

Minutes for the Annual Town Meeting held May 7, 2007

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Gymnasium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:15 p.m. with a quorum of 204 voters present. The Moderator thanked Russell Sandblom for his service as Selectman. Tellers were sworn to the faithful performance of their duties. The Clerk read the call of Town Meeting.

Article 1. A motion was made and seconded by the Board of Selectmen to raise and appropriate the sum of \$1,200 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws, and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Passed – Declared majority vote by Moderator

Article 2. A motion was made and seconded by the Board of Selectmen to assume liability in the manner provided in Section 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.

Passed – Declared majority vote by Moderator

Article 3. A motion was made and seconded by the Board of Selectmen to accept the provisions of G.L. Chapter 71, Section 16B which would reallocate the sum of member towns' funding obligation for the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for fiscal year 2009.

Passed – Declared majority vote by Moderator

Article 4. A motion was made and seconded by the Board of Selectmen to accept the provisions of G.L. Chapter 59, Section 5, Clause 54 and establish a minimum fair cash value of \$1,500 before a personal property account is required to be taxed.

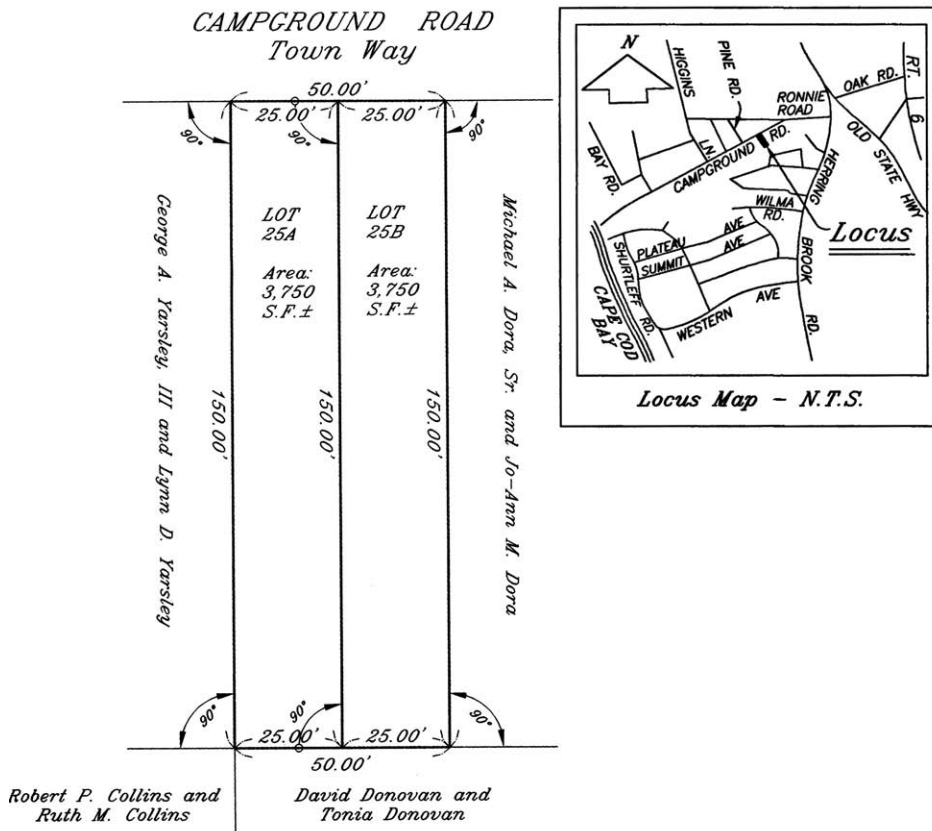
Passed – Declared majority vote by Moderator

Article 5. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$50,000 to the Stabilization Fund as provided for in G.L. 40, 5B.

Passed – necessary 2/3rds vote as declared by Moderator

Article 6. A motion was made and seconded by the Board of Selectmen to change the purpose for which land is being held, from being held for tax title, to being held for disposition for sale to abutter, and authorize the Board of Selectmen to dispose of the property located at 325 Campground Road, Assessors Map 7, Parcel 371 taken for tax purposes under a deed recorded at the Barnstable County Registry of Deeds in Book 5321, Page 20.

Passed – Declared unanimous vote by Moderator



Article 7. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$12,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth.

Passed – Declared majority vote by Moderator

Article 8. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$10,000 to the Eastham Promotions Fund to be expended by the Visitor Services Board on the following items:

- \$7500 Monday Concerts at the Windmill, including sound system rental, and promotional materials
- \$1600 Beautification Project, donation to EFFI (island planting), Holiday Decorations
- \$300 Tourist Map (larger scale)
- \$600 Completion of Project to replace Welcome Signs.

Passed – Declared unanimous vote by Moderator

Article 9. A motion was made and seconded by the Board of Selectmen to authorize the Council On Aging/Adult Day Care Center Revolving account, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44 Section 53E1/2 to be expended under the direction of the Council On Aging director in order to place anticipated revenues collected from program income which shall be used to further the operation of programs under the Council On Aging/Adult Day Care, and to establish the limit on expenditures from said account for Fiscal Year 2008 at \$15,000.

Passed – Declared unanimous vote by Moderator

Article 10. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to establish a Data Processing Services Account, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44 Section 53E1/2 to be expended under the direction of the Manager of Information Systems in order to place anticipated revenues collected from services rendered and expend funds to pay salary or other costs associated with and related to providing data processing support services to the Eastham Elementary School and to establish the limit on expenditures from said account for Fiscal Year 2008 at \$2,500.

Passed – Declared majority vote by Moderator

Article 11. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to establish a Home Composting Bin/Recycling Account, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44 Section 53E1/2 to be expended under the direction of the Board of Selectmen or their designee, in order to place anticipated revenues collected from the sale of compost bins which shall be used to purchase additional compost bins, advertise the availability of such bins, or undertake recycling related activities and to establish the limit on expenditures from said account for Fiscal year 2008 at \$9,000.

Passed – Declared unanimous vote by Moderator

Article 12. A motion was made and seconded by the Board of Selectmen to set the operating budget at \$18,424,629 and to meet this appropriation, to use estimated receipts and

To raise and appropriate \$18,104,235 and

Appropriate and transfer from

The ambulance receipts reserved account \$140,000 to Fire Salary Line 31, and \$80,633 to Fire Expense, Line 32

Appropriate and transfer from the Community Preservation Fund \$40,000 to Aschettino Purchase Principal Line 81 and \$33,110 to Line 78 Interest Expense

Appropriate and transfer from the Septic Loan Betterment Account \$20,401 to Septic Repayment Line 80

Appropriate and transfer from the Windmill Receipts Reserved Account \$1,250 to Beach and Recreation Expense Line 72

Appropriate and transfer from the Timothy Smith Loan Repayments Account \$5,000 to Human Services Line 68 to fund Outer Cape Health.

And further that the Town appropriate and transfer from free cash (dog receipts) an additional \$2,500 to Library Expense, Line 70;

To fund the FY08 Municipal and School operating budgets.

Passed – Declared unanimous vote by Moderator

Article 13. A motion was made and seconded by the Board of Selectmen to expend \$415,500 for the purposes of acquiring the items and undertaking the improvements as listed below:

Appropriate and transfer from Free Cash \$321,300
Appropriate and transfer from the Ambulance Receipts Reserved Account \$26,200
Appropriate and transfer from the Land Acquisition and Maintenance Account \$68,000

Passed – Declared unanimous vote by Moderator

Article 14. A motion was made and seconded by the Board of Selectmen, in accordance with the requirements of the Town of Eastham Home Rule Charter 6-6A to accept the Capital Improvement Plan for FY2009-FY2013.

Passed – Declared unanimous vote by Moderator

Article 15. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash, the sum of \$234,536 to cover additional expenses incurred for Fiscal Year 2007 in the following accounts.

Line 45 Elementary School	\$115,746
Line 26 Bulk Fuel	25,000
Line 25 Municipal buildings expense	7,000
Line 85 Unemployment Insurance Expense	3,870
Line 53 Street Lighting Expense	1,300
Line 12 Data Processing Salary	3,000
Line 29 Police Salary	34,670
Line 30 Police Expense	3,500
Line 33 Dispatching Salary	11,650
Line 23 Planning Expense	3,000
Line 15 Central Purchasing Expense	3,000
Hemenway Aquaculture Grant Fund #1206	
Natural Resources	22,800

Passed – Declared unanimous vote by Moderator

Article 16. A motion was made and seconded by the Board of Selectmen to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41 of the General Laws as amended, and further to raise and appropriate \$136,150 for the following:

Moderator	\$ 150.00
Town Clerk	58,500.00
Treasurer/Tax Collector	70,000.00
Selectmen (5) \$1,500 each	7,500.00
Total	\$136,150.00

Passed – Declared Majority vote by Moderator

Article 17. A motion was made and seconded by the Board of Selectmen to amend the Eastham Home Rule Charter to eliminate the requirement for a Search Committee by deleting Section 9-5-1, Search Committee in its entirety.

A motion was made to indefinitely postpone this article.

Motion to indefinitely postpone article passed by
majority vote

Hand Count 294 Yes 161 No

Article 18. A motion was made and seconded by the Board of Selectmen to accept the provisions of G.L. c. 32B, Section 18, requiring that all eligible retirees of the Town utilize the federal Medicare program for health insurance, by voting that the Town shall require all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, his/her spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his/her spouse or dependents, to enroll in a Medicare health benefits supplement plan offered by the Town, provided that benefits under said plan and Medicare Part A and Part B together shall be comparable actuarial value to those under the retirees existing coverage.

Passed – Declared majority vote by Moderator

Article 19. A motion was made and seconded by the Board of Selectmen to authorize that a Town water supply and water distributing system be established pursuant to Section 39A of Chapter 40 of the General Laws; that \$76 million is appropriated for establishing such a system for the Town, including, without limitation, the taking or purchase of water sources or water or flowage rights the taking or purchase of land for the protection of the water system, the construction and development of wells, the construction of water towers, the construction of buildings for water treatment and pumping stations, the laying and relaying of water mains, the purchase and installation of water meters, fire hydrants and other water department equipment, and design and engineering and other costs incidental thereto, and including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$76 million and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; provided, however, that the appropriation and borrowing authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, s21C(Proposition 21/2) amounts required to pay the principal of and interest on the borrowing authorized by this vote; provided further that, pursuant to General Laws chapter 40, section 39A, the Board of Selectmen is hereby authorized to act as water commissioners and to exercise all of the powers of water commissioners pursuant to General Laws chapter 41, section 69B; and provided further that the Town hereby accepts the provisions of General Laws chapter 40, sections 42A through 42I and 42K to authorize the collection of water rates and to permit the assessment of betterments for the water supply and water distributing system.

A motion was made to amend this article to appropriate \$4.5 million for first phase of work for well development and permitting.

The motion to amend article 19 failed to gain majority vote as
declared by Moderator

The main motion failed to pass 2/3rds required majority as
declared by Moderator
Hand count 233 yes 136 No

Article 20. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Fund balance the sum of \$60,000 for a playground at the Eastham Elementary School to be administered by the Town in accordance with applicable laws.

Passed – Declared majority by Moderator

Article 21. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Fund Historic Reserve, the sum of \$61,900 for the rehabilitation of a historic property located at 2765 State Highway, and owned by a private property owner, said rehabilitation to include chimney repair, window replacement, new foundation, re-securing of the beams to the foundation, and siding; provided that said funds shall be contingent upon the execution of a Preservation Restriction Agreement by the owner to assure that the exterior architectural, historic and cultural features shall be retained with said Agreement to be recorded at the Barnstable County Registry of Deeds and further that the property owner shall execute a mortgage to the Town of Eastham for the return of Community Preservation funds to the Community Preservation reserve, in the event of a change of ownership of the premises which mortgage shall be for the principal sum of CPA funds expended; provided further that all work on all sides shall be consistent with the federal Secretary of Interior and State Historic District standards for rehabilitation of historic structures, and said work shall be approved by the Olde Towne Centre Historic District Commission; provided further that the applicant shall pay for all administrative costs of said restrictions and mortgage security.

Article failed to pass majority vote as declared by Moderator
Hand Count 177 no 132 yes

Article 22. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Community Housing Reserve \$21,584 to the Community Preservation Village Center Overlay District Plan account, for the purpose of the Eastham Critical Planning Committee's preparation of a village center overlay district plan which includes community housing on land which includes part or all of certain parcels of land owned by the Town and located generally, off Holmes Road, Route 6 and the Brackett Road area.

Passed - Declared majority vote by Moderator

Article 23. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Historic Reserve \$19,000 to the Community Preservation Gravestone Conservation Account, for the purpose of the Gravestone Conservation Project at the Bridge Road Cemetery and the Cove Burying Ground, which shall include restoration to thirty-nine (39) gravestones.

Passed - Declared majority vote by Moderator

Article 24. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Historic Reserve \$39,802 to the Community Preservation Vital Records/Art Preservation Account for the purpose of the Eastham Town Clerk Vital Records Preservation and preservation of two (2) works of art in the possession of Town Hall.

Passed – Declared majority vote by Moderator

Article 25. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Open Space Reserve \$51,200 to the Community Preservation Bridge Connecting Project Account for the purpose of the Bridge Connecting Project crossing the stream separating Bridge and Great Ponds.

Passed – Declared majority vote by Moderator

Article 26. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Historic Reserve \$28,600 to the Community Preservation Swift-Daley House Museum Account for the purpose of restoration, including replacing sills, joists, heating system and siding of the 1741 Swift-Daley House Museum on Route 6, Eastham, MA, owned by the Eastham Historical Society, Inc. subject to the conveyance of an appropriate deed restriction to the Town.

Passed – Declared majority vote by Moderator

Article 27. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the Community Preservation Fund Balance \$20,000 to the Community Preservation Administrative Expense Account for the purpose of providing administrative expenses should the need arrive.

Passed – Declared majority vote by Moderator

Article 28. A motion was made and seconded by the Board of Selectmen to reserve from the FY2008 estimated Community Preservation revenues, pursuant to the provisions of G.L. Chapter 44B(6), the following amounts:

Open Space Reserve	\$80,000
Historical Reserve	80,000
Affordable Housing	80,000
Budgeted Reserve For Appropriation	560,000

Passed – Declared majority vote by Moderator

Article. 29. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from Free Cash \$97,294 to pay the Town of Eastham’s share of capital expenses for Nauset Regional School District for improvements and equipment including technology.

Passed – Declared majority vote by moderator

Article 30. A motion was made and seconded by the Board of Selectmen to amend the Eastham Home Rule Charter Article IX, Section C9-2D, to eliminate the requirement of printing the entire warrant in a local newspaper, and requirement printing of a notice of availability by in its entirety the following:

D. The warrant for each Annual and Special Town Meeting shall be published in a local newspaper at least 14 days prior to any such Town Meeting.
and replacing it with the following:

D. Notice of the availability of the warrant for each Annual and Special Town Meeting shall be published as a display advertisement, in one or more local newspapers at least 14 days prior to any such Town Meeting.

And further to amend section C9-2E by adding after the word “of” in the second line the words “the notice of availability” so that the section reads as follows:

E. All said warrants shall also be posted in every post office in the town on or before the day of the notice of availability publication, in a local newspaper, and shall remain so posted until the date of the meeting.

A motion was made to postpone this article indefinitely.

Motion to postpone passed by majority vote as declared by Moderator

Article 31. A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to petition the legislature to authorize the establishment of a Land Acquisition and Maintenance Fund, as was done in 1998, to fund the acquisition and/or maintenance of open space or recreational land under the care and custody of the Board of Selectmen, into which the town, may appropriate funds from time to time from any source, and into which gifts for said purpose may be and further expenditures from this fund shall be made by majority vote of the Board of Selectmen unless for the purchase of land which requires a 2/3rds vote of town meeting.

Passed – Declared Majority vote by Moderator

Article 32. A motion was made and seconded by the Board of Selectmen to indefinitely postpone Article 32 to amend the Eastham Zoning By-Law by adding a new Section XX entitled “Public Wind Energy Facilities” to read as follows:

PUBLIC WIND ENERGY FACILITIES

1.0 Purpose

The purpose of this by-law is to provide by special permit for the construction and operation of wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the city or town and provide adequate financial assurance for decommissioning.

1.1 Applicability

This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. It does not apply to single stand-alone turbines under 60 kilowatts of rated nameplate capacity. Any physical modifications to existing wind facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

2.0 Definitions

Utility-Scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the project on-site.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate” on the equipment.

Special Permit Granting Authority: The special permit granting authority shall be the Eastham Planning Board for the issuance of special permits to construct and operate wind facilities.

Substantial Evidence: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

Wind Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

3.0 General Requirements

3.1 Special Permit Granting Authority

No wind facility over 60 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the special permit granting authority. The construction of a wind facility shall be permitted in any zoning district subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in sections 3, 4, 5 and 6. All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the special permit granting authority finds in writing that:

- (a) the specific site is an appropriate location for such use;
- (b) the use is not expected to adversely affect the neighborhood;
- (c) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (d) no nuisance is expected to be created by the use; and
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard-size, lot area, setbacks, open space, parking, and building coverage requirements.

3.2 Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

3.3 Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

3.4 Site Control

At the time of application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

4.0 General Siting Standards

4.1 Height

Wind facilities shall be no higher than 400 feet above the current grade of the land, provided that wind facilities may exceed 400 feet if:

- (a) the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility;
- (b) such excess height is necessary to prevent financial hardship to the applicant, and
- (c) the facility satisfies all other criteria for the granting of a special permit under the provisions of this section.

4.2 Setbacks

Wind turbines shall be set back a distance equal to 1.5 times the overall blade tip height of the wind turbine from the nearest existing residential or commercial structure and 100 feet from the nearest property line and private or public way.

4.2.1 Setback Waiver

The special permit granting authority may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a special permit under the provisions of this section.

5.0 Design Standards

5.1 Color and Finish

The special permit granting authority shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

5.2 Lighting and Signage

5.2.1 Lighting

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

5.2.2 Signage

Signs on the wind facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

(a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.

(b) Educational signs providing information about the facility and the benefits of renewable energy.

5.2.3 Advertising

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

5.2.4 Utility Connections

Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.3 Appurtenant Structures

All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

5.4 Support Towers

Monopole towers are the preferred type of support for the Wind Facilities.

6.0 Safety, Aesthetic and Environmental Standards

6.1 Emergency Services

The applicant shall provide a copy of the project Summary: and site plan to the local emergency services entity, as designated by the special permit granting authority. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

6.1.1 Unauthorized Access

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

6.2 Shadow/Flicker

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

6.3 Noise

The wind facility and associated equipment shall conform with the provisions of the Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Special Permit Granting Authority agree that those provisions shall not be applicable. A source of sound will be considered to be violating these regulations if the source:

- (a) Increases the broadband sound level by more than 10 dB(A) above ambient, or
- (b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from DEP. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

The special permit granting authority, in consultation with the Department, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

6.4 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances.

7.0 Monitoring and Maintenance

7.1 Facility Conditions

The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

7.2 Modifications

All material modifications to a wind facility made after issuance of the special permit shall require approval by the special permit granting authority as provided in this section.

8.0 Abandonment or Decommissioning

8.1 Removal Requirements

Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The special permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

8.2 Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the special permit granting authority. The special permit granting authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

8.3 Financial Surety

The special permit granting authority may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the special permit granting authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

9.0 Term of Special Permit

A special permit issued for a wind facility shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the special permit granting authority upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the special permit granting authority acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

10.0 Application Process & Requirements

10.1 Application Procedures

10.1.1 General

The application for a wind facility shall be filed in accordance with the rules and regulations of the special permit granting authority concerning special permits.

10.1.2 Application

Each application for a special permit shall be filed by the applicant with the city or town clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

10.2 Required Documents

10.2.1 General

The applicant shall provide the special permit granting authority with 15 copies of the application. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

10.2.2

Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any.

10.2.3

The name, contact information and signature of any agents representing the applicant.

10.2.4

Documentation of the legal right to use the wind facility site, including the requirements set forth in 10.3.2(a) of this section

10.3 Siting and Design

The applicant shall provide the special permit granting authority with a description of the property which shall include:

10.3.1 Location Map

Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

10.3.2 Site Plan

A one inch equals 200 feet plan of the proposed wind facility site, with contour intervals of no more than 10 feet, showing the following:

- (a) Property lines for the site parcel and adjacent parcels within 300 feet.
- (b) Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown.
- (c) Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent.
- (d) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
- (e) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc.
- (f) Location of viewpoints referenced below in 10.3.3 of this section.

10.3.3 Visualizations

The special permit granting authority shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- (b) All view representations will include existing, or proposed, buildings or tree coverage.
- (c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

10.4 Landscape Plan

A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cut-off fixtures to reduce light pollution.

10.5 Operation & Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

10.6 Compliance Documents

If required under previous sections of this by-law, the applicant will provide with the application:

- (a) a description of financial surety that satisfies 8.3 of this section,

- (b) proof of liability insurance that satisfies Section 3.3 of this section,
- (c) certification of height approval from the FAA,
- (d) a statement that satisfies Section 6.3, listing existing and maximum projected noise levels from the wind facility.

10.7 Independent Consultants –

Upon submission of an application for a special permit, the special permit granting authority will be authorized to hire outside consultants, pursuant to G.L. 44, Section 53G, as necessary. The applicant may be required to pay not more than 50% of the consultant's costs.

Motion to indefinitely postpone Article 32 passed
Declared majority vote by Moderator

Article 33. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning By-Law, by adding a new section XXI pertaining to private wind energy facilities, entitled "Private Wind Energy Facilities" to read as follows:

Private Wind Energy Facilities

SECTION I - PURPOSE

The purpose of this bylaw is encourage the use of wind energy to reduce on-site consumption of utility supplied electricity while minimizing the adverse impacts of wind energy facilities on the character of neighborhoods, property values, scenic, historic and environmental resources of the Town of Eastham. This bylaw will protect the health and safety while allowing for wind energy technologies to be utilized.

SECTION II - SPECIAL PERMIT GRANTING AUTHORITY

The Planning Board shall be the special permit granting authority for private wind facilities. Any application to utilize wind energy facilities shall comply with all applicable sections of this bylaw.

SECTION III - DEFINITIONS

WIND FACILITY - All equipment, machinery and structures utilized in connection with commercial and non commercial wind generated energy, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface or overhead, and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

PRIVATE WIND ENERGY FACILITY - For the purpose of this bylaw, wind facilities that utilize all their electrical output on site which has a rating of not more than 25 kW and is intended to reduce energy consumption for a single residential or business lot.

SAFETY RADIUS – The distance from the base of the turbine tower equal to the total height of the turbine.

WIND TURBINE - Equipment used in wind-generated energy production. Wind turbines capture the kinetic energy of the wind and convert it into electricity. Primary components are the rotor, electrical generator, and tower. Wind turbines must be mounted tubular steel towers.

SECTION IV - REQUIREMENTS

1. No wind facility shall be erected, constructed or installed without Site Plan Approval and the issuance of a Special Permit from the Planning Board.

2. No private wind facilities will be located on parcels less than one (1) acre located on either residentially or commercially zoned parcels.

3. The height of any private wind turbine as measured from average grade shall be less than sixty (60) feet and have a minimum blade clearance from the ground immediately below each wind turbine of twenty (20) feet. A waiver from this provision may be granted if the Planning Board makes a

finding that the additional height is necessary for adequate operation of the wind facility.

4. A minimum setback for each wind turbine shall be maintained equal to the overall engineer designed safety radius from any habitable structure or building from the proposed site on which the wind facility is located.

5. Only those signs indicating ownership with contact information, NO TRESPASSING and, danger signs or funding sources shall be allowed in conjunction with the wind facility. Said signage shall be no larger than six (6) square feet and one sided including post.

6. Noise from the wind facility shall not exceed 30 +/- 10 db(a) as measured from the nearest property line. Windstorms and power outages are the exception.

7. The owner shall remove any wind facility that has been abandoned or discontinued for twelve (12) months. The Planning Board shall require a bond or that an escrow account be created to insure funds for future removal.

SECTION V - WAIVERS

When granting a Special Permit for a private wind facility, the Planning Board may waive any of the criteria set forth in SECTION IV of this bylaw provided the Board finds the criteria for issuance of a Special Permit as set forth in SECTION XIII - SITE PLAN APPROVAL – SPECIAL PERMIT of the Eastham Zoning Bylaw is met.

SECTION VI - APPLICATION

The applications for Site Plan Approval - Special Permit should include the following:

1. A certified plot plan which indicates the location of:
 - a. Property lines for the site parcel and adjacent parcels within 300 feet.
 - b. Outline of all existing buildings, including purpose (e.g. residence, garage, etc.) on site parcel and all adjacent parcels within 500 feet. Include distances from the wind facility to each building shown.
 - c. Location of all roads, public and private on the site parcel and adjacent parcels within 300 feet, and proposed roads or driveways, either temporary or permanent.
 - d. Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within 300 feet.
 - e. Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc
2. The following must be prepared and signed by a registered professional engineer:
 - a. A description of the wind facility and the technical, economic and other reasons for the proposed location, height and design.
 - b. Confirmation that the wind facility complies with all applicable Federal and State standards.
 - c. If applicable, a written statement that the proposed wind facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

Motion was made to indefinitely postpone this article.

Motion to postpone Article 33 passed by majority vote as
declared by Moderator

Article 34. A motion was made and seconded by the petitioners of Article 34 to indefinitely postpone this article to amend the Eastham Zoning By law by adding Section XX, as follows:

SECTION XX - PUBLIC WIND ENERGY FACILITIES

1.0 Purpose

The purpose of this by-law is to provide by special permit for the construction and operation of wind facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town and provide adequate financial assurance for decommissioning.

1.1 Applicability

This section applies to all utility-scale and on-site wind facilities proposed to be constructed after the effective date of this section. It does not apply to single stand-alone turbines under 60 kilowatts of rated nameplate capacity.

2.0 Definitions

Utility-scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will consume more than 50% of the electricity generated by the project on-site.

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

Special Permit Granting Authority: The special permit granting authority for public wind energy facilities shall be the planning board.

Substantial Evidence: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

Wind Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

3.0 General Requirements

3.1 Special Permit Granting Authority

No wind facility over 60 kilowatts of rated nameplate capacity shall be erected, constructed, installed or modified as provided in this section without first obtaining a permit from the special permit granting authority. The construction of a wind facility shall be permitted in any zoning district subject to the issuance of a special permit and provided that the use complies with all requirements set forth in sections 3, 4, 5 and 6. All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the special permit granting authority finds in writing that:

- a) The specific site is an appropriate location for such use;
- b) the use is not expected to adversely affect the neighborhood;
- c) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
- d) no nuisance is expected to be created by the use; and
- e) adequate and appropriate facilities will be provided for the proper operation of the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

Wind monitoring or meteorological towers shall be permitted in all zoning districts subject to issuance of a building permit for a temporary structure and subject to reasonable regulations concerning the bulk and height of structures and determining yard- size, lot area, setbacks, open space, parking, and building coverage requirements.

3.2 Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

3.3 Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

3.4 Site Control

At the time of application for a special permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

4.0 General Siting Standards

4.1 Height

Wind facilities shall be no higher than 400 feet from the existing grade of the land.

4.2 Setbacks

Wind turbines shall be set back a distance of 1,200 feet from the nearest residential structure and 700 feet from the nearest property line, private or public way or non-inhabitable structure.

5.0 Design Standards

5.1 Color and Finish

The special permit granting authority shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encourage.

5.2 Lighting and Signage

5.2.1 Lighting

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

5.2.2 Signage

Signs on the wind facility shall comply with the requirements of the Town's sign regulations, and shall be limited to:

- a) Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- b) Educational signs providing information about the facility and the benefits of renewable energy.

5.2.3 Advertising

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

5.2.4 Utility Connections

Reasonable efforts shall be made to locate utility connections from the wind facility

underground, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.3 Appurtenant Structures

All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

5.4 Support Towers

Monopole towers are the preferred type of support for the wind facilities.

6.0 Safety, Aesthetic and Environmental Standards

6.1 Emergency Services

The applicant shall provide a copy of the project Summary: and site plan to the local emergency services entity, as designated by the special permit granting authority. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

6.1.1 Unauthorized Access

Wind turbines or other structures part of a wind facility shall be designed to prevent unauthorized access.

6.2 Shadow/Flicker

Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

6.3 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinance. Upon abandonment, topsoil should be replaced and trees replanted.

7.0 Monitoring and Maintenance

7.1 Facility Conditions

The project owner/operator shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner/operator shall be responsible for the cost of maintaining the wind facility and any access roads.

7.2 Modifications

All material modifications to a wind facility made after issuance of the special permit shall require approval by the special permit granting authority as provided in this section.

8.0 Abandonment or Decommissioning

8.1 Removal Requirements

Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The special permit granting authority may allow the owner to leave landscaping or designed below-grade foundations in order to minimize erosion and disruption to vegetation.

8.2 Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the special permit granting authority. The special permit granting authority shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town shall have the authority to enter the property and physically remove the facility.

8.3 Financial Surety

The special permit granting authority may require the applicant for utility scale wind facilities to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the facility, of an amount and form determined to be reasonable by the special permit granting authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for cost of living adjustment.

9.0 Term of Special Permit

A special permit issued for a wind facility shall be valid for 20 years, unless extended or renewed. The time period may be extended or the permit renewed by the special permit granting authority upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the special permit granting authority acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

10.0 Application Process and Requirements

10.1 Application Procedures

10.1.1 General

The application for a wind facility shall be filed in accordance with the rules and regulations of the special permit granting authority concerning special permits.

10.1.2 Application

Each application for a special permit shall be filed by the applicant with the town clerk pursuant to section 9 of chapter 40A of the Massachusetts General Laws.

10.2 Required Documents

10.2.1 General

The applicant shall provide the special permit granting authority with 10 copies of the application. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. Included in the application shall be:

10.2.2 Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any.

10.2.3 The name, contact information and signature of any agents representing the

applicant.

10.2.4 Documentation of the legal right to use the wind facility site.

10.3 Siting and Design

The applicant shall provide the special permit granting authority with a description of the property which shall include:

10.3.1 Location Map Copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two miles from the facility. Zoning district designation for the subject parcel should be included; however a copy of a zoning map with the parcel identified is suitable.

10.3.2 Visualizations The special permit granting authority shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post- construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

a) View representations shall be in color and shall include actual pre-construction photographs and accurate post- construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).

b) All view representations will include existing, or proposed, buildings or tree coverage.

c) Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc...).

10.4 Landscape Plan A plan indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting, other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA be directed downward with full cutoff fixtures to reduce light pollution.

10.5 Operation and Maintenance Plan

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operation maintenance of the wind facility.

10.6 Compliance Documents

If required under previous sections of this by-law, the applicant will provide with the application:

a) a description of financial surety that satisfies 8.3 of this section,

b) proof of liability insurance that satisfies Section 3.3 of this section,

c) certification of height approval from the FAA.

Motion to postpone article passed by majority vote as declared
by moderator

Article 35. A motion was made and seconded by the Board of Selectmen vote to accept as public ways the private ways of Limerick Way, and Galway Lane as shown on Subdivision Plan of Land in Eastham made for Robert Caia and Paul Cass and recorded Book 439 page 99 at the Barnstable County Registry of Deeds, copies of which are on file with the Town Clerk.

Passed – Declared majority vote by Moderator
Hand Count 132 yes 101 no

Article 36. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from free cash so called the sum of \$5,000 to Nauset Together We Can to finance operational costs relative to the operation of The Juice Bar for Eastham students from the Nauset Regional School District and to

authorize the Board of Selectmen to enter into a contract and expend such funds for this purpose or to take any other action relative thereto. The Juice Bar, a substance free alternative for teens of the Nauset Region located in Orleans, is operated and managed by the Nauset Together We Can Prevention Council Inc., a non-profit organization.

Passed – Declared majority vote by Moderator

Article 37. A motion was made and seconded by the Board of Selectmen to amend the Eastham Animal Control By Law Section II, Subsection 9:1 the following provisions: in the second paragraph the last sentence is deleted and is replaced with “Within fourteen (14) days after such public hearing, said Selectmen shall make such order concerning the restraint or disposal of such dangerous or vicious dog as may be deemed necessary and in the Public Interest, and may fine the owner of any barking or nuisance dog up to three hundred (\$300) per occurrence.

Passed – Declared majority vote by Moderator

Article 38. A motion was made and seconded by the Board of Selectmen to appropriate and transfer from free cash the sum of \$9,565 to be expended under the direction of the Health Department to support the continuation of work of the Pond Stewards in gathering water quality data and acquiring analysis of that data.

Passed – Declared majority vote by Moderator

Article 39. A motion was made and seconded by the Board of Selectmen to accept the published reports of the Town officers as printed and made available to the public in the 2006 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.

Passed – Declared majority vote by Moderator

There were 430 voters present at the close of Town Meeting out of a possible 4079.

There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 11:20 p.m. The Moderator declared a unanimous vote to close Town Meeting.

A True Copy Attest:

Lillian Lamperti