

# AGENDA

Wednesday

June 21, 2017

**TOWN OF EASTHAM  
BOARD OF SELECTMEN AGENDA  
Wednesday, June 21, 2017  
2:30PM**

**REVISED REVISED**

**Location:**      Earle Mountain Room

**WORK SESSION:**

- A. Wastewater Update – Jessica Janney and Jeff Gregg, GHD Consulting
- B. Board Goals for FY18

**MINUTES**

June 5, 2017 – Regular Session  
June 7, 2017 – Work Session  
June 7, 2017 – Executive Session

**OTHER BUSINESS**

*Discussion of topics not reasonably anticipated by the Chair 48 hours before the meeting*

**EXECUTIVE SESSION**

To discuss strategy with respect to the appeal of SCG Development Partners filed with Housing Appeals Committee when an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares.

To discuss strategy with respect to negotiations for non-union personnel when an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares.

**Upcoming Meetings**

Thursday, June 22, 2017	5:30p.m.	Cape Cod Resort, Hyannis	Joint Session
Thursday, July 6, 2017	3:00p.m.	Timothy Smith Room	Joint Session
Monday, July 17, 2017	5:00p.m.	Earle Mountain Room	Regular Session
Wednesday, July 19, 2017	3:00p.m.	Small Meeting Room	Work Session

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

*This meeting 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).*

*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

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

May 5, 2017

Ms. Erin Perry, Special Projects Manager  
Ms. Danielle Donahue, Special Projects Coordinator  
Cape Cod Commission  
P.O. Box 226  
Barnstable, MA 02630

RE: Town of Eastham, MA  
Response to Draft Watershed Reports

Dear Ms. Perry and Ms. Donahue:

The Town of Eastham would like to offer the following comments to the Draft Watershed Reports emailed to the Town on March 20, 2017 for the following watersheds: Boat Meadow, Herring River, Rock Harbor, Wellfleet Harbor, and Nauset Harbor.

### Boat Meadow and Herring River:

- The Draft Watershed Report states under *Town of Eastham Local Progress* that "Eastham submitted conceptual watershed scenarios based on discussions with the Commission, use of available decision support tools, and ongoing local water quality planning efforts. Those scenarios are included in this report." This statement does not reflect Eastham's planning efforts for either Boat Meadow or Herring River. Instead the Town would like the text to read:

- *"The Town of Eastham has not developed a nitrogen management approach for this watershed since there is no evidence of water quality impairment at this time."*

The Town of Eastham is still concerned that they are being assigned a minimum removal value of 25% based on this report, without supporting documentation of need. Due to the impending expenditures that Eastham and other Cape communities are going to be expected to finance for documented nitrogen issues, it is unfair to further burden these communities with implied removals based on values with no regulatory standing. The Town has made efforts such as voting to adopt a Board of Health regulation on the content and application of fertilizer to turf on November 20, 2014. This regulation incorporates current Best Management Practices, which are deemed

essential in this effort to protect the public health and aid in achieving compliance with the Total Maximum Daily Loads (TMDL) for the Town's water resources prescribed the Commonwealth of Massachusetts while allowing reasonable use of fertilizers for the enhancement of turf quality. These efforts are intended to protect those areas not currently assigned a TMDL, without committing to an assumed reduction requirement.

- The Town of Eastham does not support the Cape Cod Commission's assumption of 25% removal for watersheds where no MEP report has been completed and no threshold has been established based on the following statements in the Draft Watershed Reports:
  - "Since there is no evidence of water quality impairment at this time, wastewater needs are determined based upon other factors, such as Title 5 compliance."
  - "An MEP report has not been developed for the Boat Meadow Watershed and other Cape watersheds where nitrogen is not believed to be a critical issue due to tidal flushing, low intensity development, or geomorphology."
  - "An MEP report has not been developed for the Herring River Watershed and other Cape watersheds where nitrogen is not believed to be a critical issue due to tidal flushing, low intensity development, or geomorphology."

#### Rock Harbor:

- On page 3 under *The Problem* please revise the sentence to read, "Watershed nitrogen load characteristics were published in the 2008 MEP report for **Rock Harbor**, reflecting current conditions at the time of writing..."
- *Town of Eastham Watershed Scenario Details References:*
  - **Delete References 1 and 2.**

#### Wellfleet Harbor:

- The Draft Watershed Report states under *Town of Eastham Local Progress* that "Eastham submitted conceptual watershed scenarios based on discussions with the Commission, use of available decision support tools, and ongoing local water quality planning efforts. Those scenarios are included in this report." This statement does not reflect Eastham's planning efforts for Wellfleet Harbor. Instead the Town would like the text to read:
  - "For the purposes of the §208 Plan Update, areas of need are primarily defined by the amount of nitrogen reduction required as defined by the TMDL and/or MEP technical report. To date, a MEP report has not been completed and there has not been a nitrogen TMDL established for Wellfleet Harbor. Therefore, the Town of Eastham has not developed a nitrogen



management approach for this watershed since there is no evidence of water quality impairment to the Eastham related subwatershed(s) (Hatches Creek, etc.) at this time."

- The Town of Eastham is still concerned that they are being assigned a minimum removal value of 25% based on this report, without supporting documentation of need. Due to the impending expenditures that Eastham and other Cape communities are going to be expected to finance for established nitrogen issues, it is unfair to further burden these communities with implied removals on arbitrary values.

#### Nauset Harbor:

- Revise the text under the *Hybrid Approach (Eastham Focus)* to read: "The following information is based on the Final Hybrid Evaluations developed by GHD Inc. for Salt Pond and Town Cove. Although these evaluations have been finalized, the approaches outlined below are subject to change based on the final recommendations and Town decision making processes."
- Eastham requests that the following text be revised (changes are in bold):
  - Salt Pond Hybrid 1:
    - Please revise the shellfish propagation bullet point and replace with: "Shellfish propagation within Salt Pond approximately 2.9 – 12.2 acres of shellfish bed required to support 1.5 to 2.5 million shellfish (oysters or quahogs respectively)."
  - Salt Pond Hybrid 2:
    - Please revise the shellfish propagation bullet point and replace with: "Shellfish propagation within Salt Pond approximately <1 – 1.7 acres of shellfish bed required to support 200,000 to 340,000 shellfish (oysters or quahogs respectively)."
  - Town Cove Hybrid 1A:
    - Please revise the shellfish propagation bullet point and replace with: "Shellfish propagation within Town Cove approximately 5.7 – 23.8 acres of shellfish bed required to support 2.9 to 4.8 million shellfish (oysters or quahogs respectively)."
    - Please revise the I/A bullet to read: "Up to 130 individual I/A systems – approximately 77% of the properties between the boundaries of Route 6 and the Town Cove shoreline in the Town Cove subwatershed."
  - Town Cove Hybrid 1B:
    - Please revise the shellfish propagation bullet point and replace with: "Shellfish propagation within Town Cove approximately 1.1 to 4.7 acres of shellfish bed required to support 560,000 to 940,000 shellfish (oysters or quahogs respectively)."


- Please revise the I/A bullet to read: ***“Up to 360 individual I/A systems – approximately 100% of the properties in the Town Cove subwatershed (not including Nauset Stream or Mary Chase Gauge).”***
- **Town Cove Hybrid 2A:**
  - Please revise the wastewater collection system bullet to read: ***“Wastewater collection system for approximately 200 properties within the Town Cove, Nauset Stream and Mary Chase Gauge subwatersheds with recharge outside of the watershed but within the Town of Eastham’s boundaries or to a regional facility in Orleans.”***
  - Please revise the shellfish propagation bullet point and replace with: ***“Shellfish propagation within Town Cove approximately 3.8 to 15.8 acres of shellfish bed required to support 1.9 to 3.2 million shellfish (oysters or quahogs respectively).”***
- **Town Cove Hybrid 2B:**
  - Please add the following bullet to this scenario: ***“1,150 linear feet of PRB located at the CCNS Salt Pond Visitor Center site.”***
  - Please revise the shellfish propagation bullet point and replace with: ***“Shellfish propagation within Town Cove approximately 2.2 to 9 acres of shellfish bed required to support 1.1 to 1.8 million shellfish (oysters or quahogs respectively).”***
- On page 12 under *Town of Eastham Watershed Scenario Details Continued*, please revise the last paragraph to read, **“Additional detail on hybrid approaches for both Salt Pond and Town Cove are available as cited in References 1 and 2.”**
- References Section, please revise the “DRAFT” in **References 1 and 2** to **“FINAL”**

#### **Boat Meadow, Herring River, Rock Harbor, Wellfleet Harbor and Nauset Harbor Water Use Values:**

The Town of Eastham with our Consultant, GHD Inc., has reviewed the water use values applied to the residential properties in Eastham through the 208 Plan Update and Watershed Multi-Variant Planner (MVP) tool. Based on this review, we believe that the estimated water use value applied to properties identified as “single family homes” or State Class Code 101 in Eastham is significantly higher than what Eastham is using to design and construct its municipal water system. It is also believed that this higher value will have a significant impact on estimated nitrogen loading to our coastal embayments and our allocated responsibility when working with our neighbor communities to improve the quality of our natural water resources.

Because single family properties (as classified by our assessors) make up more than 90% (by number) of all developed parcels in Eastham, our Consultant informed us that they carry a significant weight in water use/nitrogen loading calculations. The Cape Cod Commission is aware from previous discussions with Town staff and our Consultant, that Eastham has designed its municipal water system based on the value of 65 residential gallons per capita day (rgpcd) based on the Massachusetts State Standard. Therefore, when estimating residential water use using 65 rgpcd and an average of 2.08 residents/household based on the most

recent Census data, this equates to an estimated 136 gallons per day (gpd) of water use for a single family household. The Cape Cod Commission through its 208 Plan has assigned Eastham a value of 181.51 gpd of water use for all residential properties, over 90% of which are single family homes per the most recent assessor's data.

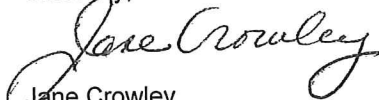
We understand that the Cape Cod Commission was given a difficult task to assign water values to the Town of Eastham without metered water use data. However, the Town feels that a value more representative of the Town's landuse makeup should be used. Upon averaging the existing metered residential water use for single family homes from the neighboring communities of Brewster, Chatham, Harwich, Orleans, and Provincetown/Truro, you obtain a value that is closer to 141 gpd. Even when considering Eastham's sharing of the Rock Harbor and Town Cove Watersheds, it would seem that using the Orleans water use data for single family homes (average 143 gpd - see the attached table provided by our Consultant) would be a better representation than the currently assigned value. 

The Town has significant concerns on how an inflated water use value contributes to the loads calculated and the percent responsibility outlined for Eastham in Appendix 8C: Subembayment Watersheds of the 208 Plan Update specifically with respect to shared watersheds; and how this value is now carried out in the Draft Watershed Reports.

The Town will have metered water use data in the next few years and hopes the Cape Cod Commission will then re-evaluate the water use and its impact on nitrogen loading values assigned to Eastham.

Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact me at 508-240-5900 ext. 3229.

Sincerely,



Jane Crowley  
Eastham Health Agent

JC/jpj/lm

cc:

Jacqueline Beebe, Town Administrator, Town of Eastham  
Eastham Board of Selectmen  
Jessica Janney, Project Manager, GHD Inc.  
Brian Dudley, MassDEP Southeast Regional Office

Attachment:

Table 1 - Water Use Data Comparison



**Table 1 – Water Use Data Comparison**

Comparison Category	Water Use (gpd)	% Increase as Compared to Eastham's Designed Water System Value
Cape Average (all)	181.60	34%
Cape Average (single family)	160.37	19%
6 Outer Cape Average <sup>(1)</sup>	156.68	16%
5 Outer Cape Average <sup>(2)</sup>	140.20	4%
4 Outer Cape Average <sup>(3)</sup>	153.14	13%
Orleans Single Family	142.42	5%
Eastham Municipal Water System Value <sup>(4)</sup>	135.20	

**Notes:**

(1) Includes the Towns of Brewster, Chatham, Harwich, Orleans, Provincetown/Truro, and Wellfleet.

(2) Includes the Towns of Brewster, Chatham, Harwich, Orleans, and Provincetown/Truro.

(3) Includes the Towns of Brewster, Chatham, Harwich, and Orleans.

(4) Based on the Massachusetts State Standard of 65 residential gallons per capita day (rgpcd). Per census data; water demand is based on an average of 2.08 residents/household.



## **Board Goals for FY18**

### **A. North Eastham Development / Community Development**

- State Highway Improvements – sidewalks, change to 3 lanes with middle lane as turning lane, etc.
  - Would work with Cape Cod Commission, Town Planner, State and Neil Andres
- Develop an Architectural Board as in Orleans
  - Would involve a charge and bylaw
- Development of N. Eastham – study is beginning, however, results not until Oct/Nov 2017. Meanwhile, what is impact to traffic and water pressure and what can we do short term?

### **B. Wastewater Management**

- Water Management Plan for next stage

### **C. Develop Strategic Plan Process**

- Strategic Plan for Town
  1. Who is our customer and how do we communicate
  2. What is our competition doing – other Towns
  3. A map showing all town owned land would be helpful
  4. Once plan set, ensure it is executed
    - i. To help with this, William O'Shea will donate the software he uses for strategic plans

### **D. Rock Harbor Improvement**

- Options to consider:
  1. Floats, access, etc.
  2. Increase revenue potential
  3. Add walkway, picnic tables
  4. Plan for commercial use

### **E. Increase Participation of Youth/Younger Residents in Town Government**

- Junior Members on Committees, such as an intern on the Bikeways Committee
  1. Can they vote?
  2. Would increase youth participation and provide them hands on experience
  3. Also, when children get involved, parents tend to get involved

### **F. Increase Revenue**

- Options to consider:
  1. Permits for shellfish & beaches

# INFORMATION

## **Staff Appointments**

**Effective July 1, 2017- June 30, 2018**

Michael O'Connor	Deputy Natural Resource Officer Assistant Conservation Agent Assistant Harbormaster Assistant Shellfish Constable
Nicole Paine	Deputy Natural Resource Officer Deputy Shellfish Constable Assistant Harbormaster Assistant Conservation Agent
Shana Brogan	Conservation Agent Deputy Natural Resource Officer Assistant Harbormaster
David Johnson	Deputy Natural Resource Officer Deputy Shellfish Constable Assistant Harbormaster Assistant Conservation Agent
Neil Andres	Superintendent of Highways Tree Warden
Edward V. Kulhawik	Police Chief Emergency Management Co-Director
Kent Farrenkopf	Fire Chief Emergency Management Co-Director
Jane Crowley	Director of Health and the Environment
Scott VanRyswood	Plumbing Inspector Gas Inspector
Wallace Adams	Electrical Inspector
Thomas Wingard	Building Inspector ADA Coordinator

representatives, to meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town;

(12)

Attend all sessions of all Town Meetings and answer all questions directed to the Town Administrator which relate to the office;

(13)

Perform such duties as assigned by Charter, bylaw or vote of the Town Meeting or vote of the Board of Selectmen.

§ C4-4 Powers of appointment.

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

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

A.

Employees of the School Department and the Library shall be appointed by their respective department heads;

B.

The Police Chief and Fire Chief shall appoint employees of their respective departments subject to the approval of the Town Administrator;

C.

The Town Administrator shall appoint personnel after consultation with supervisors and department heads to whom such personnel report or are assigned;

D.

With the exception of the appointment of the Town Treasurer/Collector, all appointments made or approved by the Town Administrator shall become effective no later than the 15th day following the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless three members of the Board of Selectmen shall vote to reject such an appointment within such period.

E.

Appointment of the Town Treasurer/Collector shall become effective no later than the 15th day following the day on which notice of the proposed appointment is filed with the Finance Committee and the Board of Selectmen, unless five members of the Finance Committee and three members of the Board of Selectmen shall vote to reject such an appointment within such period.<sup>(1)</sup>

[1]:



# ***MEMORANDUM***

**DATE:** June 19, 2017  
**TO:** Jacqui Beebe, Town Administrator *JB*  
**FROM:** Shana Brogan, Natural Resources  
**RE:** Cross- Appointment of Assistant Harbormasters/ Deputy Shellfish Constables

I respectfully request that the Board of Selectmen, at its earliest convenience, vote to cross-appoint the following individuals:

1. **Gardner Jamieson - Assistant Harbormaster / Deputy Shellfish Constable with said term to expire on June 30, 2018.**
2. **Gregory Normandy - Assistant Harbormaster / Deputy Shellfish Constable with said term to expire on June 30, 2018.**
3. **Drew Lederer - Assistant Harbormaster / Deputy Shellfish Constable with said term to expire on June 30, 2018.**
4. **William Amenabar - Assistant Harbormaster / Deputy Shellfish Constable with said term to expire on June 30, 2018.**