAL BUILDINGS IMPROVEMENTS</b>			
8	ALL	PROJECT CONTINGENCY: MAJOR REPAIRS ,PAINTING ETC.	\$30,000.00	F
9		MECHANICAL SYSTEMS OVERHAUL	\$0.00	F
10	INFO/WMILL	WINDMILL/INFO/ANCIENT CEMETERIES/BRACKETT PORTA	\$6,000.00	F
11	POLICE	AIR/HEATING SYSTEM OVERHAUL/REPLACE	\$20,000.00	F
12		BUILDING MAINTENANCE (VARIOUS ITEMS )	\$25,000.00	T
13	FIRE	BUILDING MAINTENANCE (VARIOUS ITEMS BLDG 5+ YRS OLD.)	\$0.00	F
	<b>SUB-TOTAL</b>		<b>\$81,000.00</b>	
14	SCHOOL	REPLACE PLAYGROUND/BASKETBALL COURT SURFACE	\$30,000.00	F
15		COMPUTER HARDWARE/REPLACEMENTS/UPGRADES	\$25,000.00	F
16		KITCHEN PROOFER/WARMER REPLACEMENT	\$2,500.00	F
17		REPLACE CONVECTION OVEN	\$5,500.00	F
	<b>SUB-TOTAL</b>		<b>\$63,000.00</b>	
	<b>BEACHES/RECREATION</b>			
18		ADA BEACH CHAIR	\$3,000.00	F
19		4 X 2 TRUCK (new three year lease)	\$15,000.00	F
20		PARKING LOT REPAIRS. & WALKWAYS	\$30,000.00	F
	<b>SUB-TOTAL</b>		<b>\$48,000.00</b>	
	<b>DPW</b>			
21		3/4 TON PICK UP (3 YEAR LEASE)	\$15,000.00	F
22		INTERL DUMP 6 WHEEL LARGE/LEASE 5 YEAR	\$40,000.00	F
23		ORDINARY ROAD M & R (NOT CHAP 90)	\$75,000.00	T
24		FUEL MANAGEMENT SYSTEM UPGRADE	\$28,000.00	F
25		STORM DRAIN UPGRADE/IMPROVEMENT/REPLACEMENTS	\$50,000.00	T
	<b>SUB-TOTAL</b>		<b>\$208,000.00</b>	
	<b>POLICE</b>			
26		TASER REPLACEMENTS	\$9,000.00	F
	<b>SUB-TOTAL</b>		<b>\$9,000.00</b>	
	<b>FIRE (EQUIP)</b>			
27		UPGRADE AND REPLACE TURNOUT GEAR (AS NEEDED)	\$10,000.00	A
28		COMPUTER SOFTWARE ENHANCEMENTS	\$20,000.00	A
29		FIRE SUPPRESSION UPGRADES/REPLACEMENT/FOAM	\$5,000.00	A
30		SPECIALTY GEAR, TURNOUT SUITS, SURVIVAL SUITS	\$25,000.00	A
31		RADIO REPLACEMENT/UPGRADES (16)	\$86,000.00	A
32		ADMINISTRATIVE VEHICLES ( 3 YR LEASE 2)	\$34,000.00	F
33		POWERLOAD STRETCHER *	\$50,000.00	F
		<b>* NOT ON PREIOUS CAPITAL PLAN NEEDS 4/5THS</b>		
	<b>SUB-TOTAL</b>		<b>\$230,000.00</b>	
34	WASTE WATER		\$150,000.00	F
			\$0.00	
	<b>TOTAL</b>		<b>\$931,000.00</b>	
<b>TOTAL CAPITAL FUNDS NEEDED BY SOURCE</b>				
		(KEY)		
	F = FREE CASH		\$635,000.00	
	C = COMMUNITY PRESERVATION FUND			
	HST + HUMAN SERVICES GIFT FUND			
	A = AMBULANCE RECEIPTS		\$146,000.00	
	EX = BOAT EXCISE			
	T = TAX LEVY		\$150,000.00	
	D = CAPITAL DEBT EXCLUSION			
	CT=CABLE TV REVENUE			
	<b>TOTAL</b>		<b>\$931,000.00</b>	

## **ARTICLE 14**

To see if the Town will, in accordance with Chapter 6-6A of the Eastham Home Rule Charter, vote to accept the Capital Improvement Plan for FY19-FY23 as printed below; or take any action relative thereto.

By Board of Selectmen

### **Summary:**

The five-year Capital Plan, covering all departments and the Eastham Elementary School includes vehicles, technology upgrades, and improvements to municipal buildings. Each year town departments, including the elementary school, submit items for inclusion on the five-year plan, which are reviewed and placed on the plan. The current year's plan for capital expenditures is called the acquisition article and is shown as Article 13. Article 13 represents the items the town will purchase or invest in for the coming fiscal year. Article 14 details the current five-year plan and includes such items as: Rock Harbor upgrades & dock replacement, radio replacements for the police department, wastewater planning and implementation expenses, vehicle replacements that come due for town departments, large maintenance items for town buildings such as replacing HVAC systems or roofs, road maintenance, and cloud based software improvements. Some new items that have been placed on the plan for future years include a ladder truck for the Fire Department, a replacement of the special hazards truck with a five-year lease, and expenses anticipated for wastewater mitigation. All amounts and items shown in the five-year capital improvement plan are estimates and subject to review, refinement, additions, and deletions at each town meeting where the plan is authorized.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

FIVE YEAR CAPITAL PLAN FY19-FY23										
DEPARTMENT	ITEM	FY19	FY20	FY21	FY22	FY23				
DATA PROCESSING										
	1	COMPUTER HARDWARE/SPECIALIZED SOFTWARE	F	\$25,000.00	F	\$25,000.00	F	\$35,000.00	F	
	2	SERVER UPGRADES/NETWORK ENHANCEMENTS		\$25,000.00	F	\$15,000.00	F	\$15,000.00	F	
	3	FIBER OPTIC CABLE/OPEN CAPE CONNECTION						\$10,000.00	F	
	4	VIDEO EQUIPMENT UPGRADES/DIGITAL CAMERAS								
	5	LASERFICHE UPGRADES/EXPANSION								
	6	REPLACE PLOTTER/SCANNER(S)								
	7	MOBILE COMPUTING & TABLET ACQUISITION/REPLACEMENTS								
	8	WIRELESS UPRADE TOWN HALL								
9	SOFTWARE UPGRADES /CLOUD APPLICATIONS									

FIVE YEAR CAPITAL PLAN FY19-FY23						
DEPARTMENT	ITEM	FY19	FY20	FY21	FY22	FY23
37	INFO/WMILL					
38	REC BLDG					
39	COA					
40	WINDMILL/INFO/ANCIENT CEMETERIES/BRACKETT PORTA					
41	FURNISHINGS					
42	RENOVATION/EXPANSION HEAT/AIR COND/ SENIOR CENTER					
43	ROOF REPLACEMENT					
44	INTERIOR/EXTERIOR PAINTING REPAIRS					
45	PLUMBING REPAIRS					
46	COPPER REPLACEMENT					
47	AIR/HEATING SYSTEM OVERHAUL/REPLACE					
48	EXTERIOR MAINTENANCE - STUCCO DPW BLDG					
49	EXPAND DPW GARAGE SPACE/INTERIOR RENOVATION					
50	NR BLDG PAINT EXTERIOR					
51	REPLACE HOT WATER TANK					
52	POLICE					
53	REPLACE 2 OF 4 AIR HANDLING UNITS					
54	KITCHEN/LOCKER RM/TRAINING RM UPGRADES					
55	INTERIOR/EXTERIOR PAINTING					
56	GARAGE DOOR REPLACEMENT					
57	ROOF/GUTTERS/ PATIO/EXTERIOR WORK					
58	BUILDING MAINTENANCE (VARIOUS ITEMS BLDG 10+ YRS OLD.)					
59	PAINTING INTERIOR/EXTERIOR					
60	HEATING/COOLING ALL MECHANICAL SYSTEM OVERHAUL					
61	REPLACE ROOF					
62	INTERIOR FINISHES					
63	NEW BUILDING MAINTENANCE (5+ YEARS OLD)					
SUB-TOTAL		\$1,621,000.00	\$142,000.00	\$126,000.00	\$3,196,000.00	\$300,000.00
60	SCHOOL					
61	ROUTINE PAINTING ROTATION					
62	REPLACE PLAYGROUND/BASKETBALL COURT SURFACE					
63	FOUNDATIONS MAINTENANCE - DRAINAGE/FENCING					
64	GYM FLOOR REFINISHING					
65	COMPUTER HARDWARE/REPLACEMENTS/UPGRADES					
66	BUILDING MAINTENANCE/IMPROVEMENTS					
67	SEPTIC IMPROVEMENTS					
68	PHONE SYSTEM UPGRADE					
69	SOUNDPROOF CAFÉ/MUSIC ROOM					
70	REPLACE CAFÉ TABLES					
71	GYM ELECTRIC BACKSTOP					
72	PORTABLE WIRELESS SOUND SYSTEM					
73	PORTABLE/SLIDE OUT STAGE IN GYM					
74	CAFÉ FLOOR EPOXY					
75	MAIN CORRIDOR TILE REPLACEMENT					
76	CLASSROOM TILE REPLACEMENT					
77	REPLACE CARPET MUSIC/LIBRARY ROOM					
78	REPLACE/UPGRADE CLOCK - COMPUTERIZED					
79	HVAC OVERHAUL/REPLACE					
80	INDOOR/OUTDOOR LIGHTING REPLACE/UPGRADE					
81	KITCHEN PROOFER/WARMER REPLACEMENT					
82	BOOSTER WATER HEATER/KITCHEN					
83	KITCHEN REFRIDGERATOR REPLACEMENT					
	REPLACE CONVECTION OVEN					
SUB-TOTAL		\$66,000.00	\$146,000.00	\$70,500.00	\$118,000.00	\$57,000.00
84	BEACHES/RECREATION					
85	UPGRADE/ADA BATH HOUSES					
86	PARKING LOT REPAIRS (VARIOUS LOCATIONS)					
87	ADA BEACH CHAIR					
	4 X 2 TRUCK					



FIVE YEAR CAPITAL PLAN FY19-FY23						
DEPARTMENT	ITEM	FY19	FY20	FY21	FY22	FY23
FIRE (EQUIP)						
135	REPLACE AMBULANCE (CHG BUY TWO SAME TIME) 3YR LEASE)					
136	POWERLOAD STRETCHERS					
137	LADDER TRUCK (5 YEAR LEASE \$1 MILLION)	\$100,000.00	A	\$0.00	A	\$200,000.00
138	SQUAD 1 REPLACEMENT (TRUCK 160)					
139	ADMINISTRATIVE VEHICLE DEP/CHIEF) REPLACE 2 @ 40K EA	\$34,000.00	A	34,000.00	A	\$200,000.00
140	REPLACE SPECIAL HAZARDS TRUCK (91) (5 YEAR LEASE)					
141	REPLACE COPIER					
142	UPGRAD/ REPLACE AIR PACKS - 4.5L					
143	THERMAL IMAGER					
144	UPGRADE AND REPLACE TURNOUT GEAR (AS NEEDED)					
145	HYDRANT SYS SPECIAL EQUIPMENT					
146	REPLACE GAS METER					
147	COMPUTER SOFTWARE ENHANCEMENTS					
148	MOBILE/DESKTOP COMPUTER HARDWARE ENHANCEMENT/ADDITIONS	\$20,000.00	A			
149	FIRE SUPPRESSION UPGRADES/REPLACEMENT/FOAM RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT					
150	CARDIAC MONITORS (2) (AED)					
151	JAWS/AIR BAGS EXTRACTION EQUIPMENT	\$10,000.00	A			
152	SPECIALITY GEAR					
153	RADIO REPLACEMENT/UPGRADES					
154	FIRE HOSE (VARIOUS SIZES) CONTINUOUS REPL.	\$38,000.00	A			
155	REPLACE ENGINE PUMPER (5 YR LEASE)					
SUB-TOTAL		\$202,000.00		\$162,000.00	\$404,000.00	\$753,000.00
156	RESOURCE LAND MANAGEMENT PLANS					
157	LONG RANGE PLAN IMPLEMENTATION ASSISTANCE	\$25,000.00	F		\$25,000.00	F
158	LAND ACQUISITION(OPEN SPACE, RECREATION, MAINTENANCE)	\$25,000.00	F			
159	LAND ACQUISITION HOUSING/AFFORDABLE HOUSING PURCHASES					
160	COASTAL EROSION PLANNING/MITIGATION					
161	OPEB FUNDING	\$50,000.00	T	\$50,000.00	F	\$75,000.00
162	ALTERNATIVE/GREEN ENERGY INITIATIVES					
163	FRESH WATER/POND STUDIES - REMEDIATION					
164	WASTE WATER/208 SOLUTIONS (DEBT EXCLUSIONS)	\$1,000,000.00	D	\$2,000,000.00	D	\$2,000,000.00
SUB-TOTAL		\$1,100,000.00		\$2,225,000.00	\$2,175,000.00	\$2,175,000.00
TOTAL		\$4,754,065.00		\$4,292,161.00	\$7,176,280.00	\$4,002,267.00
F = FREE CASH						
C = COMMUNITY PRESERVATION FUND						
HST + HUMAN SERVICES GIFT FUND						
A = AMBULANCE RECEIPTS		\$44,000.00		\$36,000.00		\$38,000.00
EX = BOAT EXCISE		\$202,000.00		\$424,000.00		\$793,000.00
T = TAX LEVY		\$321,000.00		\$500,000.00		\$247,000.00
D = CAPITAL DEBT EXCLUSION		\$3,500,000.00		\$2,000,000.00		\$2,000,000.00
CT=CABLE TV REVENUE		\$5,000.00		\$5,000.00		\$5,000.00
TOTAL		\$4,754,065.00		\$4,292,161.00	\$7,176,280.00	\$4,002,267.00

#### **ARTICLE 15**

To see if the Town will vote to transfer and appropriate **\$150,000** to various accounts for meeting the remaining expenses for Fiscal Year 2017; or take any action relative thereto.

By Board of Selectmen

#### **Summary:**

This article authorizes fund transfers to cover anticipated shortfall in current fiscal year funding.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 16**

To see if the Town will vote to raise and appropriate **\$320,000** to fund and implement the cost items of the first year of separate collective bargaining agreement(s) between the Town and Employee Unions, with each agreement covering the period of July 1, 2017 through June 30, 2020, and to fund raises or other wage adjustments for-union and non-union employees for FY 2018; or take any action relative thereto.

By Board of Selectmen

#### **Summary:**

All employee contracts will be settled by Town Meeting. This sum will cover all wage adjustments for all municipal employees.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 17**

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

By Board of Selectmen

#### **Summary:**

This article is recommended by our financial advisors to allow for the flexibility in paying debt relative to bonded projects.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE: RECOMMENDATION: 6-0

*(Majority vote required)*

#### **ARTICLE 18**

To see if the Town will vote to transfer and appropriate the sum of **\$11,453.40** to pay FY16 prior year unpaid bill which is for electricity use billed late; or take any action relative thereto:

By Board of Selectmen



Summary:

The Cape Light Compact and Eversource failed to properly bill the Town for this electricity. We received this bill after the end of the fiscal year so we need a special vote to pay it.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(4/5ths vote required)*

**ARTICLE 19**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, the sum of **\$700,000** to be combined with other monies appropriated in Article 7, Annual Town Meeting May 2, 2016, Article 6, Annual Town Meeting May 5, 2014 and Article 19, Annual Town Meeting May 4, 2015, for costs associated with the demolition and site restoration of the Tri-Town Septage Treatment Plant located in Orleans, and further that such appropriation shall not take effect until after a positive vote to exempt from the limitation on taxes under G.L. c59 §21C (proposition 2 ½ so called); or take any action relative thereto.

By Board of Selectmen/Tri-Town Board of Managers

Summary: The original Tri-Town Septage Treatment plant was constructed in 1985 under an inter-municipal agreement between the Towns of Orleans, Eastham, and Brewster. The plant is closed and needs to be demolished so the land can be returned to the town of Orleans. The Boards of Managers of the member communities have prepared plans to demolish and remove the facilities.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(3/4 Majority vote required)*

**ARTICLE 20**

To see if the Town will vote to accept a gift of land of 4 +- acres, located at 0 Bridge Road, and described in a deed of Richard Mac Neill and Lee Mac Neill dated August 2, 2001, recorded with the Barnstable County Registry of Deeds, Book 14103, Page 135 and known as Parcel II., such parcel shown on assessor's Map 16, parcel 7A; or take any action relative thereto.

By Board of Selectmen

Summary:

The owners of this parcel of land wish to gift it to the Town. The parcel is surrounded by land owned by the Town of Eastham, the Nature Conservancy, and the Eastham Conservation Foundation, and is an important connecting parcel of open space in Boat Meadow.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 21**

**ZONING-Flood Plain Use Regulations**

Underline = New language

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION IV - FLOOD PLAIN ZONING ARTICLE III USE REGULATIONS** by adding the following new language:

7. In accordance with the Code of Federal Regulations (44 CFR §60.3(b)(5)(iii)), the lowest floor of any new construction or substantial improvement must be documented and maintained on record with the town. The most recent Elevation

Certificate from the Federal Emergency Management Agency must be used to document elevations for all new construction and substantial improvements in the Special Flood Hazard Area.; or take any action relative thereto.

By Eastham Planning Board

Summary:

The Town of Eastham is in the process of enrolling in FEMA's Community Rating System (CRS) Program, a voluntary, incentive-based program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program standards. Depending upon the level of participation, flood insurance premium rates for policyholders can be reduced up to 45%. Participating in the CRS provides an incentive to maintaining and improving a community's floodplain management program. Communities participating in the Community Rating System (CRS) are required to add language to the Zoning Bylaw.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

PLANNING BOARD RECOMMENDATION: 7-1

(2/3 Majority vote required)

**ARTICLE 22**

**ZONING-Site Plan Approval**

~~Strikethrough~~ = Language Removed

Underline = New language

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SITE PLAN APPROVAL - SPECIAL PERMIT Section XIII** subsection C as follows:

**C. APPLICATION**

1. Each application for Site Plan Special Permit shall be filed by the petitioner with the Town Clerk, and ~~twenty (20)~~ twelve (12) copies of said application, including the date and time of filing certified by the Town Clerk, shall be filed with the Planning Board.

And to also amend,

**SITE PLAN APPROVAL - SPECIAL PERMIT Section XIII** subsection F as follows:

1. All site plans shall be prepared by a Registered Professional Land Surveyor ~~and~~ or Registered Professional Civil Engineer or both if required.
2. All site plans shall be on standard ~~24" x 36"~~ 11" x 17" sheets, and each sheet shall be prepared at a defined scale suitable for the content of the topic covered on the sheet and shall include the following:

And to also amend,

**SITE PLAN APPROVAL - RESIDENTIAL SECTION XIV** subsection B as follows:

**B. APPLICATION**

Each application for Site Plan approval – Residential shall be filed with the Planning Board along with ~~twenty (20)~~ twelve (12) copies and the required fee.

or take any action relative thereto.

By Eastham Planning Board

**Summary:**

The prevalence of digital documents and email has reduced the need for the amount of hard copy plans necessary to complete regulatory reviews. This article will reduce the amount of hard copies needed for submittal of regulatory applications. The changes will benefit prospective applicants by reducing copy fees and reducing wasted paper. This article also amends a previous clerical error that required prospective applicants to submit plans stamped by both a licensed professional surveyor and a licensed engineer. Under most circumstances plans submitted by one or the other licensed professionals is sufficient.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

PLANNING BOARD RECOMENDATION: 7-1

*(2/3 Majority vote required)*

**ARTICLE 23**

**Zoning - North Eastham Overlay District**

Strikethrough = Language Removed

Underline = New language

To see if the Town will vote to amend its Zoning Bylaw, **SECTION V - Uses District I** as follows:

**DISTRICT I— North Eastham Overlay**

Those principal and accessory uses as allowed by-right or by special permit as indicated in the Overlay District Table of Principal Uses and Table of Accessory Uses. The utilization of the provisions of the Overlay District are applicable only to mixed-use developments.

Also amend **SECTION V - Uses, Mixed Use (MU) Special Permit**, as follows:

**Applicability**

The Planning Board is the Special Permit Granting Authority (SPGA) for ~~Mixed Residential Development Special Permits and Mixed-Use Special Permits~~ in the North Eastham Overlay District (NEOD).

**Mixed-Use Special Permit**

Within the NEOD, the SPGA may issue a special permit to authorize the following ~~use~~: the use, conversion or expansion of a commercial ~~or residential~~ structure ~~or the comprehensive development of an entire site~~ to provide for a mix of ~~residential and commercial~~ retail, office, municipal, service establishments, residential uses and industrial uses where allowed, in some combination, in structures of one or two stories, which may be located on a single lot or a parcel formed from combined lots ~~uses in structures of one or two stories, where residential units are located on the second floor level of the structure in commercial use.~~

**Waivers**

When in the opinion of the SPGA the proposal for a mixed use development within the North Eastham Overlay District (NEOD) does not meet the standards for eligibility for consideration for special permit approval under this section, the SPGA may grant waivers to the standards listed in this section.

Qualifying area: ~~To serve as a MU site, an area of land within the NEOD shall contain at least two (2) contiguous acres.~~

**Dimensional Flexibility:**

The dimensional requirements for residential and non-residential uses:

<b>ALTERNATIVE OVERLAY DISTRICT DIMENSIONAL REQUIREMENTS</b>					
<b>WIDTH</b>	<b>FRONT</b>	<b>SIDE</b>	<b>REAR</b>	<b>MAX. LOT</b>	<b>MAX. BLDG</b>
75-foot min.	10-foot min. <del>20-foot max.</del>	20 foot min. exclusive of driveway	15 foot min.	Bldg 15% Bldg, drives & parking 55%  NOTE: Walkways must be pervious if the building, parking and	2 stories or 35 feet

Also amend **SECTION V - Uses, Table of Principal Uses** by deleting in its entirety, the Table of Principal Uses and replacing it with the following:

<b>TABLE OF PRINCIPAL USES- NORTH EASTHAM OVERLAY DISTRICT (NEOD)</b>				
<b>Y = YES/ALLOWED BY-RIGHT (Within Underlying Zoning District)</b>				
<b>SP = BY SPECIAL PERMIT (As Part of a Mixed Use)</b>				
<b>X = PROHIBITED</b>				
<b>PRINCIPAL USE</b>	<b>ZONING DISTRICT</b>			
	<b>A</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>AGRICULTURAL</b>				
Farm > 5ACRES	Y	Y	Y	Y
Plant nursery, other horticulture or floriculture	SP	Y	Y	Y
<b>RESIDENTIAL</b>				
Assisted Living residence, with or without Independent Living	SP	SP	SP	SP
Single-Family dwelling	Y	X	SP	SP
Two-family or duplex dwelling	Y	X	SP	SP
Mixed-use Development	SP	SP	SP	SP
Apartments & Townhouses	SP	SP	SP	SP
Residence above by-right business, if not >50% "of structure"	SP	X	Y	Y
<b>COMMERCIAL</b>				
Antique, craft and gift shops	SP	X	Y	Y
Adult Entertainment	X	X	X	X
Animal hospital or veterinary office	SP	SP	Y	SP
Art Gallery	SP	X	Y	SP
Auction house	SP	SP	Y	Y
Automotive repair, service	X	Y	SP	SP
Bakery, Wholesale	X	Y	X	X
Bank	SP	X	Y	Y
Barber shop, beauty salon	SP	SP	Y	SP
Boat building, repair, storage	X	Y	X	X
Charter (party) boat business	X	X	X	X
Cinema, movie theater	X	SP	SP	SP
Contractor's yard	X	X	X	X
Dry cleaning, Laundromat	X	SP	SP	SP
Fitness center, Gym	SP	SP	Y	SP
Hospice Care Facility	SP	SP	SP	SP
Hotel, Inn, Motel, Hostel	SP	SP	Y	SP
Industry, L, not spec. allowed in Sec V, District C use description	X	SP	SP	SP
Junk yard	X	X	X	X
Kennel, Commercial (not defined)	SP	Y	Y	SP
Lodge, Membership or Fraternal Club	SP	SP	Y	SP
Nursing or Convalescent Facility	SP	SP	SP	SP

PRINCIPAL USE	ZONING DISTRICT			
	A	C	D	E
COMMERCIAL				
Publishing and/or printing establishment	SP	SP	SP	SP
Rental, automobile, truck, trailer	SP	Y	SP	SP
Rental, boat, fishing gear	SP	SP	SP	SP
Restaurant, < 5 K sq. ft. GFA	SP	SP	SP	SP
Restaurant, 5 K sq. ft. or > GFA	SP	SP	SP	SP
Retail Sales/Service, Minor Small scale , 5 K sq. GFA	SP	SP	Y	Y
Resort and Conference Center	SP	SP	SP	SP
Service and Repair, non-automotive (carpentry, electrical, plumbing, etc.)	SP	Y	Y	Y
Spa Resort	SP	X	Y	SP
Studio, Artist Dance, Photography	SP	SP	SP	SP
INDUSTRIAL				
Concrete batching plant	X	Y	X	X
Warehousing, Rental, & Bulk Storage	X	Y	X	X
Wastewater Treatment Facility	SP	SP	SP	SP
Wastewater Effluent disposal	SP	SP	SP	SP
Wind, Solar , Energy Facility	SP	SP	SP	SP
GOVERNMENTAL, CULTURAL, INSTITUTIONAL				
Conservation, open space land	Y	X	Y	Y
Municipal Use	SP	SP	SP	SP
Museum	SP	SP	SP	SP
Public use, other	Y	Y	Y	Y
Recreation, passive	Y	X	Y	Y
ACCESSORY USE TABLE				
RESIDENTIAL				
Apartment, AFFORDABLE Accessory	Y	X	Y	Y
Apartment located above permitted commercial use, provided no more than 50% floor area of total structure	SP	X	Y	Y
Automated banking (ATM) interior ,exterior or freestanding	SP	SP	SP	SP
Bed and Breakfast	Y	SP	SP	SP
Family daycare, licensed per G. L. c. 15D, §1A.	SP	X	SP	SP
Farm stand, non-exempt per G. L. c. 40A, §3Y	SP	SP	SP	SP
Home Occupation, SP in any district where not X	SP	SP	SP	SP

(Planning Board)

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

PLANNING BOARD RECOMMENDATION: 5-0

*(2/3 Majority vote required)*

#### **ARTICLE 24**

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of G.L. C44B (6) from the FY18 estimated community preservation revenues to reserves in the following amounts: **\$77,010** open space purposes, **\$77,010** historic preservation purposes **\$77,010** affordable housing purposes, **\$77,010** active recreation purposes and **\$462,884**, to the FY18 Community Preservation budgeted reserve for appropriation for a total of **\$770,924** as recommended by the Community Preservation Committee; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This annual article seeks to set aside 10% of the estimated community preservation revenue for open space, historic resources, and affordable community housing, and active recreation, with the remaining estimated revenue reserved for appropriation as required by G.L. Chapter 44B (6).

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

*(Majority vote required)*

#### **ARTICLE 25**

To see if the Town will vote to transfer and appropriate **\$38,000** from the Community Preservation Undesignated Fund Balance as allowed by law to cover administrative support expenses; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article transfers \$38,000 of Community Preservation Funds to the CPA committee for administrative purposes. The State Legislation permits up to five percent (5%) of all funds may be used for that purpose. Any unused funds each year revert to the Community Preservation Fund Balance.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

*(Majority vote required)*

#### **ARTICLE 26**

To see if the Town will vote to transfer from FY18 CPA Receipts **\$425,250** from Community Preservation Undesignated Fund Balance for the purpose of paying debt payments for the following land acquisitions: Dyer Prince (Harris) Land Purchase **\$350,000** and the Aschettino Land Purchase **\$75,250**; or take any action relative thereto.

By Town Accountant/Community Preservation Committee

Summary:

These are yearly debt payments for open space purchases approved at Town Meeting. The State Legislation allows for the principal and interest debt payments to be funded through the Community Preservation Fund, but only recently required that a separate article be voted each year of the long term debt payment.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

*(Majority vote required)*

**ARTICLE 27**

To see if the Town will vote to authorize expanding the allowable use of the balance of previously appropriated Community Preservation funds in the amount of **\$359,016**. Said expanded use to include the expansion of a Rental Subsidy Program and such new programs as Housing Preservation Program, Homeowner Lease-to-Own Program and Homebuyer Closing Cost Assistance; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

The Affordable Housing Trust currently operates the Converted Rental Expansion Program. This program purchases properties and converts them to affordable, deed restricted rental properties. This program currently has a balance of \$359,016.52. Unfortunately, the program has not been an effective means of creating a significant number or new affordable units in. Only 7 units have been created under this program due in part to high acquisition and rehab costs. This article, while maintaining the current program, would allow for additional program options as discussed.

BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

COMMUNITY PRESERVATION COMMITTEE: 9-0

*(Majority vote required)*

**ARTICLE 28**

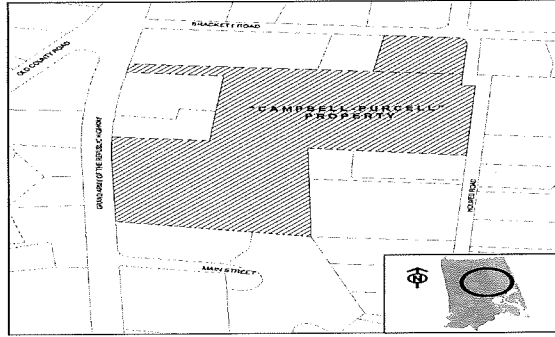
To see if the Town will vote to transfer the sum of **\$300,000** from Community Preservation Affordable Housing Reserves and/ or undesignated fund balance to Pennrose Properties LLC. to assist in funding the construction of the "Campbell-Purcell Community Housing Development", a 65-unit affordable rental housing development on town owned land, located at 4300 State Highway, Eastham, MA., and pursuant to a grant agreement as required under G.L. c.44B and that shall be on such terms and conditions as may be agreed to by the Board of Selectmen and that shall include a permanent affordable housing restriction enforceable by the Town for the affordable units (in the leasehold interest that is to be provided); or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article will provide a cash grant to the developer to offset development and construction costs. The proposed "Campbell-Purcell Community Housing Development" will create 65 rental units, 59 affordable. The language in the article allows the Board of Selectmen to enter into a grant agreement to set conditions for the applicant to receive CPA funding, one of which will be that the applicant do everything possible to allow up to 70% local preference for the first round of unit rentals.





BOARD OF SELECTMEN RECOMMENDATION: 4-0  
 FINANCE COMMITTEE RECOMMENDATION: 6-0  
 COMMUNITY PRESERVATION COMMITTEE: 9-0  
*(Majority vote required)*

#### **ARTICLE 29**

To see if the Town will vote to transfer the sum of **\$11,500** from Community Preservation Active Recreation Reserves and/ or undesignated fund balance to Cape Cod Children's Place to assist in funding the construction of a new playground at their facility located at 10 Ballwic Avenue, Eastham subject to a grant agreement between the Town of Eastham and the Children's Place; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

#### **Summary:**

The Cape Cod Children's place is in the process of an expansion and renovation project. This article will provide a grant to offset the construction costs of a proposed new playground area on the site.

BOARD OF SELECTMEN RECOMMENDATION: 4-0  
 FINANCE COMMITTEE RECOMMENDATION: 6-0  
 COMMUNITY PRESERVATION COMMITTEE: 9-0  
*(Majority vote required)*

#### **ARTICLE 30**

To see if the Town will vote to transfer the sum of **\$100,000** from Community Preservation Affordable Housing Reserves and/ or undesignated fund balance to Cape Cod Village Inc. to assist in funding the construction of an affordable housing facility that will provide permanent housing to adults with Autism to be located in the Town of Orleans at 19 Childs Homestead Road (Map 25 Parcel 74) and to authorize the Board of Selectmen to acquire an affordable housing restriction on said property; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

#### **Summary:**

This article will provide a cash grant to the developer to offset development and construction costs. The facility will provide housing for 15 autistic adults who require assistance with daily living activities with 24/7/365-day staffing. This is a regional project to create a type of housing not currently available for residents in the lower cape. Equal access will be given to residents of all the towns for the available housing units.

BOARD OF SELECTMEN RECOMMENDATION: 4-0  
 FINANCE COMMITTEE RECOMMENDATION: 6-0  
 COMMUNITY PRESERVATION COMMITTEE: 9-0  
*(Majority vote required)*

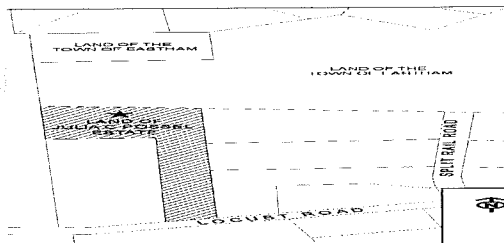
## ARTICLE 31

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for open space, conservation and passive recreation purposes, pursuant to G.L. c.40, sec.8C and G.L. c.44B, a parcel of land containing 1.623 acres, more or less, located at 390 Locust Road, Eastham and more accurately described in a deed dated October 17, 1969 recorded with the Barnstable County Registry of Deeds in Book 1453 Page 305 and shown as Lot 8B on a plan of land entitled "*Plan of Land in Eastham being a division of Lot 8 as shown in Plan Bk 233 Pg. 17 made for the Estate of Julia C. Possel*" to be held under the care, custody, management and control of the Eastham Conservation Commission and subject to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under such terms and conditions as the Board of Selectmen may impose; and as funding therefore to appropriate the sum of **\$200,000** for the acquisition and other related costs associated therewith from the Community Preservation Open Space Reserve and/or the Unrestricted Fund Balance, said sum shall be reduced by the amount of any grants or gifts received pursuant to the provision of G.L. c.44B, sec. 11, G.L. c.44, sec.7 or any other enabling authority, provided that no funds appropriated hereunder shall be expended until the Town receives gifts and/or grants totaling a minimum of **\$25,000** for the purposes of this Article; and further to authorize the Board of Selectmen to grant to the Trustees of the Eastham Conservation Foundation, or other qualifying entity, a perpetual Conservation Restriction on the property in accordance with the provisions of G.L. c.44B, sec.12 and G.L. c.184, sec.31-33; and further to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or any other grant programs; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

This parcel has a high natural resource value with vegetation consisting of mature native forest and portions of two vernal pools along with ample adjacent upland areas. The parcel is entirely within the MA Natural Heritage and Endangered Species Program (HHESP) priority and rare wildlife habitat area. Purchasing this parcel for conservation purposes will help protect wildlife habitat and groundwater resources. This proposal has received unanimous support of the Eastham Open Space Committee and Eastham Conservation Commission as well as several abutting property owners. The specific amount of the CPA funding request is based on the FY17 assessed value. Private donations are being sought through the Eastham Conservation Foundation to offset the purchase price and potentially reduce the amount of CPA funds needed to complete the purchase.



BOARD OF SELECTMEN RECOMMENDATION: 0-3-1

FINANCE COMMITTEE RECOMMENDATION: 5-1

COMMUNITY PRESERVATION COMMITTEE: 9-0

*(Majority vote required)*

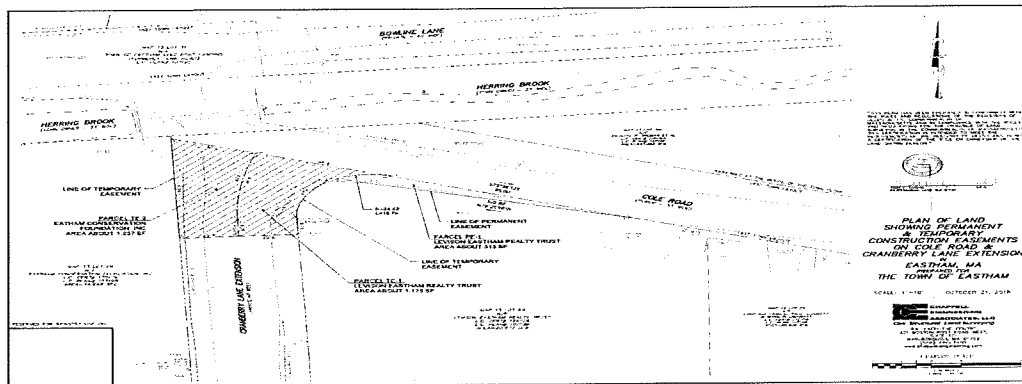
### ARTICLE 32

To see if the Town will vote to accept, a permanent easement on Cole road as shown on a plan entitled "Plan of Land Showing Permanent and Temporary Construction Easements on Cole Road & Cranberry Lane Extension in Eastham Massachusetts," Scale: 1"=10', dated October 21, 2016, prepared by Chappell Engineering Associates, LLC of Marlborough MA, on file with the office of the town Clerk, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, the easement to use for all purposes for which public ways are used in the town of Eastham and all related easements thereto; or take any action relative thereto.

By Board of Selectmen

#### Summary:

A small section of Cole Road travel way, which was laid out in 1837, has drifted onto private property. Given the sensitive environmental area adjacent to existing roadway, it is not practical to relocate the roadway wholly within the Town layout. This article, if approved, will allow the town to accept a 313 square foot permanent easement so that the roadway can be reconstructed within the existing travel roadway footprint.



BOARD OF SELECTMEN RECOMMENDATION: 4-0

FINANCE COMMITTEE: RECOMMENDATION: 6-0

(Majority vote required)

### ARTICLE 33

To see if the Town will approve the **\$1,300,000** borrowing authorized by the Nauset Regional School District (District), for the purpose of paying costs of a feasibility study for the Nauset Regional High School, 100 Cable Road, N. Eastham, MA 02651, including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the

Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or to take any other action relative thereto.

By Nauset Regional School Committee

Summary: The Nauset Regional High School is over 40 years old and in need of renovation. The school has applied for financial assistance from the Massachusetts School Building Authority and has advanced into the feasibility study round. In this article, the School Committee is asking for the ability to borrow to fund the feasibility study, total cost estimated at \$1,300,000. It is anticipated that the MSBA will fund over 35% of the cost, and the remainder will be assessed to the four member towns in the same proportion as the student assessment. Currently, the Town of Eastham pays 21.1864%, which is anticipated to be roughly \$175,000.

BOARD OF SELECTMEN RECOMMENDATION: 4-0  
FINANCE COMMITTEE: RECOMMENDATION: 6-0  
(2/3rds Majority vote required)

#### **ARTICLE 34** **NON-BINDING RESOLUTION OF THE TOWN**

To see if the Town will vote in support of this Public Advisory Article which reads as follows:

To protect public health and safety, move spent fuel at Pilgrim Nuclear PowerStation to secure dry casks as soon as possible.

Whereas, the original design for the Pilgrim Nuclear PowerStation (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited that an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas, the PNPS spent fuel pools are vulnerable to terrorist and cyber attack, and;

Whereas, citizens of the Town of Eastham find this to be an unacceptable threat to their health and safety and must be resolved in the most timely manner.

Therefore, the people of the Town of Eastham direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Eastham and its inhabitants and visitors.

By Petition

BOARD OF SELECTMEN RECOMMENDATION: 4-0  
FINANCE COMMITTEE: RECOMMENDATION: 6-0  
(Majority vote required)

**ARTICLE 35**

**NON-BINDING RESOLUTION OF THE TOWN**

To see if the Town will vote to request the Eastham Selectmen to authorize all Town officials to refrain from using Town funds and other resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution; and

To see if the Town will vote to request the Eastham Selectmen to protect the civil liberties and human rights of all Eastham residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin, or citizenship and immigration status.

By Petition

**SUMMARY**

This Article seeks to reaffirm the Town's commitment to the values of freedom, justice and equality for all Eastham residents and visitors and enable all residents and visitors to lead lives of peace and dignity free from fear, harassment and violence.

BOARD OF SELECTMEN RECOMMENDATION: 1-3

FINANCE COMMITTEE: RECOMMENDATION: 6-0

*(Majority vote required)*

**ARTICLE 36**

To see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2014 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting. You are directed to serve this Warrant by posting attested copies thereof at the Post Office in Eastham and North Eastham fourteen days at least before the date of holding said meeting.

Hereof, fail not and make due return of this Warrant and your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands and seals this 14<sup>th</sup> day of April in the year of our Lord, Two Thousand and seventeen.

Linda S. Burt  
Clerk

Elizabeth Gawron

William O'Shea  
Vice Chair

Wallace F. Adams

John F. Knight  
Chair  
BOARD OF SELECTMEN

Greetings:

In a pursuance of the conditions of the foregoing warrant, I have posted attested copies, one each at the Post Office in Eastham and North Eastham fourteen days before time of said meeting.

Constable

A True Copy Attest:

Sue Fischer, Town Clerk

## **PROCEDURES FOR TOWN MEETING**

In accordance with Section C2-8. B of the Eastham Town Charter, the following procedures will be followed:

1. A registered voter wishing to speak at Town Meeting shall proceed to one of the microphones. Once recognized the voter shall give his or her name and address, speak to the question for not more than three minutes, and shall not speak again until all those wishing to speak thereon have done so. Persons making articles and demonstrations are exceptions to this rule.
2. Non-voters who wish to address Town Meeting and have identified themselves in advance to the Moderator may only speak if permitted by majority consent of voters.
3. Registered voters will be seated first. Additional seating for non-voters may be available only after the Town Clerk has determined that there are an adequate number of seats for all registered voters in attendance. **Voters who sit in the Non-Voter Section cannot vote.**
4. Discussion on each article shall terminate when no one wishes to speak or the discussion becomes redundant in the opinion of the Moderator or a motion to call the question is approved.
5. Votes may be taken by voice (Majority to be determined by the Moderator), by a show of hands or by electronic devices. Articles requiring a 2/3 vote will be by hand count or electronic device count, at the Moderator's discretion, unless unanimous. If seven Town Meeting members question a voice vote, the Moderator may then choose an alternative counting method.
6. An article may be reconsidered on the same day, no more than sixty (60) minutes from the time the vote on such article is declared by the Moderator. The Town Clerk's minutes shall record such times.
7. TOWN MEETING TIME, A Handbook of Parliamentary Law, Third Edition, 2001, is the Eastham Town Meeting parliamentary handbook.

The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters. Persons with handouts of any nature must be outside the building or in a designated area.

**PLEASE BE COURTEOUS  
ALLOW EACH SPEAKER TO PRESENT THEIR IDEAS WITHOUT INTERRUPTION.**



## TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642 - 2544

All departments 508 240-5900 Fax 508 240-1291

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

III. A. ii

### CABLE T.V. LICENSE RENEWAL ADVISORY COMMITTEE

In accordance with G.L. c166A, the Board of Selectmen hereby establish a Cable T.V. Advisory Committee, composed of seven (7) members, who shall focus on recommending acceptance of a Cable T.V. license or renewal of an existing license to the Board of Selectmen. In developing said recommendation, the Committee shall, at a minimum, review the following:

- License Term
- Service Area/Line Extensions
- System Upgrading Potential and Schedule
- Future Technology - How Accessed, Service Area
- Institutional Networks (I-Nets)
- Public Access/Local Origination
- Customer Service Standards
- Senior Citizen Discounts
- Annual Performance Review
- Performance Bonds
- Gross Revenue - Definition- How Much - Pass Through
- Expansion of Service to Underserved Areas

The Committee may decide to recommend an "Informal Renewal Process," which is less rigid.

The Committee shall report bi-monthly to the Board of Selectmen on progress and to discuss any other issues not explicitly stated in the charge but of concern in the license renewal process.



---

---

STAFF MEMO

---

---

**TO:** BOARD OF SELECTMEN  
**FROM:** JACQUI BEEBE  
**SUBJECT:** ADVISORY COMMITTEE SHELLFISH  
**DATE:** MARCH 31, 2017

---

Attached is a memo from Natural Resources Manager/Conservation Agent Shana brogan outlining recommendations for a new advisory committee on shellfish/aquaculture. I am recommending that the Board accept her charge, but broaden it to include waterways. As we are considering improvements to Rock Harbor, and are facing issues with the Nauset Estuary dredging proposal and other wastewater initiatives, it may be helpful to have input from a committee that has a broader scope than just shellfish. The new committee could have a fisherman/boater/ or someone interested in storm water runoff or other challenges to our fresh and saltwater resources, which may be helpful as we move forward with some of those projects (or decide not to).

So, as you discuss the possible charge, my additions are in red.

# Natural Resources Department

555 Old Orchard Road  
Eastham, MA 02642



508-240-5972

March 21, 2017

## Eastham Shellfish Advisory Committee

### Proposed Charge

---

The Shellfish & Waterways Advisory Committee shall serve as a resource to work to preserve and enhance shellfish populations and habitat resources in order to maintain and improve a sustainable fishery and aquaculture industry, and give recommendations for public waterways, coastal and shellfish projects, policies, and rules and regulations which may have an impact on the protection of ecologically and economically important resources; and advise the Board of Selectmen relative thereto.

### Proposed Shellfish Advisory Committee Description

---

The Eastham Shellfish & Waterways Advisory Committee shall consist of a seven-member board appointed by the Board of Selectmen upon recommendation of the Shellfish Constable and Search Committee, serving three-year overlapping terms.

Three Two members shall be commercial shell fisherman or aquaculture grant holders, in addition, one member being solely a commercial harvester, four members shall possess an overall interest and/or background in coastal ecology, recreational shell fishing, boating, and/or the Natural Resources of Eastham.

The committee shall meet once monthly and as called with the Shellfish Constable.

Committee member duties shall include:

- Prepare minutes for submission to the Town Clerk.
- Prepare and post meeting notices and agendas in accordance with the Massachusetts Open Meeting Law.
- Conduct research as applicable.
- Prepare and submit a report of activities for the annual town report.
- Meet with the Board of Selectmen at least annually to make recommendations.

# Eastham Natural Resources

555 Old Orchard Road  
Eastham, MA 02642

508-240-5972



## MEMO

**To:** Board of Selectmen

**From:** Shana Brogan

**Date:** March 27, 2017

**Re:** Shellfish Advisory Committee

I have reviewed the responsibilities and charge of the Shellfish Advisory Committees for several Cape towns and as enclosed, recommend the following for the Eastham Shellfish Advisory Committee:

- 7-member board, with two associate members to participate in meetings and offer relevant expertise.
- Three members are to be commercial shellfishermen, with a minimum of one member being solely a wild commercial harvester.
- Proposed Eastham Shellfish Advisory Committee Charge: *The Shellfish Advisory Committee shall serve to preserve and enhance shellfish populations and habitat resources in order to maintain and improve a sustainable fishery and aquaculture industry, and advise the Board of Selectmen relative thereto.*

If approved by the board, the town will contact individuals who have expressed interest in serving on the committee and those who have provided valuable input during shellfish forum meetings. Applicants will be appointed by the Board of Selectmen at a public hearing.

# Natural Resources Department

555 Old Orchard Road  
Eastham, MA 02642



508-240-5972

March 21, 2017

## Eastham Shellfish Advisory Committee

### **Proposed Charge**

---

The Shellfish Advisory Committee shall serve to preserve and enhance shellfish populations and habitat resources in order to maintain and improve a sustainable fishery and aquaculture industry, and advise the Board of Selectmen relative thereto.

### **Proposed Shellfish Advisory Committee Description**

---

The Eastham Shellfish Advisory Committee shall consist of a seven-member board appointed by the Board of Selectmen upon recommendation of the Shellfish Constable and Search Committee, serving three-year overlapping terms.

Three members shall be commercial shellfisherman or aquaculture grant holders, with a minimum of one member being solely a commercial harvester, four members shall possess an overall interest and/or background in coastal ecology, recreational shellfishing, and/or the Natural Resources of Eastham.

The committee shall meet once monthly and as called with the Shellfish Constable.

Committee member duties shall include:

- Prepare minutes for submission to the Town Clerk.
- Prepare and post meeting notices and agendas in accordance with the Massachusetts Open Meeting Law.
- Conduct research as applicable.
- Prepare and submit a report of activities for the annual town report.

## Shellfish Advisory Committee Review

Town	Number of Commercial Shellfishing Members	Total Members	Charge	Notes
<b>Eastham (Proposed)</b>	3	7, plus two associates	<i>The Shellfish Advisory Committee shall serve to preserve and enhance shellfish populations and habitat resources in order to maintain and improve a sustainable fishery and aquaculture industry and advise the Board of Selectmen relative thereto.</i>	Recommend appointing a BOS liason. Associates to provide expertise and assistance to the committee. Recommend a committee similar to Wellfleet and Orleans.
<b>Wellfleet</b>	3	7, plus two alternates	<i>...appoint a committee of 5 members to serve as a Shellfish Advisory Board to the Selectmen and to make a study of existing shellfish conditions and to plan for the future improvement and development of the industry. ...appointed by the Board of Selectmen, This article was amended to: three members shall be Commercial Shellfishermen and the appointment be made within 60 days.</i>	Alternate members can vote if a quorum is needed and can participate in regular meetings.
<b>Orleans</b>	2	7, plus two associates	<i>In its advisory capacity, the committee serves as a resource (to boards)...for issues related to preserving, protecting, managing, and enhancing our natural resources such as finfish, shellfish, and public waterways, coastal and shellfish projects, policies, and rules and regulations which may have an impact on the protection of ecologically and economically important finfish (e.g., herring, eel), and shellfish resources... Work with the Shellfish Constable on matters related to shellfish management. Develop a program with Town for shellfish aquaculture propagation ...Study and make recommendations regarding criteria for the harvesting of shellfish. (paraphrased)</i>	Associate members cannot vote but can provide the committee relevant information and expertise, Committee is a combined waterways and shellfish. Other members have backgrounds in marine biology/ecology, and recreational boating and shellfishing. Has a BOS Liason.

## Shellfish Advisory Committee Review

Town	Number of Commercial Shellfishing Members	Total Members	Charge	Notes
<b>Chatham</b>	No Requirement	No Requirement	“The Shellfish Advisory Committee evaluates the best means to develop the shellfish potential of the Town by promoting a sustainable resource through propagation, sound management, and by supporting efforts to preserve and protect shellfish habitat.”	
<b>Brewster</b>	No Shellfish Committee			Brewster has a Coastal Resources Committee and Alewife Committee
<b>Dennis</b>	No requirement, currently 4 are shellfish grant holders and two recreational harvesters	7	"...advise the Board of Selectmen on matters affecting the Town's recreational and commercial shellfishery... a management plan shall be developed, and updated as necessary, to <b>promote and improve shellfishing, to enhance and protect the health of the shellfish habitat</b> including, but not limited to, education, enforcement and <b>maintenance of the industry's viability...</b> "	Department suggested to ensure there is not a majority of shellfish grant holders in order to vary the agenda items.
<b>Provincetown</b>	No minimum or maximum requirement, currently 4 shellfish grant holders and two recreational harvesters.	5, plus one alternate	<i>To initiate, promote and manage shellfisheries in Provincetown; make or cause to be made such studies as may be necessary to enhance the value of such shellfisheries and shall enforce all statutes, ordinances, by-laws, rules &amp; regulations relative to shellfish in Provincetown.</i>	Alternate members can vote.

## Shellfish Advisory Committee Review

<b>Town</b>	<b>Number of Commercial Shellfishing Members</b>	<b>Total Members</b>	<b>Charge</b>	<b>Notes</b>
<b>Truro</b>	No minimum or maximum requirement, currently 1 shellfish grant holder and 5 recreational harvesters.	5, plus two alternates	<i>...to promote the propagation of shellfish ... including the Aquaculture Development Area ...also assist the Warden in Recommending to the BOS regulations designed to control the harvesting of shellfish by license holders and non-residents in a fair and equitable manner... shall submit a written evaluation of the Warden's job performance at least annually to the Town Administrator, with the first such evaluation to be filed no later than March 31, 2014. ...shall consist of five members ... Initially, there shall be three three-year terms, two two-year terms and one one-year term. The terms shall be assigned by lot by the town Administrator...appear annually before the Board of Selectmen ... to give a verbal account of its doings.</i>	Alternate members can vote.
<b>Yarmouth</b>	Unspecified	5, plus alternates	<b>Reviews coastal and shellfish projects, policies, rules and regulations and ultimately provides recommendations to the Division of Natural Resources and the Board of Selectmen who consider all aspects of Coastal Resource Management.</b>	Committee is combined shellfish and waterways. Alternate members can vote.



Board of Selectmen Policy  
**Remote Participation for Board and Committee Members**

The Board of Selectmen as the Chief Executive Officers of the Town as defined in MGL c.4, s 7, met on April 2, 2017, and authorized by a vote of \_\_\_\_\_ to allow remote participation at meetings in accordance with the following regulations.

**Minimum Requirements:**

1. A quorum of the public body must be physically present at the meeting location, including the Chairman or someone designated as the Chairman, as required by MGL c 30A, s 20(d);
2. No more than one member of the public body may participate remotely at any given meeting;
3. The Chairman of the body, or the person acting as Chairman, must determine that one or more of the following factors makes physical attendance unreasonably difficult: personal illness, personal disability, emergency, military service, or geographic distance;
4. Members of the public body who participate remotely may vote and shall not be deemed absent for the purposes of the meeting;
5. All members of a public body who participate locally and remotely must be able to hear each other at all times via any technology available;
6. In the event that communication is interrupted with the remote participant, the Chair, or person Chairing the meeting, must suspend discussion while reasonable efforts are made to correct any problem that prevents either the physically present members or the remote participant from hearing and participating in the discussion. If communication can't be reestablished after a reasonable period of time, the fact that the remote participant is disconnected and the time will be noted in the minutes of the meeting.

**Procedure for Remote Participation:**

1. The member of the public body wishing to participate remotely, shall as soon as possible, notify the Chair, or the person Chairing the meeting, of his or her desire to participate remotely and give the reason.
2. At the start of the meeting, the Chair shall announce the name of any member participating remotely and the reason. The information shall be recorded in the minutes.
3. All votes taken at any meeting where there is remote participation shall be by roll call vote.
4. When feasible, the Chair or person Chairing the meeting will send any documents or exhibits that will be used at the meeting electronically to the remote participant.



## 29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

- (i) telephone, internet, or satellite enabled audio or video conferencing;
- (ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

# **OML FAQ: Remote Participation**

## **Remote Participation**

**If the practice of remote participation has been authorized in a municipality, may an individual public body adopt a policy prohibiting or further restricting its use?**

No. Only the adopting authority specified in 940 CMR 29.10(2) may establish restrictions on the use of remote participation. The adopting authority can authorize the practice for all public bodies within its jurisdiction but give all public bodies the opportunity to opt out of the practice, however.

**What types of restrictions may an adopting authority place on remote participation?**

An adopting authority, such as the Board of Selectmen in a town, may decide to adopt the practice of remote participation, but place restrictions on its use. Just as the adoption of remote participation must apply to all public bodies within the adopting authority's jurisdiction, however, any restriction on remote participation, other than on the amount or source of payment for any costs associated with the practice, must apply uniformly to all public bodies within the adopting authority's jurisdiction. **Note:** A local commission on disability that has separately adopted remote participation may set restrictions on use by its members.

For instance, a Board of Selectmen may choose to adopt a policy saying that no member of any public body in the town may participate remotely in more than three meetings each year. Or the Board may adopt a policy stating that a last minute lack of childcare shall be considered a personal emergency justifying remote participation under 940 CMR 29.10 (5)(c). However, the Board may not authorize the practice but say that only the Board of Selectmen can utilize it. The Board can say that funds for the purchase of necessary equipment will only be allocated for the Board's use, though.

An adopting authority also may not adopt a policy that violates state or federal law. Thus, it is not permissible for an adopting authority to say that no member may participate remotely due to personal disability or geographic distance, since these are allowable reasons for remote participation under the Attorney General's regulations. But the adopting authority can adopt a policy saying that any member wishing to participate remotely due to geographic distance must be a certain distance from the meeting location for his or her physical attendance to be considered unreasonably difficult.

**If remote participation has been adopted, must a quorum of a public body be physically present at the meeting location?**

Yes. A quorum of a public body, including the person chairing the meeting, must be physically present at the meeting location. The only exception to this general rule is for local commissions on disability (see below).

**May a local commission on disability use remote participation even if the practice has not been adopted by its municipal adopting authority?**

Yes. Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Adoption by the municipal adopting authority (i.e. Board of Selectmen or Mayor) is not required.

**Must a quorum of a local commission on disability always be physically present at the meeting location?**

No. Effective July 1, 2015, if a local commission on disability has adopted remote participation, a quorum of the commission does not need to be present at the meeting location. However, a local commission on

disability must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission's chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location. This means that if the chair wishes to participate remotely, he or she may do so, but may not then chair the meeting. Finally, note that while the law requires that only one member of a local commission on disability (the chair) be physically present at the meeting location, a quorum of the commission must still participate, remotely or in person, for a "meeting" to occur.



For Immediate Release - November 18, 2011

# AG Coakley Announces New Open Meeting Law Regulations

## Regulations Authorize Remote Participation in Meetings under Certain Circumstances

**BOSTON** – Today, Attorney General Martha Coakley's Office announced new regulations under the Open Meeting Law that authorize remote participation in meetings by members of public bodies under certain circumstances.

"The purpose of these new regulations is to promote greater participation in government, while upholding the main purpose of the Open Meeting Law – transparency," said AG Coakley. "While in certain extenuating circumstances members of public bodies are permitted to participate remotely, we encourage physical attendance when at all possible."

The final regulations, published in the Massachusetts Register on November 11, 2011, authorize remote participation in public meetings, but only for several specific reasons. The AG's Office first announced proposed regulations governing remote participation in June 2011. Following a two-month public comment period, during which the AG's Division of Open Government received useful feedback on the proposed regulations from public body members and members of the public, the office held a public hearing in September 2011. A copy of the final regulations can be found on the Attorney General's Website.

The practice of remote participation must be adopted by the chief executive officer of the municipality for local public bodies, or by a majority vote of the public body for state, county and regional public bodies, before public bodies can use it. If remote participation is adopted, under the new regulations, members of public bodies may use audio or video conferencing to participate in meetings when physical attendance is unreasonably difficult due to personal illness, personal disability, emergency, military service, or geographic distance. Other requirements of the law stipulate that members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other and that when remote participation is used during a meeting, all votes must be taken by roll call.

The AG continues to believe that members of public bodies should participate in meetings through physical attendance whenever possible. Although remote participation is now permitted, the Open Meeting Law still requires that a quorum of the public body be physically present at the meeting location.

On July 1, 2010, the AG's Office assumed responsibility for interpretation and enforcement of the Open Meeting Law from the state's District Attorneys following the passage of the Ethics Reform Act of 2009. Since July 1, 2010, the AG's Division of Open Government has responded to thousands of inquiries about the law's requirements, conducted or participated in nearly 50 trainings across the state, and issued dozens of determinations. In October 2011, in an effort to provide greater transparency and access to the office's decisions, all of the Attorney General's Open Meeting Law determinations became available online through an interactive database, the Open Meeting Law Determination Lookup.

For more information, please visit the Open Meeting Law section of the Attorney General's website.

For Immediate Release - August 22, 2012

## **AG Coakley Announces Finalization of New Open Meeting Law Regulations**

### **One Regulation Clarifies Rules about Restrictions on Remote Participation, Other Regulation Amends the Definition of "Intentional Violation"**

**BOSTON** – Today, Attorney General Martha Coakley's Office announced the finalization of two new regulations under the Open Meeting Law. One clarifies the regulation that allows adopting authorities to set consistent restrictions, reflecting their unique priorities and concerns, on the use of remote participation by members of public bodies. The other regulation provides additional guidance on the types of conduct that may be considered evidence of an intentional violation of the Open Meeting Law.

#### **REMOTE PARTICIPATION**

In May, AG Coakley's Office issued an emergency regulation clarifying the section of the Opening Meeting Law regulations that explains how adopting authorities can restrict the use of remote participation by members of public bodies. For example, the new regulation would permit a town Board of Selectmen to set consistent restrictions for the use of remote participation for all town boards and commissions that reflect local priorities and concerns. The AG's Office held a two-month public comment period, followed by a public hearing in July, in order to receive feedback and input on the proposed regulation from public body members and members of the public. The final regulation was published in the Massachusetts Register on August 3, 2012.

This new regulation replaces 940 CMR 29.10(8), and reads as follows:

Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

The regulation previously read:

Effect on Bylaws or Policies. These regulations do not prohibit any municipality or public body from adopting bylaws or policies that prohibit or further restrict the use of remote participation by public bodies within its jurisdiction.

The AG's Office promulgated regulations governing remote participation in November 2011. A copy of the final regulations can be found on the Attorney General's Website, as can Frequently Asked Questions on the topic.

#### **INTENTIONAL VIOLATION**

In May, AG Coakley's Office proposed a regulation to amend the definition of "Intentional Violation" in the Open Meeting Law regulations, 940 CMR 29.02. Following a two-month public comment period, during which the AG's Division of Open Government received useful feedback on the proposed regulation from public body members and members of the public, the office held a public hearing in July. The amendment provides additional guidance on the types of conduct that may be considered evidence of an intentional

violation of the Open Meeting Law. The final regulation was filed on August 21 and will be published in the State Register on September 14.

The final regulation amends the definition in 940 CMR 29.02 to read:

Intentional Violation means an act or omission by a public body or a member thereof, in knowing violation of M.G.L. c. 30A, sec. 18-25. Evidence of an intentional violation of M.G.L. c. 30A, sec. 18-25 shall include, but not be limited to, that the public body or public body member (a) acted with specific intent to violate the law; (b) acted with deliberate ignorance of the law's requirements; or (c) was previously informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08, that the conduct violates M.G.L. c. 30A, sec. 18-25. Where a public body or public body member has made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel, such conduct will not be considered an intentional violation of M.G.L. c. 30A, sec. 18-25.

The regulation previously read:

Intentional Violation means an act or omission by a public body, or a member of a public body, that knowingly violates M.G.L. c. 30A, sec. 18-25. Conduct in violation of M.G.L. c. 30A, sec. 18-25, shall be considered evidence of an intentional violation where the body or member has previously been informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08 that the conduct violates M.G.L. c. 30A, sec. 18-25.

In December 2011, the AG issued a proposed regulation that would have defined the term "Knowing or Knowingly" with respect to the Open Meeting Law. Following the public comment period and a hearing on that regulation, the Attorney General proposed, in the alternative, amending the current definition of "Intentional Violation."

The Attorney General also provided an accompanying set of Frequently Asked Questions on the topic:

#### **FAQS ON INTENTIONAL VIOLATION REGULATION**

**Q:** Must a public body or public body member intend to violate the Open Meeting Law in order for the Attorney General to find a violation?

**A:** No. A public body or public member can be found to have violated the Open Meeting Law even if there was no intent to do so. However, the Attorney General may only seek the imposition of a monetary penalty if the violation was intentional.

**Q:** Does the new definition of "Intentional Violation" in the Attorney General's regulations broaden or restrict in any way the Attorney General's ability to impose penalties for knowing violations of the Open Meeting Law?

**A:** No. The Attorney General may seek to impose a monetary penalty for any intentional violation of the Open Meeting Law. The regulation defines "Intentional Violation" in the same way as the Open Meeting Law statute passed by the Legislature, however the revised definition provides additional examples of types of conduct that will be considered *evidence of* an intentional violation. The Attorney General is not required to find an intentional violation in any of these circumstances and, as before, may find a violation to be intentional even if it does not fall within one of the examples.



**Q:** Does the new definition of "Intentional Violation" in the Attorney General's regulations create a new defense for public bodies or public members that act on advice of counsel?

**A:** No. The Open Meeting Law statute passed by the Legislature in 2009 states that "[i]t shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel." G.L. c. 30A, § 23(g). The revised definition of "Intentional Violation" in the Attorney General's regulations simply restates a defense that already existed in the Open Meeting Law. Legal advice must be given in good faith, prior to the alleged violation, for it to form the basis of a defense to a finding of intentional violation.

**Q:** Did the Attorney General previously only find violations to be intentional if a public body had been ordered by a court or advised by the Attorney General that the conduct was not permitted?

**A:** No. While the old definition of "Intentional Violation" in the Attorney General's regulations noted that this type of conduct would be considered evidence of an intentional violation, the Attorney General was never constrained to find intentional violations only under such circumstances. Indeed, the Attorney General has found that violations were intentional in three instances where there was no such prior warning. See OML 2011-43; OML 2011-27; OML 2011-26.

#### **BACKGROUND ON THE OPEN MEETING LAW**

On July 1, 2010, the Attorney General's Office assumed responsibility for enforcement of the Open Meeting Law with respect to local, regional, district, county and state public bodies. Prior to that date, the state's District Attorneys enforced the law as it pertains to local, regional, district and county public bodies. Since July 1, 2010, AG Coakley's Division of Open Government has responded to thousands of inquiries about the law's requirements, conducted or participated in 65 trainings across the state, and issued more than 140 determinations. In October 2011, in an effort to provide greater transparency and access to the office's decisions, all of the Attorney General's Open Meeting Law determinations became available online through an interactive database, the Open Meeting Law Determination Lookup.

For more information, please visit the Open Meeting Law section of the Attorney General's website.

### Town of Eastham Technology Acceptable Use

Use of Town of Eastham's technology resources is intended to assist in fulfilling the operation of Town services and missions of the Town of Eastham.

All users have the responsibility to use these resources in an efficient, ethical, and legal manner ("reasonable use").

All technology resources (e-mail, AV Equipment, telephone, voicemail, computer hardware and software, internet access, and the Town computer network) are property of the Town of Eastham.

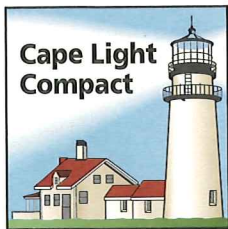
The computing resources provided by the Town of Eastham are the property of the Town of Eastham,. Employees should have no expectation or right of privacy in the use of technological equipment and systems owned by the Town and should note that electronically recorded information is discoverable in a legal action, whether initiated internally within Eastham or externally by an outside party or law enforcement agency.

As is with any Town of Eastham -owned or subsidized device, network, and other resources, including, but not limited to landline telephones, cellular telephones, computers or PDA device, photocopier, email accounts, incidental personal use is permissible so long as the activity is not illegal, does not conflict with workplace needs or policy, does not interfere with job requirements or responsibilities, and does not result in added cost and/or security breach to the Town of Eastham. No Town of Eastham resources may be used for private business purposes.

Any supervisor or authorized Town representative may question an employee's use of technology if they suspect it is interfering with the work of the office, IT security, or any part of the Technology Acceptable Use Policy. Where a potentially illegal activity is detected, Eastham IT may be required to report the activity to the appropriate law enforcement authority, and specific sanctions may result.

To report any breach of IT security or violation of the Technology Acceptable Use Policy or elsewhere on the Town of Eastham network, please promptly contact: Edward Rohmer 508-240-5900 xt 3204 or [mis@eastham-ma.gov](mailto:mis@eastham-ma.gov)

# INFORMATION



## Cape Light Compact

P.O. Box 427, Barnstable, MA 02630

Energy Efficiency 1.800.797.6699 | Power Supply 1.800.381.9192

Fax: 774.330.3018 | [capelightcompact.org](http://capelightcompact.org)

info

**ADMINISTRATION**

**MAR 20 2017**

**RECEIVED**

March 16, 2017

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

Dear Ms. Vanderhoef,

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

Below is a summary of the activity in your town for the month of December 2016. To view each of your monthly reports, please visit our website at [www.capelightcompact.org](http://www.capelightcompact.org) and click on Reports.

- 12 residents and/or businesses in Eastham participated in the program.
- \$17,927 in incentive dollars were distributed to the 12 participants.
- 44,092 kWh were saved through implementation of these energy efficiency measures.

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

Sincerely,

Margaret T. Downey  
Administrator

Enclosure

cc: Fred Fenlon

*Working Together Toward A Smarter Energy Future*

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

**\*\*All information presented is preliminary and subject to change.**



info

**YEAR ROUND AFFORDABLE RENTAL HOMES**  
**WITH SECTION 8 RENTAL SUBSIDY**

**Sally's Way, Truro**

**NOW ACCEPTING APPLICATIONS FOR OCCUPANCY AND WAIT LIST**

**Sally's Way -- Two Bedroom**, One Bathroom, Two Level Residence plus basement with washer/dryer hook-up

**Sally's Way -- Three Bedroom**, Two Bathroom, Three Level Residence plus basement with washer / dryer hook-up

Monthly Rent includes heat, hot water, cooking gas. Tenant pays electricity

Tenant portion of rent is based on 30% of household income
--

**INCOME AND HOUSEHOLD SIZE RESTRICTIONS APPLY**

Household size restrictions are 2 – 4 person household for 2 bedroom residence

Household size restrictions are 3 – 6 person household for 3 bedroom residence

**ONE PERSON HOUSEHOLDS ARE INELIGIBLE TO APPLY**

2 persons combined earnings less than \$20,400 per year

3 persons combined earnings less than \$22,950 per year

4 persons combined earnings less than \$25,450 per year

5 persons combined earnings less than \$27,500 per year

6 persons combined earnings less than \$29,550 per year

*Income limits are based on March 2016 data published by U.S. Department of HUD. Income limits are subject to change at any time, and most recent published data will be used to determine eligibility.*

**APPLICATIONS WILL BE PROCESSED IN THE ORDER THAT THEY ARE RECEIVED**

**TO REQUEST AN APPLICATION or TO REQUEST REASONABLE ACCOMMODATION,**  
**INCLUDING MATERIALS IN ALTERNATE FORMATS, CONTACT:**

Shannon Patrick at 508-487-2426, ext. 0, or e-mail: [info@chrgroup.net](mailto:info@chrgroup.net), or 800.439.2370 (TTY) or 800.439.0183 (STS).

---

**A Wait List will be Established from this Application Process**

---

Resident Selection is based on thorough objective review of applications, utilizing uniformly applied criteria in compliance with all Fair Housing Laws. This application process requires documentation and certification of income eligibility. Applications submitted after the postmark deadline and applications deemed incomplete will not be considered. Applications will be processed in the order that they are received. In the review process, the first application that is determined to meet all eligibility and suitability requirements will be offered the appropriate available housing opportunity. Other eligible applicants will be placed on a Wait List for future availability of Project Based Section 8 rental units at Sally's Way.

CHR does not discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other prohibited by law.

**Sally's Way has an indoor smoke-free policy.**



**Community  
Housing  
Resource  
Inc**

*Preserving Community Through Affordable Housing*

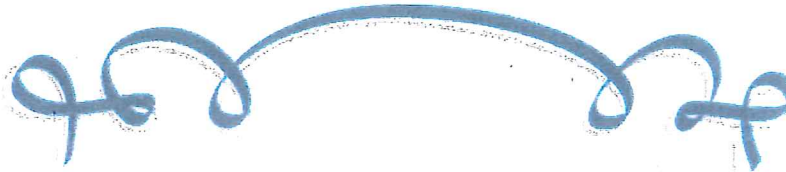
**ADMINISTRATION**

**MAR 20 2017**

**RECEIVED**



Info



**Save the Date!**

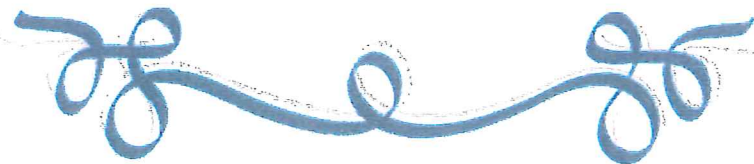
**Friday, May 5, 2017**

The Eastham Senior Center  
*Cordially Invites You to Its*

**Volunteer Recognition Luncheon**  
**11:00 a.m.**

1405 Nauset Road  
North Eastham

**Formal Invitation to Follow**





David E. Pierce  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

George N. Peterson, Jr.  
Commissioner

Mary-Lee King  
Deputy Commissioner

March 22, 2017

Ms. Sheila Vanderhoef  
Town Administrator  
Town of Eastham

Dear Ms. Vanderhoef

As a result of your March 14, 2017 petition, the Division has investigated the circumstances related to the Bay Scallop fishery in Eastham and agrees that there is an abundance of adult Bay Scallops that will not be harvested prior to the termination of the normal scallop season on March 31, 2017. Furthermore, it is believed that most of these adult scallops will not live long enough to spawn again this coming summer. Therefore, under authority of MGL Chapter 130, Section 73, the Bay Scallop season in the Town of Eastham is extended through April 30, 2017. Permission is hereby granted to the Board of Selectman to issue permits to take scallops during the extended season.

No "seed" scallops as defined in MGL Chapter 130, Section 70 and 322 CMR, Section 6.11, may be taken under any circumstances without permission on the Director of Marine Fisheries. Scallops landed during this extended season may be inspected by Shellfish Program personnel to determine condition and legal size.

Sincerely,

David E. Pierce

Cc: J. McGinn, B. Perrin, P. Moran, OLE  
D. McKiernan, J. M. Hickey, T. Shields, DMF  
M. O'Connor, Eastham Shellfish Constable

ADMINISTRATION

MAR 27 2017

RECEIVED





Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, Secretary & CEO  
Thomas Tinlin, Acting Administrator



*BOS info*

March 20, 2017

John Knight, Chair  
Eastham Board of Selectmen  
2500 State Highway  
Eastham, MA 02642-2544

Re: HAWK Roadway Crossing at Route 6 south of Governor Prence Road.

Dear Mr. Knight:

Thank you for your letter dated February 6, 2017, regarding the installation of a bicycle and pedestrian crossing signal near the intersection of Route 6 and Governor Prence Road in Eastham. MassDOT has been working in coordination with the National Park Service (NPS) to facilitate the installation of a signal at this location, to be funded by the NPS and installed under a permit issued by MassDOT.

In June of 2016, the MassDOT Highway Division District 5 Office received a permit application to perform the above referenced work. The District Office and the Boston Traffic Section performed a review of the submission. Comments were returned to the NPS's consultant in July of 2016. Further investigation and traffic data information is required to ensure the installation of the signal is at a safe location for the heavily traveled Route 6 corridor. MassDOT awaits a resubmission of the plans and additional data from the NPS to address these comments. Our District Office has forwarded a letter to the NPS requesting an update on the status of the submission and is awaiting a response.

The safety of all roadway users is a core mission of MassDOT. MassDOT will continue to coordinate with the NPS to successfully complete the installation of a bicycle and pedestrian crossing signal at Route 6 and Governor Prence Road. If you have any further questions, please contact Bill Travers, District 5 Operations Engineer, at (508) 884-4219, or at [Bill.Travers@dot.state.ma.us](mailto:Bill.Travers@dot.state.ma.us).

Sincerely,

Thomas J. Tinlin  
Highway Administrator

cc: Patricia A. Leavenworth, P.E., Chief Engineer  
Mary-Joe Perry, District 5 Highway Director  
Neil Boudreau, State Traffic Engineer  
James Danila, Asst. State Traffic Engineer

**ADMINISTRATION**

**MAR 27 2017**

**RECEIVED**



BOS info

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

March 24, 2017

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

RE: Eastham Water System, Phase 2, Eastham, MA. MHC # RC.48184. EEA #15273.

Dear Ms. Vanderhoef:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Notice of Project Change (NPC), submitted by Environmental Partners Group, including the technical archaeological sensitivity assessment prepared by the PAL, received March 8, 2017, for the project referenced above.

The Post-Review discoveries plan developed and implemented for Phase 1 of the project will continue to be implemented for Phase 2 contract elements. The MHC looks forward to reviewing the State Archaeologist's permit application from the PAL to conduct intensive (locational) archaeological survey and/or archaeological monitoring (950 CMR 70) for the Phase 2 contract elements consistent with the recommendations provided in the PAL sensitivity assessment.

The MHC also looks forward to continued consultation within interested and consulting parties to avoid or mitigate adverse effects to significant historic and archaeological resources. If project plans change as the Phase 2 project contract elements are developed, then updated project plans should be submitted to the PAL for evaluation and to the MHC for review and comment.

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

Sincerely,

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

xc: John F. Knight, Eastham Water Commission Chairman  
Jane Pierce, DEP-BRP  
Secretary Matthew A. Beaton, EEA, Attn: Alex Stryksy, MEPA Unit  
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)  
Ramona Peters, Mashpee Wampanoag Tribe  
George E. Price, Jr. Superintendant, Cape Cod National Seashore, Attn: Bill Burke  
Mark N. White, Environmental Partners Group, Inc.  
Deborah C. Cox, PAL, Attn: Holly Herbster

ADMINISTRATION

MAR 27 2017

RECEIVED

# Town of Eastham

BOS  
12/90

Natural Resources Department  
555 Old Orchard Road  
Eastham, MA. 02642



508 240-5972  
[natres@eastham-ma.gov](mailto:natres@eastham-ma.gov)

TO: Wally Adams  
Eastham Board of Selectmen

FROM: Michael J. O'Connor  
Senior Deputy Natural Resources Officer

RE: Moorings at Nauset Inlet

DATE: March 24, 2017

This past season we had (10) ten registered moorings to commercial lobstermen at Nauset Inlet. (4) four were permitted to Eastham residents and (6) six were permitted to Orleans residents. The following is a breakdown of the mooring permits we issued at Nauset Inlet:

Jon Granlund	Eastham
Greg Wade	Eastham
Ray Westergaard	Eastham
Gideon Turner	Eastham
Jeremy Loparto	Orleans
John Quigley	Orleans
Stephen Smith	Orleans
Mike Naughton	Orleans
Eric Knowles	Orleans
Jeff Alberts	Orleans

Eastham Board of Selectman

Re: Beach Vending Request

Good Times Ice Cream/ Nicole Waite

March 24, 2017

Dear Selectmen,

I am requesting that this year when considering the mobile vending trucks for the Town of Eastham 2017 Summer season, that only one truck per company be allowed at the beaches. I have been licensed and permitted with the town since 2008 and since that time the number of trucks at the beaches has grown from 2 trucks to now 4-5 trucks, including two trucks from Perry's Last Stand. Per beach regulations by the town, trucks may only be at a beach for 30 minutes before moving on to another beach. With two trucks from the same company, servicing the same beaches, there has been an increase of back to back trucks monopolizing the time at the beaches, making it hard for other companies to get into the beach and servicing their regular customers. I think by limiting the number of trucks per business,

- a. Make it an even playing field for all trucks
- b. It would make it easier for town beach employees to distinguish how long trucks have been at the beaches to comply with beach regulations.
- c. It would enable loyal customers to be served in a more timely fashion, by the companies they would like to buy from, making for a more enjoyable beach experience.

Thank you for considering this request. I thoroughly enjoy working with the town of Eastham at the beaches and hope that it continues for many years to come.

Sincerely,

Nicole Waite

508-280-6462

Owner/Operator Good Times Ice Cream Truck

FAXED MAR 24 2017

ADMINISTRATION

MAR 24 2017

RECEIVED