



## Truro Board of Selectmen Meeting Agenda

**Tuesday, January 12, 2016**

**Executive Session Meeting - 4:00pm**

**Regular Board of Selectmen Meeting - 5:00pm**

Selectmen's Chambers Town Hall 24 Town Hall Road, Truro

**Executive Session:** *Move that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, Section 21 (a) number 3, to discuss strategy relative to pending litigation involving 25-27 Stephens Way, and Chapter 30A, Section 21(a) number 3, to discuss strategy with respect to collective bargaining (Police Federation) whereas discussion of these matters in open session would have a detrimental effect on the litigating position of the Town (and the Chair so declares it), and to reconvene in open session.*

### 1. PUBLIC COMMENT

- A. Open the Regular Meeting
- B. Public Comment Period - *The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda*

### 2. PUBLIC HEARINGS

- A. The Truro Board of Selectmen will hold a public hearing on Tuesday, January 12, 2016 at 5:00 pm at the Truro Town Hall, 24 Town Hall Road, Truro MA on an application filed by Dan Smith, 32 Tom's Hill Road, Truro, for a new Shellfish Aquaculture Grant, pursuant to the Regulations for Aquaculture Licenses. The proposed grant is for 2 acres, located off of Beach Point Landing as shown on plans submitted with the application on file in the Selectmen's office.  
Comments from the Public will be heard, and all interested parties are urged to attend.
- B. The Truro Board of Selectmen and the Shellfish Advisory Committee will hold a public hearing on Tuesday, January 12, 2016 at 5:00PM at the Truro Town Hall, 24 Town Hall Rd, Truro at which time proposed amendments to the Regulations for the Taking of Shellfish, Sea Worms, Eels and Crabs will be discussed.  
Comments from the Public will be heard, and all interested parties are urged to attend.
- C. The Town of Truro Board of Selectmen will hold a Public Hearing at Truro Town Hall on Tuesday January 12, 2016, at 5:00 P.M. to discuss the FY16 regional CDBG application for the towns of Truro, Wellfleet and Provincetown. Proposed activities include housing rehabilitation and childcare subsidies in the town-wide target areas.  
Residents of Truro, Wellfleet and Provincetown are welcome to attend and will be heard.

### 3. BOARD/COMMITTEE/COMMISSION APPOINTMENTS NONE

### 4. TABLED ITEMS NONE

### 5. BOARD OF SELECTMEN ACTION

- A. Review and Approve Condominium Conversion for Castle Pines and Castle/Sea Scent Pines dba Seascent Pines (124 & 126 Castle Rd)  
Presenter: Attorney Lester J. Murphy, on behalf of Carol and Richard Pesiri
- B. Review and Approve Support for S.478 An Act relative to vegetation management sponsored by Senator Dan Wolf (D-Cape & Islands) and Authorize Chair to sign Draft Letter to Senator Gobi and Rep. Schmid and Draft Letter to MDAR in opposition of Eversource Energy's Herbicide use on Utility Rights-of-Way and discussion of joining POCCA on taking Eversource to court  
Presenter: Laura Kelly, Director of Protect Our Cape Cod Aquifer

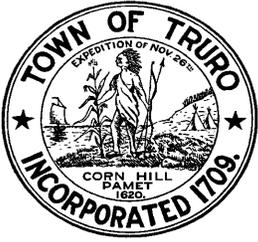
- C. Fire Chief and COA Director Presentation about Training “Remembering When: A Fire and Fall Prevention Program for Older Adults”  
Presenter: Susan Travers, Council on Aging Director and Tim Collins, Fire Chief
- D. Discussion on Incentives for Firefighter Training  
Presenter: Fire Chief Tim Collins
- E. Review and Approve Letter of Support for the 2016 Community Development Block Grant Proposal and Authorize the Chair to sign  
Presenter: Paul Wisotzky, Chair of Board of Selectmen

**6. CONSENT AGENDA**

- A. Review/Approve and Authorize the Chair to sign:
  - 1. Support Letter for the Cape Cod Chamber of Commerce for the Regional Economic Development Organization (REDO) grant
  - 2. Security Agreement with a participant in the Housing Rehabilitation Loan Program
- B. Review and Approve Declaration of Surplus Property at the Truro Police Department
- C. Review and Approve Alcoholic Beverages Control Commission 2015 Annual Report
- D. Review and Approve Common Victualer License (Seasonal) Captain’s Choice-4 Highland Rd
- E. Review and Approve Amendment to the Implementation and Migration Services contract with Barnstable County IT to extend the end date
- F. Review and Approve Declaration of Surplus Property (Building Dept.) - File Cabinets
- G. Review and Approve Minutes December 15, 2015, December 14, 2015 (Budget Task Force), and January 4, 2016 (Budget Task Force)

**7. SELECTMEN AND LIAISON AND TOWN ADMINISTRATOR REPORTS**

**8. NEXT MEETING AGENDA: TUESDAY, January 26, 2016**



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, Executive Assistant, on behalf of Dan Smith

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Review and Approve an application for a new Shellfish Aquaculture Grant for Dan Smith.

**EXPLANATION:** Dan Smith, of 32 Tom's Hill Road, Truro, has filed an application for a new Shellfish Aquaculture Grant, pursuant to the Regulations for Aquaculture Licenses. The proposed grant is for 2 acres, located off of Beach Point Landing (as shown on attached plans), and abutters have been legally notified. A legal opinion has been provided by Kopelman and Paige, and is attached.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The applicant will not receive a tidal shellfish grant as requested.

**SUGGESTED ACTION:** *MOTION TO approve/disapprove the two-acre grant to Dan Smith, located off of Beach Point Landing.*

**ATTACHMENTS:**

1. Public Hearing Ad
2. Aquaculture Application
3. Counsel's Opinion
4. Abutter Response
5. Shellfish Committee Minutes



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Selectmen's Office

Tel: 508-349-7004 , Extension: 10 or 24 Fax: 508-349-5505

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) or [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

**TOWN OF TRURO  
PUBLIC HEARING  
NEW AQUACULTURE LICENSE SITE OUTSIDE OF ADA**

**\*\*PUBLIC HEARING MEETING DATE CHANGED TO JANUARY 12<sup>th</sup>, 2016\*\***

In accordance with an application filed on August 25<sup>th</sup>, 2015 by Dan Smith, 32 Tom's Hill Road, Truro, MA, for a Shellfish Aquaculture Grant, pursuant to the Regulations for Aquaculture Licenses, the Board of Selectmen will conduct a public hearing at the Truro Town Hall, 24 Town Hall Road, Truro MA on Tuesday, **January 12<sup>th</sup>, 2016 at 5:00 pm**. The proposed grant is for 2 acres, located off of Beach Point Landing as shown on plans submitted with the application on file in the Selectmen's office.

Paul Wisotzky, Chairman  
Board of Selectmen  
Town of Truro



RECEIVED  
Agenda Item: 2A2  
AUG 25 2015  
TOWN OF TRURO  
MASSACHUSETTS

# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

## AQUACULTURE LICENSE APPLICATION

NAME OF APPLICANT: Daniel Smith

MAILING ADDRESS: PO Box 907 Truro, MA 02666

TELEPHONE: [REDACTED] E-MAIL ADDRESS: [REDACTED]

**PROPOSED LOCATION OF THE LICENSE SITE:** Describe below the specific measurements in feet of the desired area using land boundaries, when possible. Attach a sketch of a locus map indicating said boundaries and total square feet.

Description: Two (2) Acre grant located off of Beach Point  
Landing in North Truro NW 42° 02.664 N 70° 06.673 W  
NE 42° 02.665 N 70° 06.618 W

PREVIOUS AQUACULTURE EXPERIENCE: SE 42° 02.592 N 70° 06.674 W  
- ADA Experience just starting SW 42° 02.621 N 70° 06.737 W  
- Working/Learning from a local shellfisherman

**PROPOSED DEVELOPMENT PLAN:** Describe in detail, your plans for development of Aquaculture and/or licensed site over a one, two and three-year term. Include the number of rafts/racks/floats, size, construction material, and square feet working area needed in the aquaculture area. Plans shall include shellfish by species, amount and sizes intended to be introduced to the waters and/or substratum. This plan is to be submitted as part of your application.

TYPES OF SHELLFISH TO BE RAISED: Oysters & Possibly Little Neck

METHOD OF PROPAGATION: Seed / Floating & Bottom Cages

MEANS OF ACCESS: Beach and/or Boat

Town of Truro  
Aquaculture license application  
Page 2

EQUIPMENT TO BE USED: Oystergiza Floating Cages  
and/or Bottom Cages

[Signature]  
Signature of Applicant

07/18/15  
Date

[Signature]  
Signature of Shellfish Warden

August 25, 2015  
Date

The following information must be included in this application in accordance with the Aquaculture Regulations:

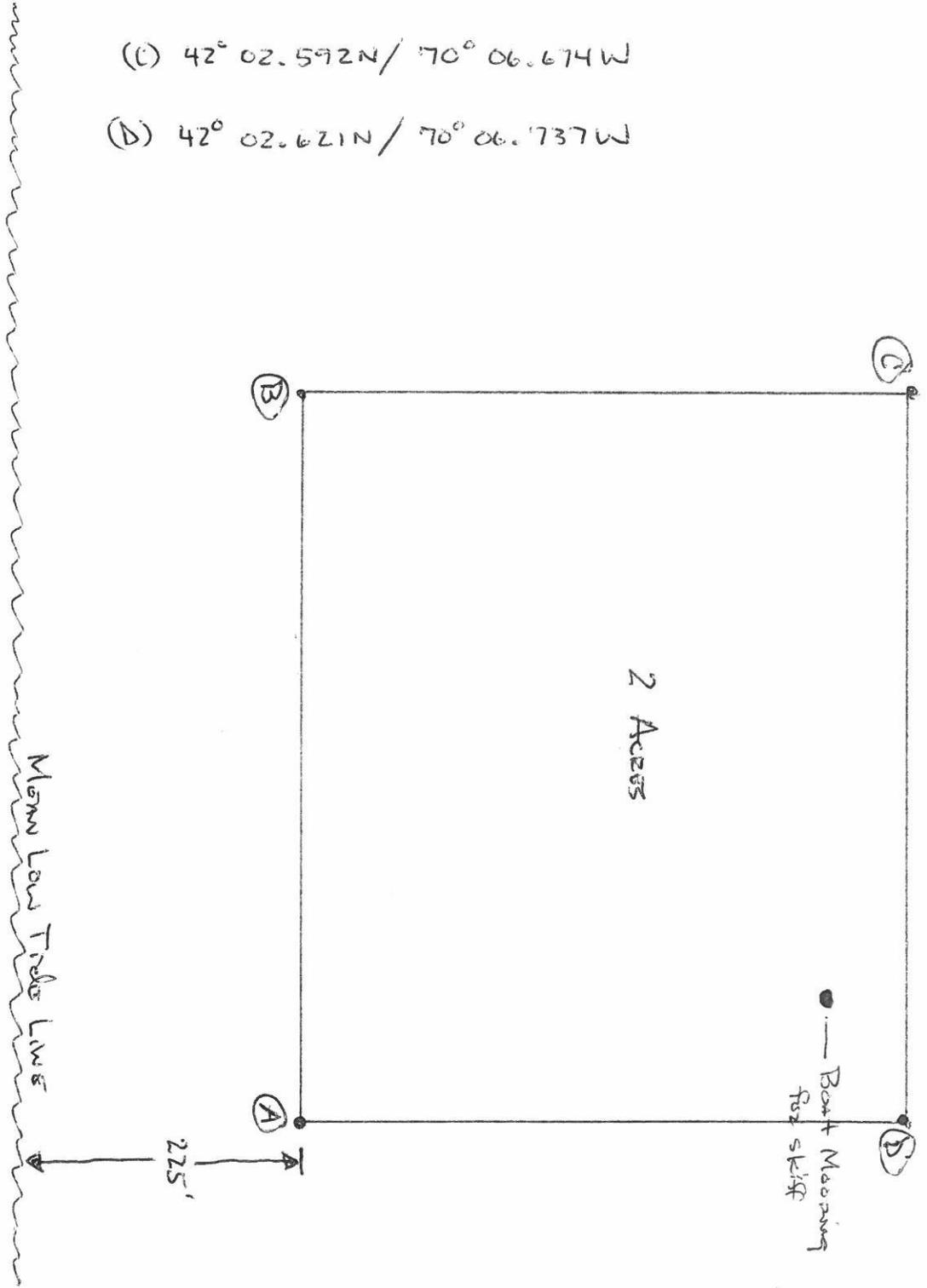
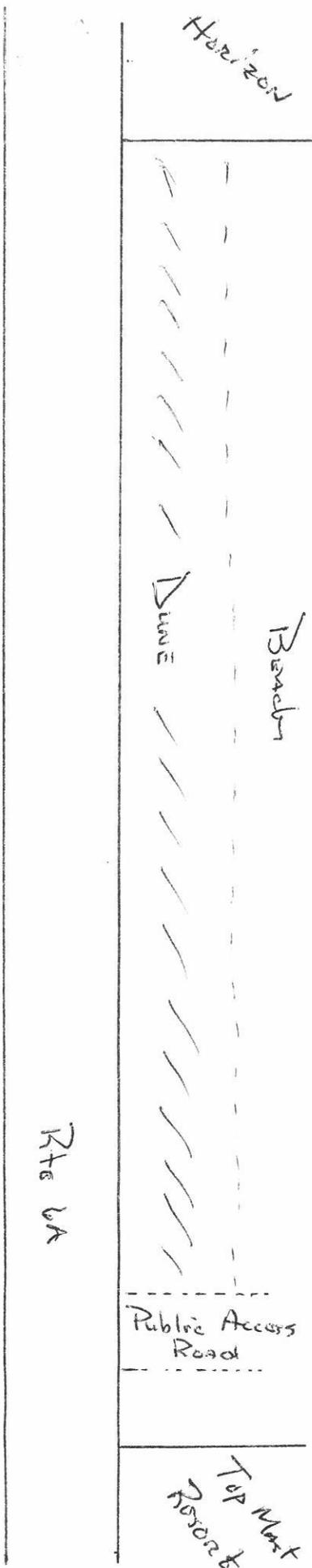
1. Detailed site plan including latitude and longitude of corners (metes and bounds)
2. Geophysical characteristics
3. Benthic habitat conditions
4. Proposed species, quantities and densities
5. Proposed physical structures
6. Proposed method and details of access to the site

The following documents must be submitted with this application in accordance with the Aquaculture Regulations:

1. Copy of Notice of Intent submitted to the Conservation Commission, or Municipal Wetlands Permit or determination of non-applicability
2. Copy of application to the Corps of Engineers, Section 404 permit or Programmatic General Permit

\* To be obtained & submitted pending initial review & approval

- (A)  $42^{\circ} 02.664' N / 70^{\circ} 06.64' N$
- (B)  $42^{\circ} 02.625' N / 70^{\circ} 06.618' W$
- (C)  $42^{\circ} 02.592' N / 70^{\circ} 06.674' W$
- (D)  $42^{\circ} 02.621' N / 70^{\circ} 06.737' W$



(Proposed Smith Grant Site)

Not to scale

**TOWN OF TRURO  
ASSESSOR'S OFFICE**

**P.O. Box 2012, Truro, MA 02666**

**Tel. 508-349-7004, Ext. 15+16+17 Fax 508-349-5506**

Date: Sept. 1, 2015

To: Conservation

From: Assessor's Office

Attached is a list of abutters for the property located at \_\_\_\_\_  
on Assessor's Map \_\_\_\_\_ Parcel \_\_\_\_\_. The current owner(s) as of 1/1/15  
is/are \_\_\_\_\_.

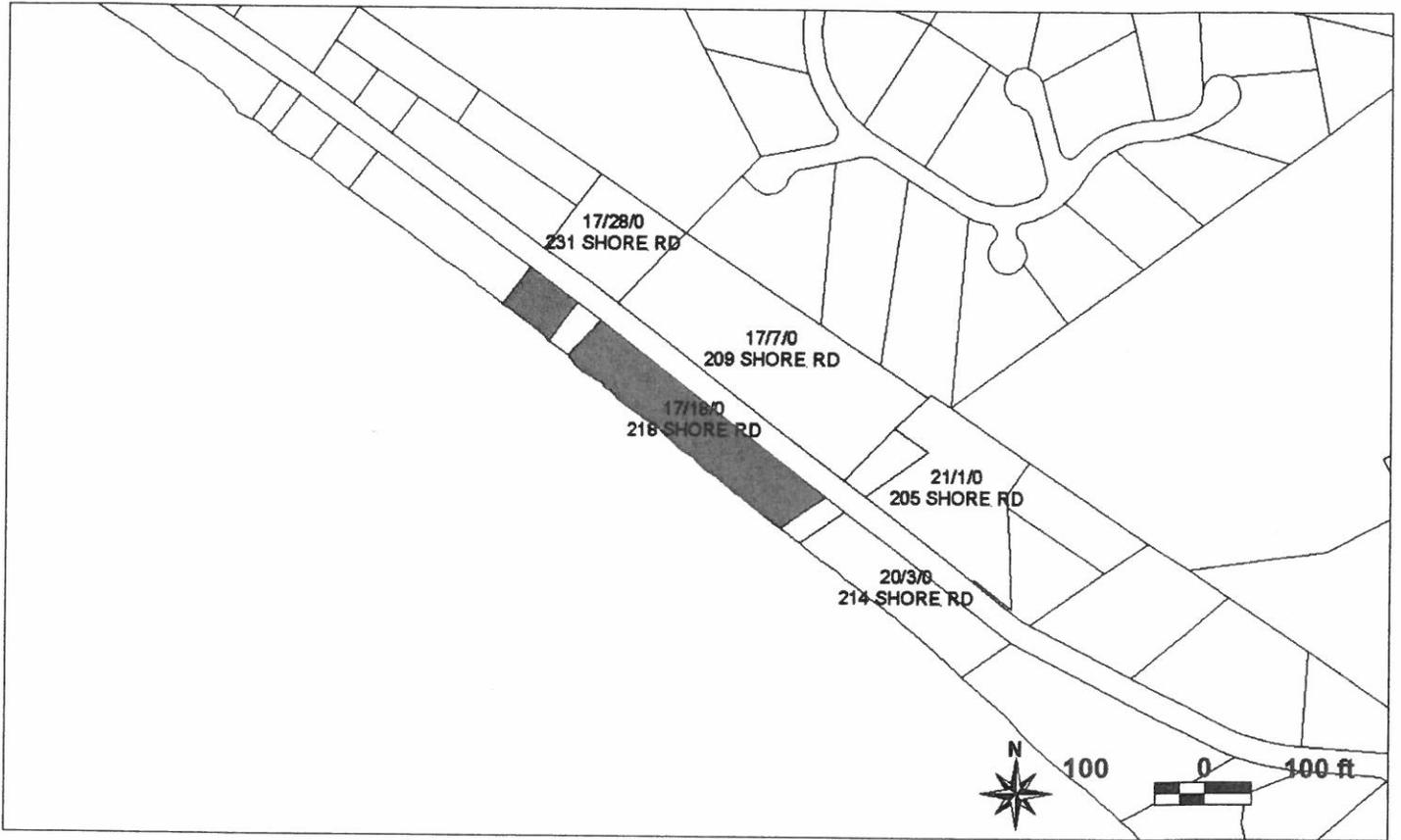
The names and addresses of the abutters are as of 9/1/15 according to the most  
recent documents received from the Barnstable County Registry of Deeds.

Certified by: Debbie Kopyan

TOWN OF TRURO, MA  
 BOARD OF ASSESSORS  
 P.O. BOX 2012, TRURO MA 02666

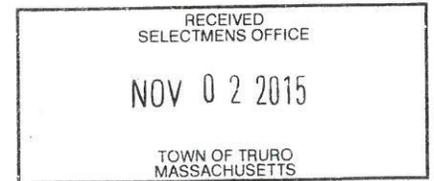
*Conservation*

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
380	17-7-0-R	SILVA FAMILY HERITAGE TRUST TRS: SILVA JASON R ETAL	209 SHORE RD	PO BOX 122	NO TRURO	MA	02652
382	17-9-0-E	TOWN OF TRURO	207 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030
388	17-16-0-R	SILVA FAMILY HERITAGE TRUST TRS: SILVA JASON R ETAL	248 SHORE RD	PO BOX 122	NO TRURO	MA	02652
389	17-17-0-R	LANGEVIN RICHARD J & ERNESTINE	242 SHORE RD	246 MAIN ST	NEWINGTON	CT	06111
390	17-18-0-R	SILVA FAMILY HERITAGE TRUST TRS: SILVA JASON R ETAL	218 SHORE RD	PO BOX 122	NO TRURO	MA	02652
379	17-28-0-R	SILVA FAMILY HERITAGE TR TRS: SILVA JASON R & BURHOE A	231 SHORE RD	PO BOX 574	NO TRURO	MA	02652-0574
419	20-2-0-E	TOWN OF TRURO	216 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030
420	20-3-0-E	TOWN OF TRURO	214 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030
421	21-1-0-E	TOWN OF TRURO	205 SHORE RD	PO BOX 2030	TRURO	MA	02666-2030

Conservation Commission  
Truro Town Hall  
Truro, MA 02666



October 29, 2015

Re: Shellfish grant application – Dan Smith

To whom it may concern,

The purpose of this letter is to express my support regarding the application for a 2-acre shellfish grant from Dan Smith. I have had a long association with aquaculture both as a businessman, and now as a researcher at the Marine Biological Laboratory, and have served as the Chair of the Truro Shellfish Advisory Committee for the last 3 years. I believe that issuing a grant is warranted for several reasons.

One important reason is that shellfish aquaculture can provide ecosystem services in the form of nitrogen removal and habitat over and in addition to what barren sand and a natural shellfishery provides. The low profile cages used by oyster growers have been shown to provide valuable nursery habitat for a variety of fish and shellfish important to the health of the bay. See reference and summary:

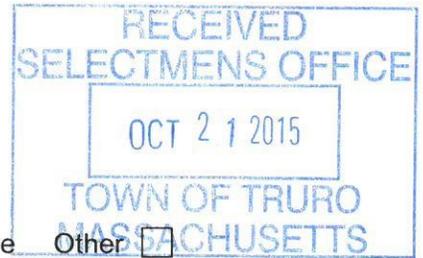
DeAlteris, J.T., B.D. Kilpatrick, R.B. Rheault. 2004. A comparative evaluation of the habitat value of shellfish aquaculture gear, submerged aquatic vegetation, and a non-vegetated seabed. *Journal of Shellfish Research*, Vol. 23, no. 3, 867-874.

Rhode Island; conclude that modified rack and bag gear for grow out of American oyster *Crassostrea virginica* has greater habitat value than shallow nonvegetated seabed in a tidal estuary, and has equal or better value to submerged aquatic vegetation (eelgrass *Zostera marina*). Habitat value as assessed from abundances of marine organisms and species diversity indices. Species richness and abundance was significantly higher throughout the year in the seabed plots with SAG than in the seabed habitat with seagrass, or the bare seabed. Found increased surface area (shell, wire, and plastic mesh) and physical structure of rack and bag gear provided habitat for many organisms throughout the year, particularly early life history stages of native species of fish and invertebrates. There are many good references to ecological importance of oyster and artificial reefs.

I see no down-side to the natural environment of a shellfish grant in this location, and I hope that you will approve it.

Sincerely,

Scott Lindell



**NOTIFICATION TO ABUTTERS**

Check One:  This is the applicant  Applicant's Representative  Other

Dear Abutter:

You are being notified pursuant to Massachusetts General Law 131. Section 40 and 310 CMR 10.00, Wetlands Protection Act that a:

**Notice of Intent**  **Amended Order of Conditions**  **Abbreviated Notice of Intent**  **Abbreviated Notice of Resource Area Delineation (ANRAD)**

has been submitted to the Truro Conservation Commission with regard to a project at

214 & 216 Shore Rd, Truro, MA Map 20 Parcel 233

**Applicant (Owner) Information:**

(1) Name: DAN SMITH Address: PO Box 907 Truro, MA 02666

(2) Name: \_\_\_\_\_ Address: \_\_\_\_\_

**Representative Information:**

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_

**1. Description of Proposed Project:**

Two (2) acres Aquaculture permit located 225' off shore of the site location

The public hearing begins at 6:30 pm in the

**Selectmen's Meeting Room, 2nd Floor, Truro Town Hall, 24 Town Hall Road, Truro MA 02666**

**Truro Community Center, 7 Standish Way MA 02666**

on 11/02/15  
(date of hearing)

The Notice of Intent, plans and other pertinent information may be examined prior to the public hearing at the Truro Conservation Commission Office, Town Hall, 24 Town Hall Rd., Truro, Monday thru Friday, from 8am to 4pm. Office :508-349-7004 x 31 or 32

Dan Smith  
Signature of Applicant or Representative

09/29/15  
Date

\*\* The Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the Cape Codder Newspaper and will be posted in the Truro Town Hall no less than forty-eight (48) hours in advance.

\*\*You may contact the Truro Conservation Commission of the Massachusetts Department of Environmental Protection, Wetlands Division about this application or the Wetlands Protection Act. Truro Conservation Commission: (508) 340-7004 x 31 or DEP Southeast region: (508) 946-2800


**KOPELMAN AND PAIGE, P.C.**
*The Leader in Public Sector Law*

101 Arch Street  
 Boston, MA 02110  
 T: 617.556.0007  
 F: 617.654.1735  
 www.k-plaw.com

September 10, 2015



**John W. Giorgio**  
 jgiorgio@k-plaw.com

Ms. Rae Ann Palmer  
 Town Administrator  
 Truro Town Hall  
 24 Town Hall Rd.  
 P.O. Box 2030  
 Truro, MA 02666

Re: Aquaculture License Application

Dear Ms. Palmer:

You requested an opinion regarding a recent application for a shellfish aquaculture license submitted by Daniel Smith. It is my understanding that Mr. Smith's application is for a two-acre grant site located off of Beach Point Landing in North Truro. The applicant proposes to use the two-acre site to raise oysters and possibly littleneck clams in either floating cages or bottom cages. You have specifically inquired as to whether the requested aquaculture license may be granted even though its proposed location abuts private homeowners. According to the application, the site is actually two-hundred and twenty-five feet (225') from the mean low tide line. Based on the limited information provided to me, it is my opinion that the Board of Selectmen may grant the license even if it abuts private property.

Pursuant to G.L. c.130, §57, "the selectmen of any town, may upon written application, accompanied by plans sufficient to show the intended project and project area to be licensed, and after public notice and hearing . . . grant to any person a shellfish aquaculture license." Such licenses may be issued "upon such terms and conditions and subject to such terms, conditions or regulations as the . . . selectmen . . . deem proper, but not so as to impair the private rights of any person or to materially obstruct navigable waters." *Id.*

In addition to G.L. c.130, the issuance of aquaculture licenses is also governed by the Town of Truro's own local regulations. Furthermore, all licenses approved by the Board of Selectmen are subject to certification by the Massachusetts Division of Marine Fisheries. See 322 CMR 15.00. Nothing in the applicable laws or regulations governing aquaculture licenses forbids grant sites from abutting private land. Therefore, in my opinion the Board of Selectmen may approve a license for a grant site that abuts private property. See *Zammito v. Bd. of Selectmen of Mashpee*, 85 Mass.App.Ct. 1121 (2014) (upholding grant of aquaculture license opposed by nearby homeowners). However, in assessing the site of a proposed aquaculture grant, the Board of Selectmen should consider the competing uses of the area as well as navigational concerns. If the Board determines the site would materially impair current uses of

**KOPELMAN AND PAIGE, P.C.**

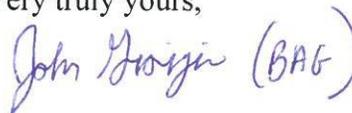
Ms. Rae Ann Palmer  
Town Administrator  
September 10, 2015  
Page 2

the area or materially obstruct navigable waters it may be prudent for the Board deny the application. See 322 CMR 15.06(1).

I also wanted to bring to your attention the fact that the Town's aquaculture license regulations provide that "[n]o person may moor a vessel within twenty-five (25) feet, at rest, of a license." According to the application submitted by Mr. Smith, a boat mooring is located within the two-acre grant site. Therefore, in my opinion, the application in its current form does not comply with the Town's regulations. It is also worth noting that the application provides that the grant site would be accessed by either boat or over the beach. If the beach is privately owned, the Board of Selectmen may not grant the applicant the right to access the grant site over the privately owned land. However, the Board of Selectmen has the power to attach conditions to an issued aquaculture license and could remedy both of these issues by the imposition of appropriate conditions.

If you have any further questions or concerns regarding this matter please do not hesitate to contact me.

Very truly yours,



John W. Giorgio

JWG/bag/prm  
530715/TRUR/0001

DEC 07 2015

December 4, 2015

Mr. Paul Wisotzky, Chairman  
Board of Selectmen  
Town of Truro  
P.O. Box 2030  
Truro, MA 02666

Dear Mr Wisotzky,

Since I am an abutter, I received a notice for the application for a Shellfish Aquaculture site to be located off of Beach Point Landing. I have no objection to this proposal and wish success in this venture.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Kirkland". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Donna Kirkland  
24 Brunswick Road  
Arlington, MA 02476

## Truro Shellfish Advisory Committee

### Meeting Minutes

For

10/30/15

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**Meeting Called to Order:** 4:06pm EST

**Members Present:** Scott Lindell – Chair, Dan Smith, Steve Wisbauer, Mark Wisotzsky, Tony Jackett (Truro Shellfish Constable) and Jan Worthington (BoS Representative)

Others Present: Gary Sharpless

**Review and Approval of Previous Meeting Minutes:** Minutes were reviewed. Dan made a **motion** to approve the minutes of the September 1, 2015 meeting as presented. Steve seconded, and the **motion** passed 4 - 0 - 0.

**Discuss Waitlist or Other Applications:** Tony indicated that no new ADA License applications had been filed or were pending addition to the Waitlist. He discussed the License Application submitted by Dan Smith for a two (2) acre grant located off of Beach Point Landing in North Truro, that was received in the Board of Selectmens office on August 25, 2015. He indicated that he had reviewed and approved it with the applicant prior to submission.

Following discussion, Mark made a **motion** to approve the Aquaculture License Application as proposed and recommend it to the Board of Selectmen. Steve seconded, and the **motion** passed 3 - 0 – 1 abstention (Dan).

**Discuss the Establishment of a Revolving Fund for Shellfish Development:** Tony discussed the development of a Revolving Fund that would be for propagation and designated specifically for Shellfish Industry Development. Scott will draft a letter to the Board of Selectmen outlining the topic and request the opportunity to formally present this recommendation to them. He will complete a Request For Agenda form.

**Discuss Additional 25 Acre ADA Site Development:** Steve continued discussion on this topic from prior meetings. He recently participated in a dive searching for eelgrass just inside of the current ADA site and found none. He will provide specific GPS coordinates for the new 25 acre site leaving a fifty (50) foot channel between the two locations.

**Discuss providing education on shellfishing as well as signage for Bay Beaches:** Tony agreed that providing education and signage was important but wanted the committee to rethink

a previous commendation related to shellfishing regulations outside of the Pamet Harbor on Bay Beaches. Mark suggested the creation and development of a simplified table that would delineate catch limits by specie as well as other pertinent details. Discussion ensued.

Steve made a **motion** to amend the motion made at the September 1, 2015 meeting to read as follows: Change the current regulations to reflect that "Sea Clams shall be a minimum size of 5 inches with a weekly maximum catch limit of two (2) ten-quart buckets, in the shell." Scott seconded, and the **motion** passed 4 - 0 - 0.

**Discuss seasonal shellfish survey of shellfish population on Bay Beaches:** Mark discussed having shellfish population counts completed on Bay Beaches. Suggested using the AmeriCorps as a resource. Discussion followed.

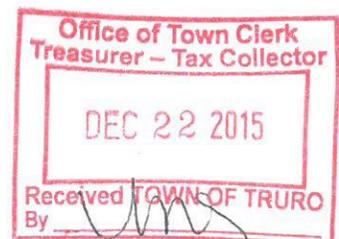
**Discussion of Next SAC Meeting:** The next SAC meeting will be determined. Topics will include the following:

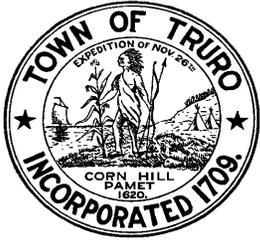
- Discuss and review new information related to development of a second 25 acre ADA
- Review updated Regulation For Taking of Shellfish, Sea Worms, Eels and Crabs
- Review Charge and Charter

Mark made a **motion** to adjourn at 5:50pm. Scott seconded, **motion** passed 4-0-0.

Approved @ 12/04/15 SAC Mtg.

Secretary / Vice Chair





# TOWN OF TRURO

## Board of Selectmen Agenda Item

**BOARD/COMMITTEE/COMMISSION:** Shellfish Advisory Committee

**REQUESTOR:** Scott Lindell (Chairman) and Tony Jackett (Constable)

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Request for approval of changes to the current Shellfish Regulations as per attached documents, per the attached edited Regulations and easy to read Guide.

**EXPLANATION:** The State has a minimum recommended size limitation for harvesting surf clams that will now be clearly stated in the Town regulations. Also, the Commission is recommending the elimination of references to daily limits to be replaced by weekly limits. It is the opinion of the Commission that the most valuable harvesting is in the Pamet where fishing is only allowed once per week.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** Over fishing of undersized shellfish may deplete the native populations and require reliance on purchased shellfish seed

**SUGGESTED ACTION:** *MOTION TO approve the amended Regulations as attached.*

**ATTACHMENTS:**

1. Legal Ad
2. Proposed Regulation Changes
3. Shellfish Harvesting Guide



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
Tel: 508-349-7004 , Extension: 10 or 24 Fax: 508-349-5505

## TOWN OF TRURO NOTICE OF PUBLIC HEARING

### AMENDMENTS TO THE REGULATIONS FOR THE TAKING OF SHELLFISH, SEA WORMS, EELS AND CRABS

The Truro Board of Selectmen and the Shellfish Advisory Committee will hold a public hearing on Tuesday, January 12, 2016 at 5:00PM at the Truro Town Hall, 24 Town Hall Rd, Truro at which time proposed amendments to the Regulations for the Taking of Shellfish, Sea Worms, Eels and Crabs will be discussed. Copies of the proposed amendments can be obtained at the Town's website at [www.truro-ma.gov](http://www.truro-ma.gov) or at the Selectmen's Office, located at Truro Town Hall, 24 Town Hall Rd, Truro, MA.

Paul Wisotzky  
Board of Selectmen  
Town of Truro

## TOWN OF TRURO

### REGULATIONS FOR THE TAKING OF SHELLFISH, SEA WORMS, EELS AND CRABS

**The following regulations are adopted by the Board of Selectmen, under the authority of Chapter 130, s.52, of the Acts of the Commonwealth of Massachusetts for the purpose of regulating the taking of shellfish, eels, crabs and sea worms. Shellfish include clams, conchs, limpets, mussels, oysters, periwinkles, quahogs, razor clams or razor fish, scallops, sea clams, sea quahogs, sea scallops and winkles.**

1. All persons are prohibited from taking eels, clams (soft-shelled), quahogs, sea clams, razor clams, oysters, mussels, sea worms, scallops, sea quahogs, and sea scallops within the said Town of Truro without a permit.
2. Permits shall be issued by the Licensing Agent for individual and family recreational use only, and are issued subject to subsequent revision in these regulations, as the Board may hereafter deem necessary or appropriate.
3. Permits shall not be transferable and must be prominently displayed through a badge holder.
4. Commercial permits will not be granted in the Town of Truro without further authorization from the Board of Selectmen.
5. Recreational permits shall be issued to residents of the Town of Truro and to other persons owning and paying taxes on property within the limits of the Town of Truro. The annual fee for such permit shall be \$15.00.
6. Recreational permits shall be issued to any other person for an annual fee of \$100.00 and one week non-resident license for \$25.00.
7. All permits will be issued on November 1<sup>st</sup> and shall expire October 31<sup>st</sup> each year.
8. A Truro resident who is 62 years of age or older may obtain a shellfish permit for his or her own use, free of charge, from the Licensing Agent by presenting proof of age, and receive a license that must be renewed each year.
9. No eels shall be taken within the Town of Truro by use of a fyke, unless a special permit is obtained from the Board of Selectmen or Shellfish Warden for good cause shown.

10. Persons holding a permit may take the following types of shellfish with a combined weekly (defined as 12:00am Sunday thru 11:59pm Saturday) maximum catch of ~~two~~one (1)-(2) ten quart buckets in the shell, with the exception of Sea Clams as defined in 10d, and in the quantities specified below within designated time periods as follows:
- a. Clams (soft shell) must be a minimum size of measuring two (2) ~~two~~ inches, may be taken on a designated day in a designated area at the rate of one ten-quart bucket, in the shell, per weekday.
  - ~~a-b.~~ Quahogs, must be a minimum size of one (1) inch measuring ~~one inch~~ across the hinge, may be taken on a designated day in a designated area at the rate of one ten-quart bucket, in the shell, per weekday. If both clams and quahogs are taken, the limit is one ten-quart bucket in the shell per day.
  - ~~b-c.~~ Oysters must be a minimum size of three (3) inches and may constitute only one 5 quart bucket per week measuring at least three inches in length may be taken on a designated day in a designated area at the rate of five quarts, in the shell, per weekday. If taken in conjunction with other types of shellfish, the combined limit is one ten-quart bucket per weekday.
  - ~~e-d.~~ Mussels must be a minimum of two (2) inches and may be taken on a designated day in a designated area at the rate of one ten-quart bucket per weekday. If taken in conjunction with other types of shellfish, the combined limit is one ten-quart bucket per weekday.
  - e. Sea clams may be taken at the rate of two ten-quart buckets per week in the shell and must be a minimum size of five (5) inches.
  - ~~d-f.~~ Razor Clams must be a minimum of three (3) inches may be taken on a designated day in a designated area at the rate of one ten-quart bucket per week. If taken in conjunction with other types of shellfish, the combined limit is one ten-quart bucket per week. Harvesting may only be done ~~and taken~~ by hand digging and/or scratching ~~only~~. No salting is allowed.
  - ~~e-g.~~ Sea worms may be taken at the rate of one pint per day.
  - f. ~~Legal size for the taking of bay scallops shall be a well defined growth ring, and they may be taken at the rate of two ten quart buckets per day, in season.~~
  - h. Bay Scallops harvesting is closed. The Shellfish Constable may post an opening the taking and establish size and catch limits as deemed appropriate.

~~g~~.i. There are no restrictions on the taking of eels, crabs and types of shellfish not otherwise referred to herein, except that one must hold a valid shellfish permit, and report the quantity taken to the Shellfish Warden upon request. By state law, crabs may not be taken between January 1<sup>st</sup> and the last day of the following April, nor by pots or traps except under a license issued by the Division of Marine Fisheries.

~~h~~.j. No person shall dig, take or carry away any shellfish between one half hour after sunset and one half hour before sunrise by any method whatsoever from any waters, flats or creeks of the Town of Truro.

~~i~~.k. No person shall drag or dredge from a boat for any type of shellfish in any waters of the Town of Truro.

~~j~~.l. No person shall plant, place or transplant shellfish of any kind in any waters, flats or creeks of the Town of Truro without the permission of the Board of Selectmen.

~~k~~.m. The opening or shucking of shellfish is prohibited on tidal flats or beaches within the Town of Truro.

~~l~~.n. No motorized vehicles may be operated within any designated shellfish areas in the Town of Truro.

~~m~~.o. Questions as to the status of persons as residents or eligibility of any person to obtain a permit shall be referred by the Licensing Agent to the Board of Selectmen for determination.

~~n~~.p. The times and places at which shellfish may be taken shall be posted in Town Hall, and published in one newspaper of general circulation within the Town.

~~o~~.q. The penalty for each violation of these regulations shall be not less than \$25.00 nor more than \$300.00.

~~p~~.r. These regulations replace all existing regulations on this subject, and shall remain in effect until revoked by the Board of Selectmen.

11. Any person seeking to obtain a shellfish permit, including a lifetime permit, shall first satisfy the Licensing Agent that he/she has a shellfish gauge in his/her possession.

These regulations went into effect January 1, 2002. Fees revised December 11, 2007. Revised July 14, 2015-*Effective November 1, 2015*, [Revised January 12, 2016](#)

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Paul Wisotzky, Chair

---

Jan Worthington, Vice-Chair

---

Maureen Burgess, Clerk

---

Jay Coburn

---

Robert Weinstein  
Truro Board of Selectmen

# TOWN OF TRURO

## Shellfish Harvesting Guide

Type	Minimum Size	Weekly Limits
------	--------------	---------------

Mussels	2 inches
Razor Clams	3 inches
Softshell Clams	2 inches
Oysters	3 inches
Quahogs	1 inch across the hinge



Combined Weekly Catch Limit of One (1) Ten-Quart Bucket **except** for Oysters, which may constitute not more than half (1/2) of the ten-quart weekly limit  
(Weekly is defined from 12:00am Sunday thru 11:59pm Saturday)

Bay Scallops	Closed. The Shellfish Constable may post an opening and establish catch limits
--------------	--

Sea Clams	5 inches	Two (2) Ten-Quart Buckets per week
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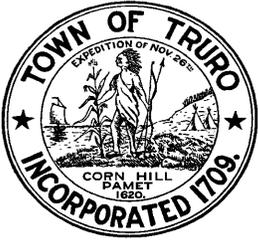
### Additional Comments:

- 1) All limits are measured "in the shell". Field shucking is not permitted.
- 2) The limits for Sea Clams are separate from the limits for for all other shellfish
- 3) Razor Clams may only be taken by hand digging and scratching only. No salting is allowed

### Shellfishing Season(s): By Location

- 1) Pamet Harbor & Basin -- Every Sunday between Nov 1st - Apr 30th
- 2) Truro Bay Beaches -- Open daily for shellfishing year-round

*(Subject to closures at the descretion of the Shellfish Constable)*



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, on behalf of Alice Boyd of Bailey Boyd Associates

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Public hearing regarding the submission of an FY16 regional CDBG grant.

**EXPLANATION:** This public hearing is required under the Community Development Block Grant program prior to grant submission. It is proposed that the FY16 application will continue the successful Housing Rehabilitation and Childcare Subsidy programs with Truro continuing as the lead community.

**FINANCIAL SOURCE (IF APPLICABLE):** The grant and the administration of the grant would cover all expenses. The Truro Accounting Office will continue to provide their services for bill paying, etc.

**IMPACT IF NOT APPROVED:** The public hearing would have to be re-advertised to have one of the other communities (Provincetown or Wellfleet) serve as the lead community.

**SUGGESTED ACTION:**

*MOTION TO approve the submittal of an FY16 CDBG grant for housing rehabilitation and childcare subsidies and authorize the Chair and/or Town Administrator to sign the grant application and associated forms.*

*MOTION TO allocate \$35,000 of CDBG Program Income as a contingency fund and make other encumbrances as necessitated.*

**ATTACHMENTS:**

1. Legal Notice, published in the Cape Codder
2. December 16, 2015 memo from Alice Boyd, Bailey Boyd Associates, Inc.

**Noelle Scoullar**

---

**From:** Alice Boyd <a Boyd@baileyboyd.com>  
**Sent:** Wednesday, December 16, 2015 1:00 PM  
**To:** Noelle Scoullar  
**Cc:** Nicole Tudor  
**Subject:** Legal Ad for BOS Public Hearing

**PUBLIC HEARING - FY16 CDBG GRANT**

The Town of Truro Board of Selectmen will hold a Public Hearing at Truro Town Hall on Tuesday January 12, 2016, at 5:00 P.M. to discuss the FY16 regional CDBG application for the towns of Truro, Wellfleet and Provincetown. Proposed activities include housing rehabilitation and childcare subsidies in the town-wide target areas. Residents of Truro, Wellfleet and Provincetown are welcome to attend and will be heard.

THANKS!

--

Alice Boyd  
Bailey Boyd Associates, Inc  
508 430-4499 x1  
413 258-7055  
[www.baileyboyd.com](http://www.baileyboyd.com)



## M e m o r a n d u m

**TO: Truro Board of Selectmen**  
**CC: Rae Ann Palmer, Town Administrator**  
**FROM: Alice Boyd, Bailey Boyd Associates, Inc.**  
**RE: FY16 CDBG Grant**  
**DATE: December 16, 2015**

On Tuesday January 12th the Town will hold a Public Hearing regarding the submission of an FY16 regional CDBG grant. At the public hearing residents from Truro, Provincetown and Wellfleet are invited to comment on the proposed CDBG application content.

The town of Truro is eligible to apply for \$900,000. We propose continuing the successful Housing Rehabilitation and Childcare Subsidy programs. The programs are offered on a first come/first served basis and we have assisted dozens of Truro residents.

Either Cassie Boyd Marsh or I will be in attendance to answer your questions.

At the completion of the public hearing it is traditional for the Board of Selectmen to vote the following motion:

**PROPOSED MOTION 1:** Move to submit an FY16 CDBG grant for housing rehabilitation and childcare subsidies and to authorize the Town Administrator and/or Chairman of the Board of Selectmen to sign the grant application and associated forms.

**PROPOSED MOTION 2:** Move to allocate \$35,000 of CDBG Program Income as a contingency fund and make other encumbrances as necessitated.

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

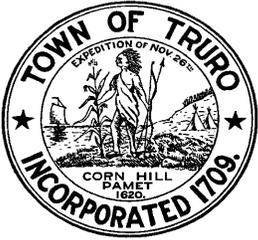
Best,

A handwritten signature in blue ink that reads "Alice".

120 Main Street  
P.O. Box 215  
West Harwich, MA 02671  
508-430-4499 phone  
508-430-4498 fax

[baileyboyd.com](http://baileyboyd.com)

12 S. Sandisfield Road  
Sandisfield, MA 01255  
phone 413-258-7055  
fax 413-258-7055



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, on behalf of Lester J. Murphy, Jr. Attorney at Law

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Condominium Conversion Application for 124 and 126 Castle Road.

**EXPLANATION:** 124 and 126 Castle Road are owned by Richard and Carol Pesiri, and are currently operated as cottage colonies with 4 and 3 units respectively. An application has been filed to convert both properties from cottage colonies to condominiums. The Board of Health has approved both applications.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** 124 and 126 Castle Road will not be able to operate as condominiums, and will have to continue to operate as cottage colonies.

**SUGGESTED ACTION:** *MOTION TO approve the condominium conversion applications for 124 and 126 Castle Road.*

**ATTACHMENTS:**

1. Condominium Conversion Applications for 124 and 126 Castle Road.
2. Condominium Declaration of Covenant for 124 and 126 Castle Road.
3. Condominium Conversion Application Process

LESTER J. MURPHY, JR.  
ATTORNEY AT LAW



MAIL ADDRESS:  
P.O. BOX 1388  
E. DENNIS, MA 02641  
EMAIL [ljmurphylaw@verizon.net](mailto:ljmurphylaw@verizon.net)

OFFICE LOCATION:  
1380 ROUTE 134  
EAST DENNIS, MA 02641  
TELEPHONE (508) 385-8313  
FAX (508) 385-7033

September 22, 2015

Russell Braun, Building Commissioner  
Truro Town Hall  
24 Town Hall Road  
P.O. Box 2030  
Truro, MA 02666

Re: Condominium conversion of properties at 124 and 126 Castle Road

Dear Mr. Braun:

Please be advised that I am writing to you on behalf of Richard and Carol Pesiri who are the owners of the two (2) pieces of property at 124 Castle Road and 126 Castle Road in Truro.

Enclosed with this correspondence are two (2) sets of Conversion Applications and six (6) copies of a Site Plan detailing the parking proposed for each of the Condominiums. The parking plans delineate two (2) spaces for each Unit and were prepared by Slade Associates to comply with the provisions of the Truro Zoning By-laws with respect to condominium conversion and parking requirements.

As you are well aware, under § 43 of the Zoning By-laws the condominium conversion approval process starts with you as the Building Commissioner approving the parking plan and confirming the same complies with the Town requirements. Once that has been approved we would then be able to proceed forward on the Permitting process. Also, please advise if there are any further requirements as part of the permitting process such as Site Plan Review. In light of the fact that no changes are proposed to the properties and we are dealing with a four (4) unit condominium and a three (3) unit condominium I am hopeful that Site Plan Review will not be required as part of the process.

If the parking plans submitted are in order would you kindly approve the same and confirm that approval so that I may proceed on to the Board of Health. Would you also advise as to whether you need the signed Seasonal Covenant filed at this point in time or whether we may file that once we are ready to appear before the Board of Selectmen for their consideration.

Thank you for your anticipated cooperation in this matter and if you have any questions please do not hesitate to contact me.

Cordially,

A handwritten signature in blue ink, appearing to read "Lester J. Murphy, Jr.", written over a printed name.

Lester J. Murphy, Jr.

cc: Carol and Richard Pesiri



Comments of the Health Agent: Septic inspected 8/27/15 - O.K. Floor plans  
must be filed with the BOH - p.p.g.u.m. 9/30/15

Comments of the Building Commissioner: \_\_\_\_\_

This application has been approved by the undersigned:

Travis A. ...

... to ...

Timothy Mae  
Mark N. Peters  
BOARD OF HEALTH

December 16, 2015  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
BOARD OF SELECTMEN

\_\_\_\_\_  
Date

**THIS FORM AND ALL SUPPORTING DOCUMENTS MUST BE SUBMITTED TO  
THE BOARD OF APPEALS BY THE APPLICANT**

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERING OF DEEDS IN PREPARING THIS PLAN.

REGISTERED LAND SURVEYOR DATE

FOR REGISTRY USE

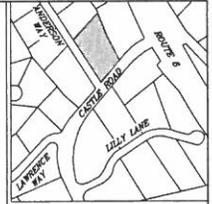
I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE BUILDING AS BUILT, AND FULLY LISTS THE UNITS CONTAINED THEREIN.

REGISTERED LAND SURVEYOR DATE

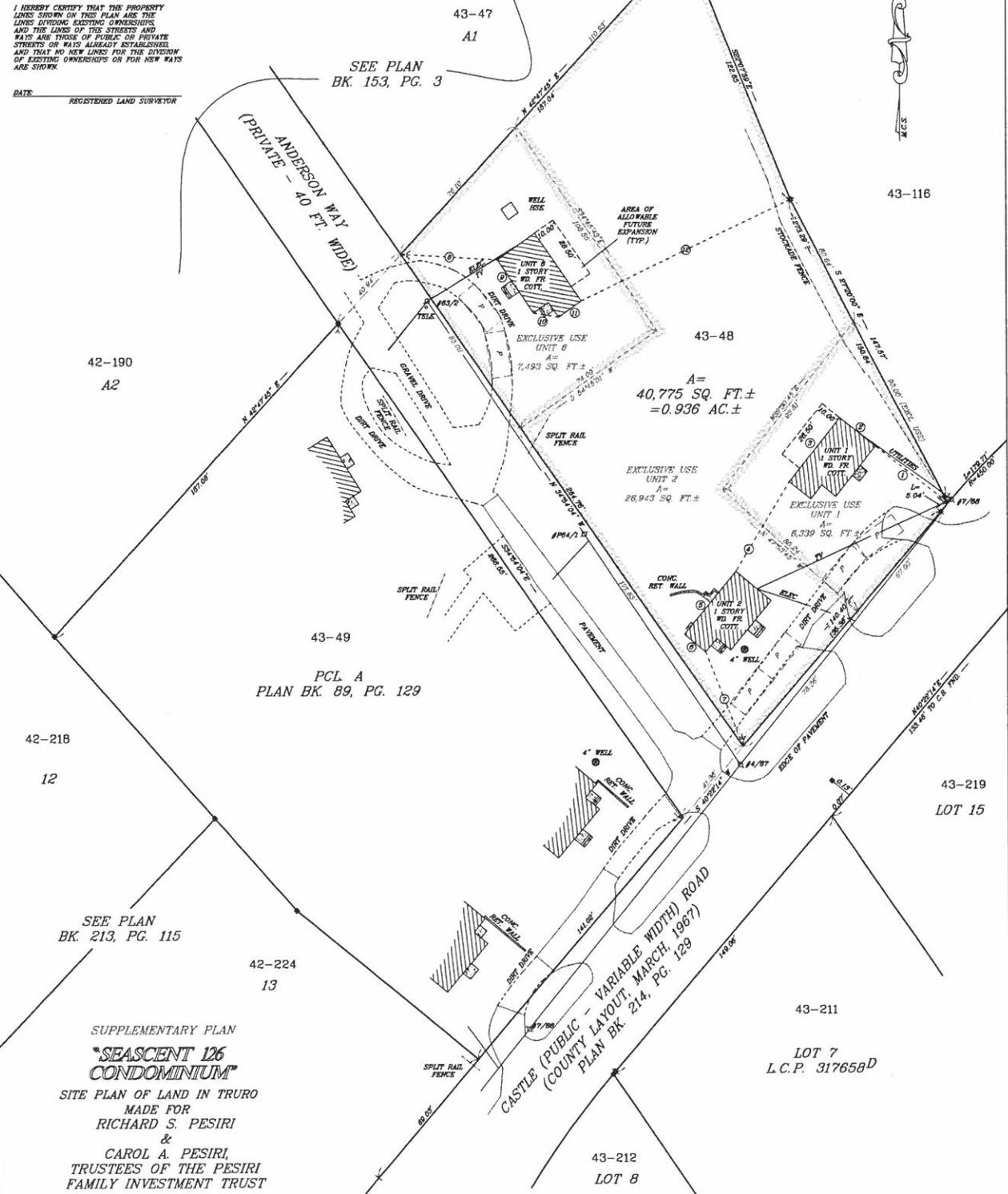
I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

REGISTERED LAND SURVEYOR DATE

LINK	LENGTH	BEARING
1	40.69	N51°27'36"W
2	50.85	N54°20'55"W
3	38.08	S38°20'45"E
4	45.73	S37°17'04"W
5	38.03	S39°41'22"E
6	12.28	S50°04'18"E
7	43.17	S37°24'38"E
8	43.82	S88°36'03"E
9	28.26	S34°47'37"E
10	11.87	S59°44'14"E
11	12.23	N54°43'01"E
12	102.89	N64°37'00"E



LOCUS IS SHOWN AS PARCEL 48 ON SHEET 43 OF THE TRURO ASSESSORS' ATLAS



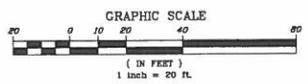
A = 40,775 SQ. FT. ± = 0.936 AC. ±

SEE PLAN BK. 213, PG. 115

SUPPLEMENTARY PLAN "SEASCENT 126 CONDOMINIUM" SITE PLAN OF LAND IN TRURO MADE FOR RICHARD S. PESIRI & CAROL A. PESIRI, TRUSTEES OF THE PESIRI FAMILY INVESTMENT TRUST

SCALE: 1"=20' JULY 16, 2015 SLADE ASSOCIATES, INC. REGISTERED LAND SURVEYORS 10 PINE POINT ROAD, WELLSFLEET, MA 02887 608-349-3110

□ DENOTES PARKING SPACE DEDICATED TO INDIVIDUAL UNITS  
 ■ DENOTES DRILL HOLE IN CONCRETE MONUMENT FOUND UNLESS OTHERWISE INDICATED.





Comments of the Health Agent: Septic inspected 8/07/15 - OK. Flood plans  
Must be filed with the BOH - P papers 7/30/15

Comments of the Building Commissioner: \_\_\_\_\_

This application has been approved by the undersigned:

Tracy Aron

Grant S. Clark

Timothy Orose

Mark W. Poff  
BOARD OF HEALTH

December 16, 2015  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
BOARD OF SELECTMEN

\_\_\_\_\_  
Date

**THIS FORM AND ALL SUPPORTING DOCUMENTS MUST BE SUBMITTED TO  
THE BOARD OF APPEALS BY THE APPLICANT**

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERED LAND SURVEYORS IN PREPARING THIS PLAN.

DATE \_\_\_\_\_  
REGISTERED LAND SURVEYOR \_\_\_\_\_

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY SHOWS THE LOCATION AND DIMENSIONS OF THE BUILDING AS BUILT, AND FULLY LISTS THE UNITS CONTAINED THEREON.

DATE \_\_\_\_\_  
REGISTERED LAND SURVEYOR \_\_\_\_\_

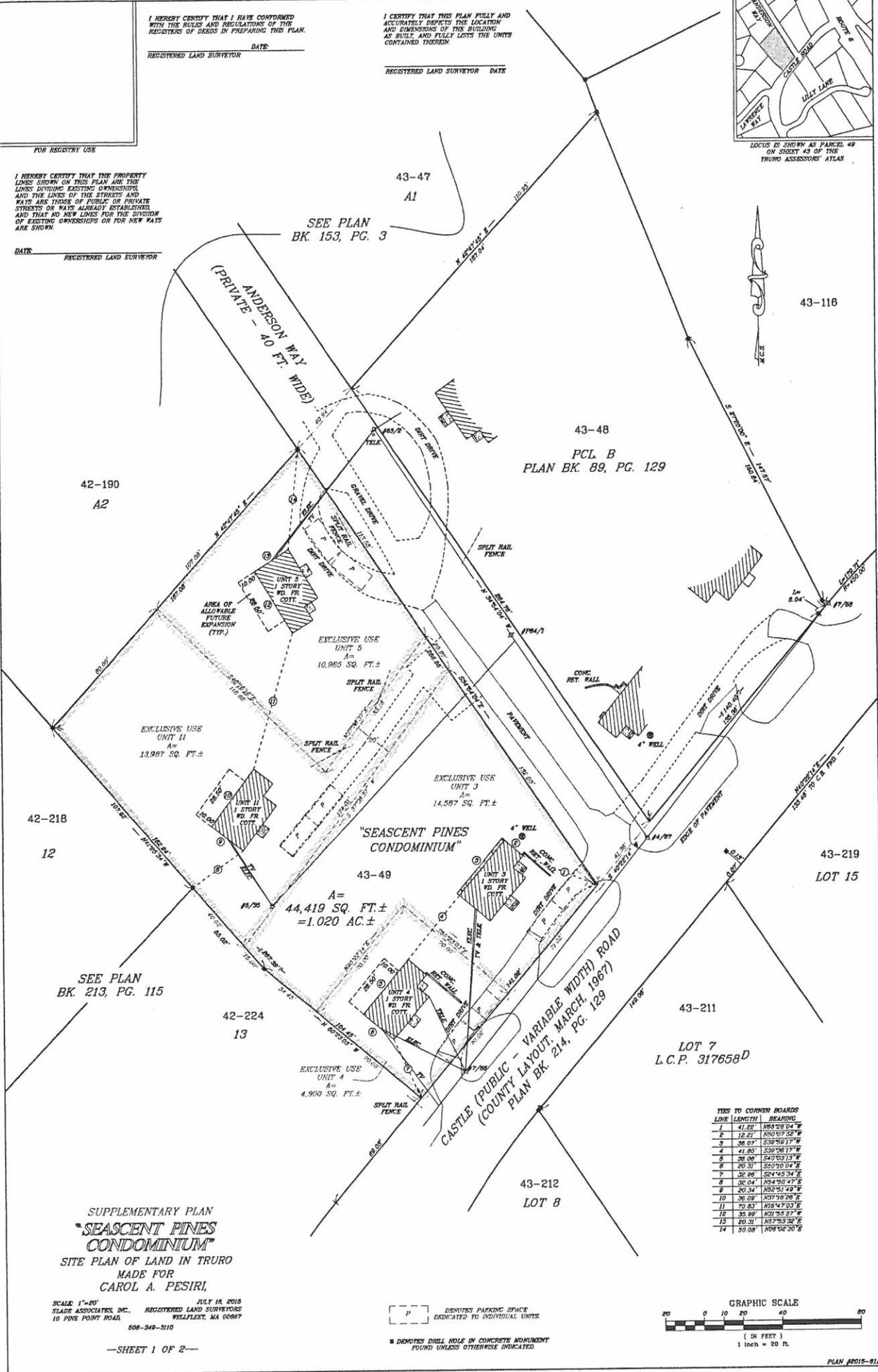


LOCUS IS SHOWN AS PARCEL 49 ON SUBST 43 OF THE TRURO ASSASSORS' ATLAS

FOR REGISTRY USE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF THE STREETS AND WAYS ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE \_\_\_\_\_  
REGISTERED LAND SURVEYOR \_\_\_\_\_



SEE PLAN BK 213, PG. 115

SEE PLAN BK 153, PG. 3

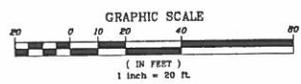
PCL B PLAN BK. 89, PG. 129

SUPPLEMENTARY PLAN  
"SEASCANT PINES CONDOMINIUM"  
SITE PLAN OF LAND IN TRURO  
MADE FOR  
CAROL A. PESIRI,

SCALE 1"=20'  
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS  
10 PINE POINT ROAD, BELLEFLEET, MA 02607  
508-349-3110

P DENOTES PARKING SPACE DEDICATED TO INDIVIDUAL UNITS  
W DENOTES WELL FOUND UNLESS OTHERWISE INDICATED

TIES TO CORNER BOARDS	LINE LENGTH	BEARING
1	41.82'	N86°26'04"W
2	12.21'	N50°07'52"W
3	38.07'	S38°59'17"W
4	41.82'	S38°59'17"W
5	38.06'	S40°03'13"W
6	20.31'	S50°10'04"E
7	32.98'	S24°45'34"E
8	38.04'	N54°50'47"E
9	20.34'	N52°51'49"W
10	36.01'	N37°18'28"W
11	70.65'	N16°47'03"E
12	35.89'	N31°55'27"W
13	20.31'	N57°50'36"E
14	30.00'	N09°54'30"E





RECEIVED  
SELECTMENS OFFICE

DEC 30 2015

TOWN OF TRURO  
MASSACHUSETTS

# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 Fax: 508-349-5505

## CONDOMINIUM DECLARATION OF COVENANT

WHEREAS, Carol A. Pesiri

hereinafter referred to as "OWNER," is the owner of certain real estate currently being operated

as Seascent Pines situated on

124 Castle Road

in Truro, Massachusetts, which said real estate is fully and completely

described in the deed marked Exhibit "A," annexed hereto and made a part hereof; and

WHEREAS, the Owner is desirous of holding the above-described property as a  
condominium; and

WHEREAS, the use of the above-described property as a Condominium without the  
restrictions set forth hereinafter would constitute a use which is prohibited by the Truro Zoning  
Bylaw and further that such a use could expand the use of the above-described property beyond  
its current seasonal occupancy thereby causing greater use of available water resources, increased  
sewerage disposal, increases to the school population and other increases in municipal services  
which would be provided by the Inhabitants of the Town of Truro, and

WHEREAS, it is the intention of the Owner that the property continue in part to be used  
and operated as public accommodations, as defined in said Section 10.4 of Truro Zoning Bylaws;  
and

WHEREAS, the Owner is desirous of continuing to be licensed in the Town of Truro  
pursuant to General Laws Chapter 140, Sections 32A, 32B, 32C, 32D and 32E;

NOW, THEREFORE, the Owner hereby imposes the following restrictions on said premises for the benefit of (a) the owner or owners of said property, and the shareholders of said Condominium corporation, and (b) the Inhabitants of the Town of Truro:

1. The property, consisting of 4 units, is intended for and is to be used only for seasonal use, and, except as otherwise provided herein, all units owned by the Owner and the Condominium shall not be occupied between November 30 of each year and March 1 of the succeeding year. Provided that, nothing contained herein shall restrict or limit the year-round use of one (1) unit, that being unit # 3, which is designated as the resident manager's unit.

2. No agreement between the Owner or Condominium and any of its members to modify or amend the Occupancy Agreement of any unit with respect to the seasonal use restrictions of each unit shall be of any force or effect unless the same has been approved and assented to in a written instrument signed by the Board of Selectmen of the Town of Truro.

3. The attempted amendment or modification of any such Occupancy Agreement to provide for use of a unit beyond the season of March 1 to November 30, shall constitute the extension of a pre-existing, non-conforming use as well as a violation of Section 40.3 of the Zoning Bylaws of the Town of Truro as amended on May 19, 1981.

4. This Covenant and the restrictions herein contained shall remain in effect so long as the property is established as a Condominium, including any successor Condominium.

5. The Inhabitants of the Town of Truro, through its Board of Selectmen and/or Building Inspector, shall have the right to enforce the provisions of this Covenant, and to obtain from a Court of competent jurisdiction the appropriate orders and injunctive relief prohibiting any violations of the conditions and covenants herein contained. In the event that the said Town

of Truro shall commence an action to enforce compliance for the provisions of this covenant, the costs incurred by the said Town of Truro in that action, including its reasonable attorney's fees, shall be assessed to and paid by the owner of the property.

6. No amendment, revision, termination or substitution of this Declaration of Covenant shall be effective unless the same is assented to in writing by the Inhabitants of the Town of Truro through its Board of Selectmen.

7. The original of this Covenant shall be recorded with the Barnstable County Registry of Deeds and shall be marginally referenced to the deed of the owner and shall run with the land.

8. The invalidity of any provision of this Agreement shall not be deemed to impair or affect in any manner the validity, enforceability, or effect of the remainder of this Agreement and, in such event, all of the other provisions of this Agreement shall continue to full force and effect as if such invalid provisions had never been included herein.

9. The property will continue to be licensed under the authority of the Board of Health pursuant to MGL Ch. 140, Sections 32A, B, C, D and E.

EXECUTED AS A SEALED INSTRUMENT this 26 day of  
December, 2015 By: Carol A. Pesiri  
Owner - Carol A. Pesiri

IN WITNESS WHEREOF, n/a has caused its name  
to be signed and its corporate seal to be hereto affixed by n/a  
its President on the day and year above written.

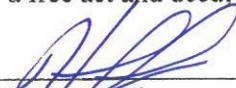
By: n/a  
President

Condominium  
Declaration of Covenant  
Page 4

COMMONWEALTH OF MASSACHUSETTS

~~Barnstable~~, ss. Marfolk (HS) December 26, 2015

Then personally appeared the above named Carol A. Pesiri and  
acknowledged the foregoing instrument to be a free act and deed; before me.

  
\_\_\_\_\_  
Notary Public

My commission expires: 07/03/2020



TRURO BOARD OF SELECTMEN

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss \_\_\_\_\_, 20 \_\_\_\_\_

Then personally appeared the above- named \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, as they are the Truro Board of Selectmen,

and acknowledged the foregoing instrument to be their free act and deed; before me,

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

## EXHIBIT A

The land in Truro situated in the Northerly side of Corn Hill Road (so-called), bounded and described as follows:

Commencing at a stake in the southwesterly corner thereof by said Corn Hill Road and running North  $33^{\circ} - 15'$  West by the fence, one hundred eleven and  $02/100$  (111.02) feet to a stake;  
thence North  $24^{\circ} - 21'$  West by said fence, one hundred sixty-two and  $92/100$  (162.92) feet to a stake by other land now or formerly of Amelia Cabral;  
thence North  $59^{\circ} - 53'$  East one hundred ninety-seven and  $51/100$  (197.51) feet by other land of Amelia Cabral to a stake;  
thence Southerly by said other land now or formerly of Amelia Cabral two hundred seventy-three (273) feet, more or less to a stake by said road;  
thence South  $57^{\circ} - 26'$  West by said road one hundred fifty and  $02/100$  (150.02) feet to the first mentioned bound.

Said premises are shown as parcel "A" on a plan by W.G. Slade, Surveyor of Truro, Mass. recorded with Barnstable Registry of Deeds in Plan Book 89, Page 129.

For title see deed of Edith H. Anderson dated November 20, 1990 and recorded with the Barnstable County Registry of Deeds in Book 7398, Page 352.



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666  
Tel: 508-349-7004 Fax: 508-349-5505

## CONDOMINIUM DECLARATION OF COVENANT

WHEREAS, Richard S. Pesiri and Carol A. Pesiri, Trustees of the Pesiri Family Investment Trust u/d/t dated June 4, 1997, recorded with the Norfolk Registry in Book 11053, hereinafter referred to as "OWNER," is the owner of certain real estate currently being operated Page 706

as Seascent 126 Condominium situated on  
126 Castle Road

in Truro, Massachusetts, which said real estate is fully and completely described in the deed marked Exhibit "A," annexed hereto and made a part hereof; and

WHEREAS, the Owner is desirous of holding the above-described property as a condominium; and

WHEREAS, the use of the above-described property as a Condominium without the restrictions set forth hereinafter would constitute a use which is prohibited by the Truro Zoning Bylaw and further that such a use could expand the use of the above-described property beyond its current seasonal occupancy thereby causing greater use of available water resources, increased sewerage disposal, increases to the school population and other increases in municipal services which would be provided by the Inhabitants of the Town of Truro, and

WHEREAS, it is the intention of the Owner that the property continue in part to be used and operated as public accommodations, as defined in said Section 10.4 of Truro Zoning Bylaws; and

WHEREAS, the Owner is desirous of continuing to be licensed in the Town of Truro pursuant to General Laws Chapter 140, Sections 32A, 32B, 32C, 32D and 32E;

NOW, THEREFORE, the Owner hereby imposes the following restrictions on said premises for the benefit of (a) the owner or owners of said property, and the shareholders of said Condominium corporation, and (b) the Inhabitants of the Town of Truro:

1. The property, consisting of   3   units, is intended for and is to be used only for seasonal use, and, except as otherwise provided herein, all units owned by the Owner and the Condominium shall not be occupied between November 30 of each year and March 1 of the succeeding year. Provided that, nothing contained herein shall restrict or limit the year-round use of one (1) unit, that being unit #   2  , which is designated as the resident manager's unit.

2. No agreement between the Owner or Condominium and any of its members to modify or amend the Occupancy Agreement of any unit with respect to the seasonal use restrictions of each unit shall be of any force or effect unless the same has been approved and assented to in a written instrument signed by the Board of Selectmen of the Town of Truro.

3. The attempted amendment or modification of any such Occupancy Agreement to provide for use of a unit beyond the season of March 1 to November 30, shall constitute the extension of a pre-existing, non-conforming use as well as a violation of Section 40.3 of the Zoning Bylaws of the Town of Truro as amended on May 19, 1981.

4. This Covenant and the restrictions herein contained shall remain in effect so long as the property is established as a Condominium, including any successor Condominium.

5. The Inhabitants of the Town of Truro, through its Board of Selectmen and/or Building Inspector, shall have the right to enforce the provisions of this Covenant, and to obtain from a Court of competent jurisdiction the appropriate orders and injunctive relief prohibiting any violations of the conditions and covenants herein contained. In the event that the said Town

of Truro shall commence an action to enforce compliance for the provisions of this covenant, the costs incurred by the said Town of Truro in that action, including its reasonable attorney's fees, shall be assessed to and paid by the owner of the property.

6. No amendment, revision, termination or substitution of this Declaration of Covenant shall be effective unless the same is assented to in writing by the Inhabitants of the Town of Truro through its Board of Selectmen.

7. The original of this Covenant shall be recorded with the Barnstable County Registry of Deeds and shall be marginally referenced to the deed of the owner and shall run with the land.

8. The invalidity of any provision of this Agreement shall not be deemed to impair or affect in any manner the validity, enforceability, or effect of the remainder of this Agreement and, in such event, all of the other provisions of this Agreement shall continue to full force and effect as if such invalid provisions had never been included herein.

9. The property will continue to be licensed under the authority of the Board of Health pursuant to MGL Ch. 140, Sections 32A, B, C, D and E.

EXECUTED AS A SEALED INSTRUMENT this 26 day of December, 20 15 By: Richard S. Pesiri / Carol A. Pesiri  
Owner Richard S. Pesiri, Trustee  
Carol A. Pesiri, Trustee

IN WITNESS WHEREOF, n/a has caused its name to be signed and its corporate seal to be hereto affixed by n/a its President on the day and year above written.

By: n/a  
President

Condominium  
Declaration of Covenant  
Page 4

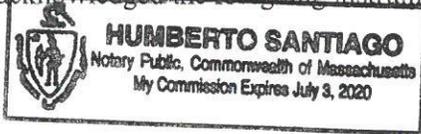
COMMONWEALTH OF MASSACHUSETTS

*Norfolk*  
~~Barnstable~~, ss. December 26, 2015

Carol A. Pesiri and

Then personally appeared the above named Richard S. Pesiri, Trustees and

~~acknowledged the foregoing instrument to be a free act and deed; before me.~~



*[Signature]*  
Notary Public Humberto Santiago

My commission expires: 07/03/2020

TRURO BOARD OF SELECTMEN

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

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss \_\_\_\_\_, 20 \_\_\_\_\_

Then personally appeared the above- named \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, as they are the Truro Board of Selectmen,

and acknowledged the foregoing instrument to be their free act and deed; before me,

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**TRUSTEE'S CERTIFICATE**

**PESIRI FAMILY INVESTMENT TRUST**

WE, **RICHARD S. PESIRI and CAROL A. PESIRI, Trustees of the Pesiri Family Investment Trust u/d/t dated June 4, 1997**, recorded with the Norfolk County Registry of Deeds in Book 11853, Page 706, with an address of 5 Rockwell Place, Milton, MA 02186, hereby on oath certify that:

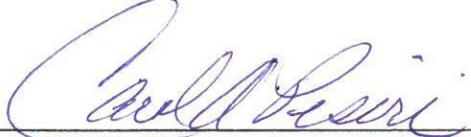
1. We are currently the Trustees of said Trust.
2. Said Trust has not been altered, amended, revoked or terminated.
3. Pursuant to said Trust, and as authorized and directed by all the beneficiaries, We as the Trustees, have full power and authority to execute the Condominium Declaration of Covenant with the Town of Trust for purposes of converting the property of the Trust located at 126 Castle Road, Truro, MA to a Condominium form of ownership in accordance with Section 40.3 of the Truro Zoning By-laws.
4. All of the beneficiaries are of full legal age and are competent.

The undersigned Trustees have full power and authority pursuant to the terms of said Trust to execute such document and instrument as the Trustees shall deem necessary in order to effectuate the above-described transaction.

Further your deponent sayeth not.

Witness our hands and seals this **26** day of December, 2015

  
Richard S. Pesiri, Trustee

  
Carol A. Pesiri, Trustee

COMMONWEALTH OF MASSACHUSETTS

*Norfolk (H)*

COUNTY OF ~~BARNSTABLE~~

On this *26* day of December, 2015, before me, the undersigned notary public, personally appeared **Richard S. Pesiri and Carol A. Pesiri, Trustees**, proved to me through satisfactory evidence of identification, which were

*Massachusetts Driver Licenses*

, proved to be the persons whose names are signed on the preceding or attached document as their free act and deed in my presence, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief, and acknowledged to me that they signed it voluntarily for its stated purpose.



*[Handwritten Signature]*  
\_\_\_\_\_  
*Humberto Santiago*, Notary Public

My commission expires: *07/03/2020*

## EXHIBIT A

The land in Truro, Barnstable County, Massachusetts with all buildings thereon situated on the northerly side of a Town Way known as Corn Hill Road and bounded and described as follows:

Commencing at a stake in the Southwesterly corner thereof by said Corn Hill Road and land formerly of Amelia Cabral and running Northerly by said land formerly of Amelia Cabral two hundred seventy-two (272) feet; more or less, to a stake;

Thence North 59° 53' East by land formerly of said Cabral, one hundred ninety-seven and 51/100 (197.51) feet to a stake by the fence;

Thence South 05° 03' East by a fence one hundred twenty-two and 65/100 (122.65) feet to a stake;

Thence South 10° 15' East by the fence one hundred fifty-seven and 56/100 (157.56) feet to a stake by the road;

Thence South 57° 26' West one hundred fifty and 02/100 (150.02) feet by the road to the first mentioned bound.

Said premises are shown as parcel "B" on a plan by W.G. Slade, Surveyor of Truro, Mass., recorded in the Barnstable County Registry of Deeds in Plan Book 89, Page 129.

For title see deed of Richard S. Pesiri et al dated December 2001 and recorded with the Barnstable County Registry of Deeds in Book 14789, Page 178.



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004 Fax: 508-349-5505

## REVISED PROCESS USED FOR CONDOMINIUM CONVERSION

- STEP 1 Applicant must complete the two-part application form, consisting of the Conversion Application and the Condominium Declaration of Covenant. The Conversion Application shall specify the total number of units and bedrooms, and designate which unit will be used as the on-premise Manager's unit.
- STEP 2 Applicant must obtain a certification of compliance regarding parking requirements for single-family dwellings on the property proposed for conversion. It will be necessary for the plan to be engineered or prepared by a surveyor, to be drawn to scale, and to depict accurately the property area and the area location of the proposed parking spaces. If approved, both the plan and the conversion application will be signed by the Building Commissioner.
- STEP 3 The applicant must present an engineered plan of the proposed septic system, upgraded to Title V provisions, or an Inspection Report of the current septic system to the Health Agent. This plan should be prepared by a registered civil engineer, and it should be certified to meet existing sanitary code requirements. The Health Agent's signature on the application will signify approval of the septic system. The conversion application shall be submitted to the Board of Health for approval and if applicable, certification for the septic system to be constructed.
- STEP 4 The applicant shall execute the Condominium Declaration of Covenant, with a copy of the deed attached and labeled Exhibit A, agreeing with the town regarding the limitations to seasonal use. This signed covenant, together with the Conversion Application will then be brought before the Board of Selectmen for approval and execution. Once the Board of Selectmen sign the application the original document must be recorded at the Barnstable County Registry of Deeds. The recorded copy of the Conversion Application must then be submitted to the Board of Appeals.
- STEP 5 The applicant must appear before the Board of Appeals at a hearing duly advertised according to Special Permit procedures and must request a Special Permit from the ZBA for the creation of conversion to a Condominium. Part of the record to be presented to the Board of Appeals must consist of the certification regarding parking requirements (STEP 2), and the engineered septic system plan (STEP 3), certifying that as constructed, it will conform to Title V of the State Sanitary Code. The Board of Appeals having those essential documents in the record, shall then act with respect to the grant of the Special Permit, and should it be so persuaded, it shall grant the permit conditioned upon the septic system being constructed according to the engineered plan, the parking requirements being provided according to the parking plan submitted, and the seasonal use covenant being executed with the town. An attested copy of the Covenant with the date of registry must be provided to the Town before the Special Permit will be issued. The applicant will be given thirty days to complete this.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Nicole Tudor, Executive Assistant, on behalf of Laura Kelley, Director of Protect Our Cape Cod Aquifer (POCCA)

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Discussion of POCCA's efforts to limit pesticide spraying by Eversource through support of proposed legislation.

**EXPLANATION:** POCCA is requesting that the 1.) The Truro BoS write a letter in support of Senator Dan Wolf's bill # S.478, an act that if passed would give each town the right to negotiate a no pesticide spraying agreement with Eversource Energy to Senator Anne Gobi, Senate Chair Environment, Natural Resources, and Agriculture (ENRA) - at [anne.gobi@masenate.gov](mailto:anne.gobi@masenate.gov) - and Representative Paul Schmid, House Chair ENRA at [Paul.Schmid@mahouse.gov](mailto:Paul.Schmid@mahouse.gov). <https://legiscan.com/MA/text/S478/id/1205740>

2.) That the BoS prepare to write Massachusetts Department of Agricultural Resources (MDAR) and prepare to testify in strong opposition to Eversource's Yearly Operation Plan (YOP) when the time for such comments arises after January 1, 2016. (Last year's document with the date changed for YOP 2016)

3.) That POCCA and POCCA's Attorney, Bruce Taub, be invited to discuss with Truro's Town Counsel, the possibility of joining in efforts to take Eversource to court, conditioned on Attorney Taub's offer of his time in such an endeavor on a pro bono basis, in an effort to stop all herbicide spraying along town owned and privately owned ROW's.

**FINANCIAL SOURCE (IF APPLICABLE):** Unknown, possible attorney fees.

**IMPACT IF NOT APPROVED:** Truro will not be listed as one of the Cape Towns opposed to the use of herbicides by Eversource on Rights-of-Way through the submission of letters in support of Bill S. 478 and in opposition of Eversource's Yearly Operation Plan and would not join in the Eversource Court case with Brewster and Orleans.

**SUGGESTED ACTION:**

1. MOTION TO approve/disapprove the Support Letter to Senator Gobi and Representative Schmid and Authorize the Chair to sign.
2. MOTION TO approve/disapprove the Letter to MDAR in opposition of Eversource Energy's Herbicide use on Utility Rights-of-Way.
3. MOTION TO approve/disapprove joining in the lawsuit against Eversource with Brewster and Orleans.

**ATTACHMENTS:**

1. Draft Letter Senator Gobi and Representative Schmid
2. Draft Letter to MDAR in opposition to Eversource's YOP
3. Plaintiff's Complaint
4. Preliminary Injunction 9.23.2015
5. Plaintiff's Motion for Preliminary Injunction 10.6.2015



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

**Office of the Board of Selectmen**

Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505

January 12, 2016

Senator Anne Gobi

Email address: [anne.gobi@masenate.gov](mailto:anne.gobi@masenate.gov)

Representative Paul Schmid

Email address: [Paul.Schmid@mahouse.gov](mailto:Paul.Schmid@mahouse.gov)

Dear ENRA Committee Chairs Senator Gobi and Representative Schmid:

We are undersigned, the Truro Board of Selectmen, write to respectfully ask that the ENRA committee move forward and favorably report out Senator Dan Wolf's bill S.478, a bill regarding vegetation management in rights-of-ways.

See <https://malegislature.gov/Bills/189/Senate/S478>

The intent of this bill is to give individual towns such as Truro the right to negotiate a no pesticide spraying agreement with Eversource Energy Corp. Thereby providing the citizens of Truro an alternative method of maintaining rights-of-way without the use of toxic pesticides.

Inasmuch as no additional cost would accrue to Eversource from the passage of this bill, and the citizens of Truro so strongly support the mandating of alternatives to the spraying of toxins, we call upon you to move this matter forward.

Respectfully,

Paul Wisotzky  
Chair, Board of Selectmen  
Town of Truro

Cc: Laura Kelly, Director, POCCA



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666  
**Office of the Board of Selectmen**  
Tel: 508-349-7004 , Extension: 10 or 24 Fax: 508-349-5505

January 12, 2016

Michael McClean, Director of Rights and Way Program  
Massachusetts State Pesticide Bureau  
251 Causeway St. Suite 500  
Boston, MA 02114

William Haynes, Senior Transmission Arborist  
Eversource Energy  
One NSTAR Way, SE-370  
Westwood, MA 02090

Mr. Jerry McDermott  
Eversource Energy  
One NSTAR Way  
Westwood, MA 02090

Honorable State Representative, Sarah K. Peake  
State House, Room 540  
Boston, MA 02133

Senator Daniel A. Wolf  
Massachusetts State House, Room 405  
Boston, MA 02133

Laura Kelley, Director  
POCCA Cape Cod  
PO Box 17  
North Eastham, MA 02651

Dear Mr. McClean,

We, the Truro Board of Selectmen, on January 12th, 2015, request that Eversource permanently eliminate the broad-scale use of herbicides and pesticides as an acceptable vegetative management practice in the Yearly Operational Plan (YOP) 2016 of your power line rights of way. The Board believes it is important for Eversource to step back and take a hard look at its Rights-of-Way Management Practices.

Whether one is buying shoes or adopting a management practice, “one size fits all”, never works nor is it sensible. The geology of Barnstable County is different from other areas of mainland Massachusetts. Here on

Cape Cod, we have a sole-source aquifer. Chemicals applied for vegetation control will ultimately leach into our water table.

The top few inches of soil on Cape Cod is living, breathing and life-sustaining. Living soil is responsible for filtering our entire water supply on Cape Cod. Native small trees and shrubs provide cover for living soil. The trees and shrubs release oxygen into our atmosphere. In the past, Eversource has demonstrated responsible and sustainable management practices regarding power line easements with selective cutting and mowing. These practices protect the soils capability to filter our water supply rather than pollute it by the application of pesticides and herbicides which leach toxins into our finite water supply, toxins that harm the health of human beings along with native plants and wildlife species.

Switching to short-term short-sighted methods of applying pesticides and herbicides (a combination of chemical cocktails which have not been tested when mixed together) kills off the beneficial, living micro-organisms. which nourish and maintain the living soil that constantly filters our water.

Eversource has been responsible in its past efforts to work with the citizens of Cape Cod. We insist that Eversource seek out and implement management practices based on the best available science, that protects our aquifer and provide for an ongoing, sustainable, region-sensitive plan for all future vegetation control within Eversource's power line easements.

Sincerely,

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Paul Wisotzky, Chairman

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Jan Worthington, Vice-Chairman

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Maureen Burgess, Clerk

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Jay Coburn

---

Robert Weinstein

Board of Selectmen, Town of Truro

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

BARNSTABLE SUPERIOR COURT  
CIVIL ACTION NO.

\* \* \* \* \*

Catherine T. Richardson,  
Sandra Johnson,  
David Greene,  
and other unnamed entities and individuals,  
Plaintiffs

v.

Eversource Energy Service Co., Inc., formerly dba  
Northeast Utilities Service Co., Inc. and NStar,  
formerly AKA NStar a Northeast Utilities Company, and  
Vegetation Control Service, Inc., Lewis Tree Service Inc.,  
and Lucas Tree,  
Defendants

\* \* \* \* \*

PLAINTIFFS' COMPLAINT

The plaintiffs, Catherine T. Richardson, Sandra Johnson, David  
Greene, and other unnamed entities and individuals, allege as  
follows:

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY  
RELATED TO THE PLAINTIFFS

1. Plaintiff, Catherine T. Richardson, a person of legal age,  
resides and at all times relevant hereto, resided in Eastham, MA,  
02642, Barnstable County, where she owns, possesses, and  
occupies property known as 100 Armour Drive, a single family  
residential home, including an appurtenant garage, appurtenant  
structures, lawns, trees, gardens, wells, proximity to an aquifer,

and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives her drinking water. Richardson, etal. v. Eversource, etal., Barnstable Sup Ct., C.A. Dkt No. Plaintiffs' Complaint, pg 2.

2. Plaintiff, Sandra Johnson, a person of legal age, resides and at all times relevant hereto, resided in Eastham, MA, 02642, Barnstable County, where she owns, possesses, and occupies a property known as 52 Indian Way, a single family residential home, including appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives her drinking water.

3. Plaintiff, David Greene, a Mashpee Wampanoag Tribe member and person of legal age, resides and at all times relevant hereto, resided in Bourne, MA, 02532, Barnstable County, where he owns, possesses, and occupies a property known as 20A Dry Cedar Swamp Road, a single family residential home, including appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the petitioner at all times relevant hereto derives his/her drinking water.

4. Other unnamed entities and individuals of legal age, residing or having their place of business at all times relevant hereto in Barnstable County, each own, possess, occupy or are legally responsible for property, including homes, appurtenant structures, lawns, trees, gardens, wells, aquifers, and/or proximity to a public ground water source from which the petitioners at all times relevant hereto derive their drinking water.

5. All of the plaintiffs identified herein have suffered personal, psychological, emotional, medical, and economic damages as a result of Defendant Eversource's and/or its agents' and/or subcontractors' breach of the terms and requirements of MGL

132B and 333 CMR 11 and as such are “persons aggrieved” within the definitions of 333 CMR 11.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs’ Complaint, pg 3.

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY  
RELATED TO THE NAMED DEFENDANT AND/OR ITS  
AGENTS AND/OR SUBCONTRACTORS

6. Defendant, Eversource Energy Service Co., Inc., formerly dba Northeast Utilities Service Co., Inc., and formerly AKA NStar, a Northeast Utilities Company, (herein “Defendant Eversource”) is and was at all relevant times hereto an “energy provider” serving electric and natural gas customers in Massachusetts having a principal business address of 800 Boylston St., Boston, 02199.

7. Defendant Eversource and/or its agents and/or subcontractors at all relevant times hereto prepared to apply and/or spray - and did in fact apply and/or spray - toxic herbicides to lands, gardens, vegetation, water supplies, aquifers, and drinking water sources proximate to and/or on or about the land, gardens, water supplies, wells, and/or property of the named and unnamed plaintiffs.

8. Defendant Eversource and/or its agents and/or subcontractors at all relevant times hereto were subject to 333 Code of Massachusetts Regulations (hereinafter “CMR”) 11, the Massachusetts Rights-of-Way Management Regulations, and the Massachusetts Pesticide Control Act, Chapter 132B of the Massachusetts General Laws.

9. Pursuant to the provisions of 333 CMR 11 Defendant Eversource’s plan to apply herbicides along rights-of-way must be approved by the Massachusetts Department of Agricultural Resources (MDAR).

10. Defendant Eversource has identified 13 towns or municipalities in Barnstable where it intends to use and did use

toxic herbicides to treat Defendant Eversource's electric rights-of-way in 2015, including Bourne and Eastham.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 4.

11. In accordance with the terms of 333 CMR 11 Defendant Eversource and/or its agents and/or subcontractors were and are required to spray and/or apply only herbicides recommended by MDAR for use within designated "no spray sensitive sites." On information and belief Defendant Eversource and/or its agents and/or subcontractors failed to do so.

12. In accordance with the terms of Chapter 132B of the Massachusetts General Laws – The Pesticide Control Act – Section 6B Defendant Eversource is and was required to notify by registered mail "the mayor, the city manager or chair of the board of selectmen and the conservation commission in the city or town where such application is to occur 21 days before such spraying, release, deposit, or application." On information and belief Defendant Eversource failed to do so.

13. In accordance with the terms of Chapter 132B of the Massachusetts General Laws – The Pesticide Control Act – Section 6B Defendant Eversource is and was required to publish a "conspicuous notice" in the local section of a "newspaper of general circulation in each city or town ... prior to such spraying, release, deposit, or application" a notice that shall "measure at least four by five inches in size." On information and belief Defendant Eversource failed to do so.

14. In accordance with the terms of 333 CMR 11 "no person shall handle, mix or load an herbicide concentrate on a right of way within 100 feet of a sensitive area." On information and belief Defendant Eversource and/or its agents and/or subcontractors failed to comply with said requirement.

15. In accordance with the terms of 333 CMR 12 “no person shall apply any herbicide identified as a Potential Ground Water Contaminant to a right-of-way.” On information and belief

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs’ Complaint, pg 5.

Defendant Eversource and/or its agents and/or subcontractors failed to comply with said requirement.

16. Defendant Eversource and/or its agents and/or subcontractors has sprayed and applied and intends to continue to spray and apply numbers of toxic herbicides to private, public, and tribal lands and property throughout Barnstable Country, said toxins to include but not limited to the active ingredients Glyphosate and Triclopyr.

17. Glyphosate and is a broad-spectrum systemic herbicide whose harmful effects accumulate over time producing toxic and sub-lethal effects in humans. Chronic low dose exposure to glyphosate through drinking water is adverse to human liver and kidney functions. Glyphosate is also a known carcinogen.

18. Triclopyr is a broad-spectrum systemic herbicide whose harmful effects accumulate over time producing toxic and sub-lethal effects in humans.

19. The effects of exposure broad-spectrum systemic herbicides on human health depends on how the amount, length, and frequency of exposure. Effects also depend on the health of a person and/or certain other environmental factors.

20. The known agents or subcontractors of Defendant Eversource relative to this Complaint and the Plaintiffs named and unnamed herein include but are not necessarily limited to: Vegetation Control Service, Inc., 2342 Main St., Athol, MA 01331; Lewis Tree Service

Inc., 300 Lucas Gordon Dr., West Henrietta, NY; and Lucas Tree, 636 Riverside St., Portland ME 04104.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 6.

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY  
RELATED TO THE TOWN OF EASTHAM

21. The Town of Eastham has an valid town ordinance – see Eastham By Laws Chapter 77 “Hazardous Materials” - that finds:

A. The groundwater underlying this Town is the sole source of its existing and future water supply including drinking water.

B. The groundwater aquifer is integrally connected with, and flows into, the surface waters, lakes, streams and coastal estuaries which constitute significant recreational and economic resources of the Town used for bathing and other water-related recreation, shell fishing and fishing.

C. Accidental spills and discharges of petroleum products and other toxic and hazardous materials have repeatedly threatened the quality of such groundwater supplies and related water resources on Cape Cod and in other Massachusetts towns, posing potential public health and safety hazards and threatening economic losses to the affected communities.

D. Under Chapter 77 the Town of Eastham further finds that - Any substance or mixture of such physical, chemical or infectious characteristics as to pose, in the Board of Health's judgment, a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. "Toxic or hazardous materials" include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies (sp), and include products such as pesticides, herbicides, solvents and thinners. Wastes generated by the following activities, without limitation, are

presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health, including specifically pesticide and herbicide applications.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 7.

E. Chapter 77-4A further reads – “The discharge of toxic or hazardous materials upon the ground or into any surface or ground waters within the Town of Eastham is prohibited.”

BACKGROUND ALLEGATIONS OF FACT SPECIFICALLY  
RELATED TO GROUNDWATER AND AQUIFERS IN  
BARNSTABLE COUNTY

22. In Barnstable County and elsewhere “groundwater” refers to the water present beneath the Earth's surface in soil pore spaces and in water bearing permeable rock, rock fractures, or unconsolidated materials such as gravel, sand, or silt.

23. In Barnstable County and elsewhere the depth at which soil pore spaces, rock fractures, or unconsolidated materials such as gravel, sand, or silt become completely saturated with water is called the water table.

24. In Barnstable County and elsewhere an aquifer is an underground layer of water-bearing permeable rock, rock fractures or unconsolidated materials such as gravel, sand, or silt, from which ground water can be extracted.

25. The Barnstable County Aquifer is extremely susceptible to contamination from pesticide spraying or application in part because of the unique porousness of Barnstable Country soils and because of its close proximate to the ground surface.

26. Movement of water and dispersion of elements including toxins within an aquifer in Barnstable County and elsewhere spreads pollutants over a wide area and said pollutants intersect with groundwater wells or surface water, making the water supplies unsafe for humans.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 8.

27. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of the application of toxic herbicides upon the Barnstable County Aquifer, thereby subjecting the named defendants and other persons or entities to severe known and unknown risks and hazards.

28. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of the application of toxic herbicides upon the Barnstable County Aquifer and the relationship of the aquifer to ground water or to the source of drinking water in public water supplies or private wells in all of Barnstable County, thereby subjecting the named defendants and other persons or entities to severe known and unknown risks and hazards.

29. At no time relevant hereto did Defendant Eversource and/or its agents and/or subcontractors consider the impact of tidal action upon the Barnstable County Aquifer and the relationship of tidal action to the aquifer as the sole natural source of drinking water in public water supplies or private wells in all of Barnstable County, thereby subjecting the named defendants and other persons or entities to severe known and unknown risks and hazards.

COUNT 1 – Negligence of Eversource Energy Service Co., Inc.,  
Vegetation Control Service, Inc., Lewis Tree Service Inc.,  
and Lucas Tree.

30. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 9.

31. Beginning on or before August 1, 2015, and continuing thereafter Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree failed to exercise that degree of reasonable care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute.

32. As a result of Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree failure to exercise that degree of reasonable care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals were scarred, severely injured, prevented from transacting their business, suffered great pain of body and mind, and incurred expenses for medical attention.

33. As a direct and proximate result of said negligence and carelessness on the part of Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals have experienced severe ongoing pecuniary, medical, and emotional losses, expenses, pains, and suffering for which they demand recovery pursuant to M.G.L.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against

Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to the award of:

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 10.

- (a) Compensatory damages against the Defendants and in favor of the Plaintiffs;
- (b) Costs of this action including reasonable attorneys' fees to the Plaintiffs;
- (c) Such other and further relief as this Court may deem appropriate.

COUNT II – Nuisance Created by Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree.

34. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.

35. Beginning on or before August 1, 2015, and continuing thereafter Defendants have created or maintained a public and private nuisance in breach of the rights of the named Plaintiffs as a result of the Defendants' failure to comply with the requirements of Massachusetts common law and General Law statutes in the use and threatened use and application of toxic herbicides on or about the property, drinking water supply, residences, gardens, and agricultural lands of the Plaintiffs.

36. As a result of the creation and maintenance of said nuisance by the named Defendants the properties of the named Plaintiffs have been injured and damaged including but not limited to stigma damages, costs of clean up, diminution in the value of the property,

increased difficulty in the sale of said property, and decreased use and enjoyment of said property.

37. The Defendants knowingly acted for the purpose of causing this significant interference with the use and enjoyment of the Plaintiffs' property and knew or should have known such a nuisance would arise, or was substantially certain to arise, as a result of their conduct.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 11.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against Defendants Eversource Energy Service Co., Inc., Vegetation Control Service, Inc., Lewis Tree Service Inc., and Lucas Tree in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to:

- (a) Compensatory damages against the Defendants and in favor of the Plaintiffs;
- (b) That the Defendants be enjoined and restrained perpetually from engaging in any activity complained of herein constituting a nuisance on the Plaintiffs' property;
- (c) That this Honorable Court issue a Preliminary Injunction with the same force and effect as a permanent injunction pending the determination of this action;
- (d) Costs of this action including reasonable attorneys' fees to the Plaintiffs;
- (e) Such other and further relief as this Court may deem appropriate.

COUNT III – Breach of Contract by Defendant Eversource Energy Service Co., Inc.

38. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.

39. Defendant Eversource has a contractual obligation with each and all of the named Plaintiffs.

40. By virtue of Defendant Eversource's failure to exercise that degree of care and caution warranted in the application of toxic herbicides governed by Massachusetts common law and statute Defendant has materially breach the explicit and implied

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 12.

conditions, covenants, and promises required to be observed and performed in accordance with the terms and conditions of the service contract entered into by the named Defendant and each individual Plaintiff.

41. By virtue of Defendant Eversource's having created or maintained a public and private nuisance in breach of the rights of the named Plaintiffs in the application of toxic pesticides on or about the property of each named Plaintiff Defendant has materially breach the explicit and implied conditions, covenants, and promises required to be observed and performed in accordance with the terms and conditions of the service contract entered into by the named Defendant and each individual Plaintiff.

WHEREFORE, Plaintiffs Richardson, Johnson, Greene, and other unnamed entities and individuals demand judgment against Defendant Eversource in a sum and manner to be determined by the trier of fact, and ask this Court instruct or order relative to the award of:

(a) Compensatory damages against the Defendant and in favor of the Plaintiffs;

(b) Costs of this action including reasonable attorneys' fees to the Plaintiffs;

(c) Such other and further relief as this Court may deem appropriate.

COUNT IV – Breach of the MA Consumer Protection Statute by Defendant Eversource Energy Service Co., Inc.

42. The Plaintiffs re-allege and incorporate by reference each and every allegation set forth in Paragraphs 1-29 above.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 13.

43. In a timely manner Defendant Eversource shall be provided with notice of Plaintiff's complaint for breach of contract and violation of MGL c. 93A.

44. Defendant Eversource shall be found to have failed to adequately respond to Plaintiffs' notice of breach of contract and violation of MGL c. 93A.

45. As a result of Defendant 's failure to comply with the terms of M.G.L. c.93A and its failure to respond or negotiate in good faith with the Plaintiffs the Plaintiffs have been denied their rightful remedy and recompense under law.

WHEREFORE, Plaintiffs demand judgment against Defendant Eversource in a sum and manner to be determined by the trier of fact, and asks this Court instruct or order relative to the award of:

- (a) Compensatory damages against the defendants and in favor of the plaintiff;
- (b) Costs of this action including reasonable attorneys' fees to the plaintiff;
- (c) Punitive damages; and
- (d) Such other and further relief as this Court may deem appropriate.

WHEREFORE, Plaintiff demands that said judgment be doubled or tripled as this Court deems just and fit in accordance with Massachusetts law.

Plaintiffs Request a Jury Trial of All Issues Triable of Right to A Jury.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Complaint, pg 14.

Respectfully submitted,  
Catherine T. Richardson,  
Sandra Johnson,  
David Greene,  
and other unnamed entities and individuals,  
By their Attorney,

---

Bruce R. Taub, BBO No. 544080  
Law Office of Bruce R. Taub, P.C.  
P.O. Box 2712  
Orleans, MA 02653  
(617) 529-7129



Eversource and its agents from taking any actions that might be considered the spraying or application of toxic herbicides anywhere within Barnstable County.

Richardson, etal. v. Eversource, etal.,

Barnstable Sup Ct., C.A. Dkt No.

Plaintiffs' Motion for the Granting of a TRO, pg 2.

2. This Motion is made on the grounds that immediate and irreparable injury will result to Plaintiffs, the public, and the environment unless the spraying or application of toxic herbicides is enjoined in Barnstable County pending trial of this action.

3. Plaintiffs are persons of legal age who resides and at all times relevant hereto resided in Barnstable County where each owns, possesses, and occupies property including a single family residential home, appurtenant structures, lawns, trees, gardens, wells, proximity to an aquifer, and/or proximity to a public ground water source from which the Plaintiffs at all times relevant hereto derives their drinking water.

4. Plaintiffs bring this Motion to prevent the commencement of the spraying or application of toxic herbicides so as to prevent irreparable harm to the Barnstable County Aquifer and the creation of irreparable damages to their property pending trial on the merits of the above-encaptioned case.

5. Plaintiffs are informed and believe that some spraying or application of toxic herbicides could commence immediately; before the merits of this action will be heard or decided.

6. There are serious questions going to the merits of the case and Plaintiffs are likely to succeed on the merits.

7. When evaluating whether a TRO or preliminary injunction is warranted an injunction should be issued where there are "serious questions going to the merits" and where the balance of hardships fall sharply in plaintiffs' favor, as measured by a

likelihood of irreparable injury and whether the injunction is in the public interest.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Motion for the Granting of a TRO, pg 3.

8. Even without the full record available, Plaintiffs can show not only that there are serious questions going to the merits of the case but also that Plaintiffs are likely to succeed on the merits.

9. Reconciling the need for interim relief with the restriction on freedom that it imposes is the proper focus of the search for appropriate criteria governing interlocutory injunctions.

10. Plaintiffs allege that Defendant Eversource has failed to comply with its obligations under the statutory requirements of MGL 132B and 333 CMR 11 and by failing to adequately consider all reasonable alternatives to the spraying and application of toxic herbicides in Barnstable County.

11. In weighing the hardship to the Defendant if the Restraining Order or Injunction issues - as contrasted with the hardship to the Plaintiffs if relief is withheld - the balance of the equities clearly tips in favor of Plaintiffs' requested relief in the instant case, because the environmental injuries projected are irreparable, wherefore the balance of harms favors the issuance of an injunction to protect the Plaintiffs and the environment."

12. "Irreparable harm," in the context of a motion for preliminary relief refers to an injury that may occur between the request for temporary relief and a judgment on the merits.

13. Without the requested relief, the Plaintiffs will suffer a loss of rights that cannot be vindicated should the Plaintiffs prevail after a full hearing on the merits.

FOR THE FOREGOING REASONS, Plaintiffs respectfully request the Court grant the requested injunctive relief.

Richardson, etal. v. Eversource, etal.,  
Barnstable Sup Ct., C.A. Dkt No.  
Plaintiffs' Motion for the Granting of a TRO, pg 3.

Respectfully submitted this 23rd day of September, 2015.  
Catherine T. Richardson,  
Sandra Johnson,  
David Greene,  
and other unnamed entities and individuals,  
By their Attorney,

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Bruce R. Taub, BBO No. 544080  
Law Office of Bruce R. Taub, P.C.  
P.O. Box 2712  
Orleans, MA 02653  
(617) 529-7129

OCT 15 2015

In determining whether a preliminary injunction should be granted, the court engages in a balancing test. See *Packaging Indus. Group, Inc. v. Cheney*, 380 Mass. 609, 617 (1980). The Supreme Judicial Court set forth the prevailing standard as follows:

“[W]hen asked to grant a preliminary injunction, the judge initially evaluates in combination the moving party’s claim of injury and chance of success on the merits. If the judge is convinced that failure to issue the injunction would subject the moving party to a substantial risk of irreparable harm, the judge must then balance this risk against any similar risk of irreparable harm which granting the injunction would create for the opposing party . . . . Only where the balance between these risks cuts in favor of the moving party may a preliminary injunction properly issue.”

*GTE Products Corp. v. Stewart*, 414 Mass. 721, 722-723 (1993) (quoting *Packaging Indus. Group*, 380 Mass. at 617); see also *LeClair v. Town of Norwell*, 430 Mass. 328, 331 (1999) and *Boston Police Patrolmen's Assn. v. Police Dept. of Boston*, 446 Mass. 46, 49-50 (2006) (“When a private party seeks a preliminary injunction, the moving party is required to show that an irreparable injury would occur without immediate injunctive relief.”).

The plaintiffs, abutters to utility Rights-of-Way held by Eversource Energy Service Co., Inc. (Eversource), seek to enjoin Eversource and its subcontractors from application of herbicides on or proximate to the plaintiffs’ land. The plaintiffs bring a four-count claim against the defendants for negligence, nuisance, breach of contract, and violation of Chapter 93A. The plaintiffs argue that Eversource has not received approval for such herbicide application from the Massachusetts Department of Agricultural Resources (MDAR), as required by 333 Code Mass. Regs. 11.00. Further, the plaintiffs claim that Eversource has failed to notify local town officials and publish public notices about the herbicide application, as required by G. L. c. 132B, § 6B(a). Finally, the plaintiffs claim that Eversource has or will apply herbicides, specifically glyphosate and triclopyr, that are “identified as a Potential Ground Water Contaminant pursuant to 333 CMR 12.00 to a right-of-way”, in contravention to 333 Code Mass. Regs. 11.03(10).

Eversource claims that all herbicide application on Rights-of-Way is proceeding pursuant to plans properly approved the MDAR. At hearing, Eversource submitted documentary evidence of MDAR approval of the company’s “2015 Yearly Operational Plan for Cape Cod and Martha’s Vineyard (Barnstable and Dukes Counties) (YOP) for the use of herbicide on Rights-of-Way list within the YOP”. In its approval letter, MDAR specifically noted the agency’s determination that the YOP “satisfies the requirements set forth in M.G.L. c. 132B and 333 CMR 11.00”. Eversource has also submitted documentary evidence of notice to town officials, and publication of a public notice in the Cape Cod Times.

The plaintiffs claim that they risk irreparable harm in the absence of an injunction, because the presence of these herbicides on or near their property and in the ground water results in physical injury, medical expenses, emotional suffering, environmental clean up costs, property value diminution, decreased use and enjoyment of property, and increased difficulty in sale of property. However, at this time, the court has received no medical documentation of the claimed health risks to the plaintiffs. Eversource claims that a delay in implementation of the YOP risks harm to the utility’s power lines and interruption of electrical transmission during adverse weather events. Further, Eversource has indicated that they will not apply herbicides on or near the property of plaintiffs Richardson, Johnson or Greene.

Thus, after hearing and review of the parties' submissions, employing the "balancing" test enunciated in *Packaging Indus. Group*, and considering the plaintiffs' likelihood of success on the merits, the risk of irreparable harm to the plaintiffs and the potential for irreparable harm to be suffered by Eversource if an injunction is issued, this court concludes that the scales tip in favor of the defendants regarding the requested injunctive relief.

For the above stated reasons, the plaintiffs' Motion for Preliminary Injunction is respectfully **DENIED**.

Dated: October 6, 2015

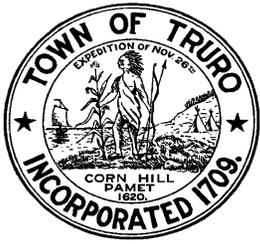


Robert C. Rufo  
Justice of the Superior Court

A true copy, Attest:



Clerk



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Council on Aging and Fire

**REQUESTOR:** Susan Travers, COA Director and Tim Collins, Fire Chief

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Presentation of "Remembering When: A Fire and Fall Prevention Program for Older Adults"

**EXPLANATION:** The COA Director and the Fire Chief will provide an overview on a new program that is designed to help older adults live safely at home for as long as possible. The Chief and COA Director attended a day-long training on this program so they could train staff in its implementation.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** N/A

**SUGGESTED ACTION:** None

**ATTACHMENTS:**

1. Information from the National Fire Protection Association



**NATIONAL FIRE PROTECTION ASSOCIATION**

The leading information and knowledge resource on fire, electrical and related hazards

# Remembering When: A Fire & Fall Prevention Program for Older Adults

The Group Presentation

# Remembering When™

A Fall and Fire Prevention Program for  
Older Adults

---

## Program Components:

- Group Presentations
- Home Visits
- 8 Fire Prevention Messages
- 8 Fall Prevention Messages

## Local Team Members:

- Fire and Life Safety Educator
- Home Health Professional



[nfpa.org/rememberingwhen](https://nfpa.org/rememberingwhen)



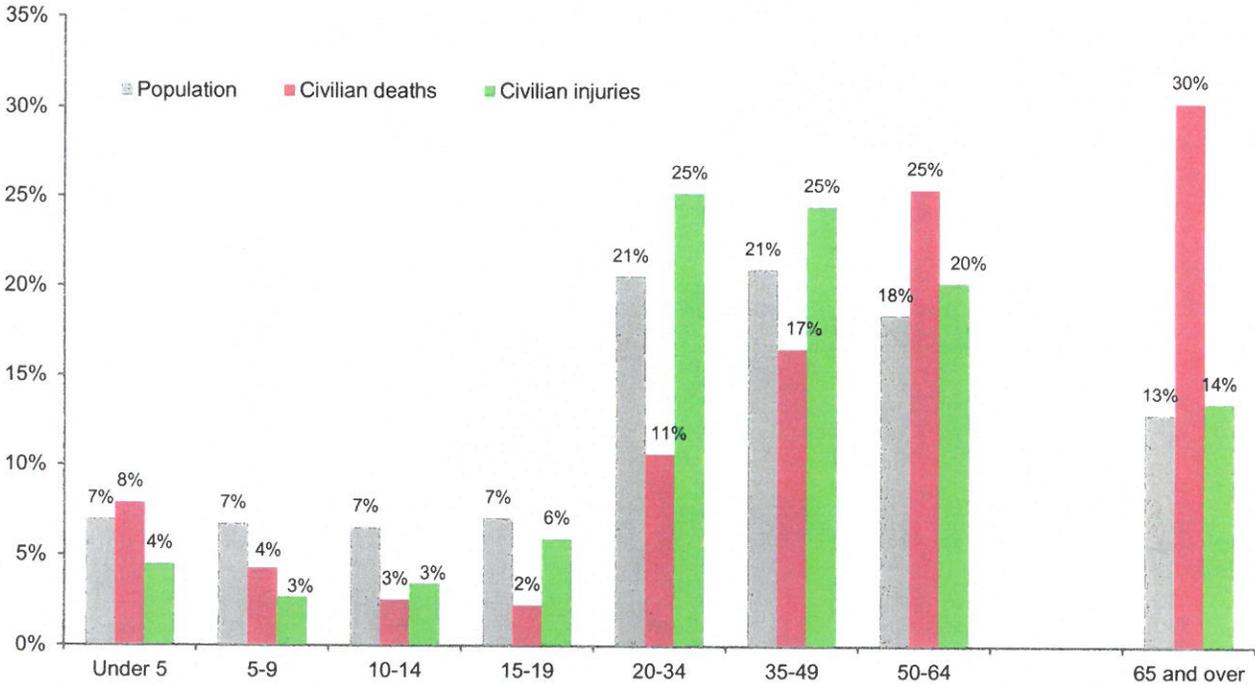


# Remembering When™

A FIRE AND FALL PREVENTION PROGRAM FOR OLDER ADULTS

## Fire Prevention Messages

# Home Structure Fire Civilian Deaths & Injuries, by Age Group: 2007-2011 Annual Average



**Older adults face a higher risk of dying in home fires than do young people.**

In 2009, people 65 and over made up only 13% of the U.S. population, but they accounted for 30% of the home fire deaths.





# Remembering When™

A FIRE AND FALL PREVENTION PROGRAM FOR OLDER ADULTS

## Fall Prevention Messages

# Preventable Injuries in Older Adults: Falls

- Falls are the most common cause of nonfatal injuries and hospital admissions for trauma.
- In 2010, 2.3 million nonfatal fall injuries among older adults were treated in emergency departments and more than 662,000 of these patients were hospitalized.

## **A Vicious Cycle:**

A fall tends to increase an older adult's fear of falling. This fear can lead to a decrease in activity. This leads to reduced mobility and fitness which, in turn, increases the risk of falling again.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Fire Department

**REQUESTOR:** Chief Collins

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Certification Stipends

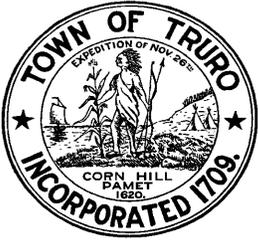
**EXPLANATION:** To support the requirement for Firefighters to be Pro-Board certified at the Firefighter I/II level, I am seeking authorization to provide a cash stipend to all currently Pro-Board certified Firefighter I/II members of our department and to those members who achieve the certification. I am recommending that the stipend be \$1,000 per individual. In addition, I wish to discuss with the Board whether this should be a onetime stipend or an annual stipend. Currently the department has 10 members who are certified to this level with the potential for an additional 4 (four) members to attain this certification. Pro Board certification is a nationally recognized training standard for firefighters throughout the United States.

**FINANCIAL SOURCE (IF APPLICABLE):** Fire Department Budget

**IMPACT IF NOT APPROVED:** This stipend is an attempt to compensate individuals who commit time (270 hours not including certification exams) and effort into attaining such certification that not only benefits the individual but, enhances the overall capabilities of the Department and enhances the overall safety of our residents and visitors to our community

**SUGGESTED ACTION:** *Motion to authorize the payment of a \$xxxx annual/onetime certification incentive stipend to firefighters that achieve Pro-Board certification at the Firefighter I/II level*

**ATTACHMENTS:** None



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Nicole Tudor, Executive Assistant on Behalf of Board of Selectmen

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Support Letter for the Department of Housing and Community Development Housing Rehabilitation Application for FY16

**EXPLANATION:** The approval of a draft letter from the Chair of the Truro Board of Selectmen in support of the FY16 Community Development Block Grants (CDBG) applications to the MA Department of Housing and Community Development (DHCD) will help indicate the importance of these funds that facilitate vital programs for Truro. The grants allow towns to continue to meet housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of the Lower Cape Cod Region. The Outer Cape grant will benefit the towns of Truro, Provincetown, and Wellfleet and provide funds for approximately 16 units to be rehabbed and childcare vouchers for 33 families. The housing rehab programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. In addition, the childcare component of the grants provides financial assistance for the cost of childcare for LMI families who rely on our local licensed childcare providers to care for their children while they are at work.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** Support letters strengthen the grant application and since Truro is the lead applicant, it is important that the Board sends a letter of support.

**SUGGESTED ACTION:** *MOTION TO approve the draft letter to the Department of Housing and Community Development in support of the DHCD Housing Rehabilitation Application and authorize the Chair to sign.*

**ATTACHMENTS:**

1. Draft Support Letter



**Agenda Item: 5E1**

# **TOWN OF TRURO**

P.O. Box 2030, Truro, MA 02666

**Office of the Board of Selectmen**

**Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505**

January 12, 2016

Chrystal Kornegay, Undersecretary  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Re: DHCD Housing Rehabilitation Application for FY16

Dear Ms. Kornegay,

I am writing in support of the applications for three regional FY16 Community Development Block Grants (CDBG) applications to the MA Department of Housing and Community Development (DHCD) from the Towns of Dennis, Eastham and Truro.

These grants will allow these towns to continue meeting the housing rehabilitation and childcare voucher needs of LMI (low-moderate income) residents of the Lower Cape Cod Region. The grants for the Town of Dennis will provide funds for approximately 17 units to be rehabbed and childcare vouchers and financial literacy for 50 families. The grant for the Eastham Regional Grant will benefit the Towns of Eastham and Harwich and provide funds for 17 units to be rehabbed and childcare vouchers for 30 families collectively. The Outer Cape grant will benefit the towns of Truro, Provincetown, and Wellfleet and provide funds for approximately 16 units to be rehabbed and childcare vouchers for 33 families.

As you know the communities of Cape Cod continue to face many challenges and the CDBG funding is a vital resource for stabilizing and preserving existing homes in our region. This essential need is exemplified by the addition of a CDBG grant application solely for the town of Dennis and the addition of the town of Eastham as the lead community partnering with the town of Harwich. The housing rehab programs provide homeowners earning less than 80% of the area median income with an opportunity to address the safety and energy upgrades to their homes. Currently, the Community Development Partnership (CDP), is working on 50 rehab projects for the following grants; Dennis Grant, newly classified as a mini entitlement community, serving the target area of South Dennis; Eastham Regional Grant serving the Town of Eastham and Harwich Center target area and the Truro Regional grant serving Wellfleet, Truro and Provincetown. In addition, the childcare component of the grants provide financial assistance for the cost of childcare for LMI families who rely on our local licensed childcare

providers to care for their children while they are at work. The FY15 programs are already filling up and will be at full capacity early in 2016. Both of these programs are playing a vital role in stabilizing the year-round families living in these towns.

I urge you to provide the funds requested, so these Cape towns can continue their work with LMI home owners in need of critical home repairs and working families with young children in need of safe and affordable childcare. Thank you for your consideration of these proposals.

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Paul Wisotzky  
Chair, Board of Selectmen  
Town of Truro

DRAFT



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004 , Extension: 10 or 24 Fax: 508-349-5505

## 6. CONSENT AGENDA

- A. Review/Approve and Authorize the Chair to sign:
  - 1. Support Letter for the Cape Cod Chamber of Commerce for the Regional Economic Development Organization (REDO) grant
  - 2. Security Agreement with a participant in the Housing Rehabilitation Loan Program
- B. Review and Approve Declaration of Surplus Property at the Truro Police Department
- C. Review and Approve Alcoholic Beverages Control Commission 2015 Annual Report
- D. Review and Approve Common Victualer License (Seasonal) Captain's Choice-4 Highland Rd
- E. Review and Approve Amendment to the Implementation and Migration Services contract with Barnstable County IT to extend the end date
- F. Review and Approve Declaration of Surplus Property (Building Dept.) - File Cabinets
- G. Review and Approve Minutes December 15, 2015, December 14, 2015 (Budget Task Force), and January 4, 2016 (Budget Task Force)



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Nicole Tudor, Executive Assistant, on behalf of Wendy Northcross, CEO, and Christopher Adams, Chief of Staff of the Cape Cod Chamber of Commerce

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Support Letter for the Cape Cod Chamber of Commerce for the Regional Economic Development Organization (REDO) grant

**EXPLANATION:** “The Cape Cod Chamber’s sister corporation, CCEDC Inc. has prepared a Regional Economic Development Organization (REDO) grant to the state. As an annual successful applicant, they are seeking funds to advance the [Blue Economy](#) initiative – and this year’s process requires a letter of support from the chief elected official of your town.”

“While this began as a Cape centered movement it is rapidly expanded to a regional initiative. Certainly, the sustainable tourism piece, has always been a regional role of the chamber. In the coming months, we are hoping to set up several different types of gatherings in the region, including: listening sessions, brainstorming/ideation sessions as well as informal meetups. We are excited about the possibilities that this idea brings in support of a healthy and sustainable region for future generations.”

As explained by Ms. Northcross and Mr. Adams of the Cape Cod Chamber of Commerce.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The Town of Truro will not be sending their support for the Cape Cod Chamber’s submission to the Regional Economic Development Grant.

**SUGGESTED ACTION:** MOTION TO *approve and Authorize the Chair to sign the Cape Cod Chamber Support Letter for the REDO (Regional Economic Development Grant).*

**ATTACHMENTS:**

1. A one page summary of the Blue Economy initiative
2. A copy of more detailed text from the grant application
3. Two press articles from the past year
4. Support Letter to the Massachusetts Office of Business Development

# The Blue Economy

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## A sustainable future for Cape Cod

Endowed with 559.6 miles of coastline, 51,758 acres of protected conservation and recreation lands, world renown marine technology and research organizations, and a reputation as an internationally known coastal vacation choice, Cape Cod is truly a maritime centered destination in which to live, work play, and create.

For the better part of a century, Cape Cod has had a tourism/retirement centered economic plan that leverages its unique and immense natural resources, as well as its geographic position near population centers in the Northeast megalopolis – the most heavily urbanized region in the country (49 million), Western Europe and eastern Canada. While this strategy has been successful in establishing Cape Cod as a world-class leisure destination, it fails to embrace many other facets of the region’s economy that have grown around the Cape’s core attribute – its water related resources.

Launched in 2015, The Blue Economy is a long range plan to promote and sustain a marine centered live-work-play economy in the Cape Cod region that builds on existing sustainable tourism efforts, our world renowned marine research community and technology cluster. It also aims for full inclusion with existing economic and environmental planning efforts in the region.

The Blue Economy will help ensure that Cape Cod is a sustainable, vibrant and desirable place to live-work-play and create. Its mission is to leverage Cape Cod’s water based assets and entrepreneurial spirit to ensure a more stable, sustainable and vibrant economy.



*“We are tied to the ocean. And when we go back to the sea, whether it is to sail or to watch it, we are going back from whence we came”. – Pres. John F. Kennedy*

(The following is an excerpt from the Cape Cod Chamber, 2016 REDO)

## 1. Regional Economic Assets and Strategic Planning

### Assets

Endowed with 559.6 miles of coastline, 51,758 acres of protected conservation and recreation lands, world renown marine technology and research organizations, and a reputation as an internationally known coastal vacation choice, Cape Cod is truly a maritime centered destination in which to live, work play, and create. For the better part of a century, Cape Cod has had a tourism/retirement/entrepreneur centered economy that leverages its unique and immense natural resources, as well as its geographic position near population centers in the Northeast megalopolis – the most heavily urbanized region in the country (55.9 million), as well as Western Europe and Eastern Canada. While this strategy has been successful in establishing Cape Cod as a world-class leisure destination, it fails to embrace many other facets of the region’s economy that have grown around the Cape’s core attribute – its water related resources.

### Strategic Planning: A Blue Economy

The unintended consequences of a tourism focused economy over the past century include: the need for a peak-season workforce of 20,000 to supplement the 144,000 year round jobs, a lack of diversified industries offering a range of employment, a significant second homeowner population and traditional single family homes that increase property values, with few market rate rental opportunities for the workforce. As a result, we have witnessed a significant out-migration of young families. This current condition is unsustainable in the long term. It requires innovative and forward thinking on how to ensure a sustainable future for the region, and the partners have consistently led the way in tackling the multiple issues that can insure our success in the future.

Launched in 2015, The Blue Economy is a long term vision to promote and sustain a marine centered live-work-play economy in the region, that builds on existing sustainable tourism efforts, our world renowned marine research community, our higher educational institutions - including one of only six State Maritime Academies (SMA’s) in the U.S., a long local history of entrepreneurship that extends to the innovative work of WHOI, growth potential in the marine technology space, and integration with ongoing regional planning efforts. The Blue Economy will help to ensure that the region is a sustainable, vibrant and desirable place to live-work-play and create.

This initiative will advance the region’s maritime economy and bring increased, consistent and sustainable prosperity to the Cape and Islands by leveraging its natural coastal resources and the innovative ideas of the local community and existing marine related industries to increase the number of businesses and jobs in the Cape and Islands region which are less dependent on the seasonal tourism economy. Through strategic partnering, we will insure that the Blue Economy initiative is integrated into regional planning processes and guidance documents such as the County’s Regional Policy Plan, Comprehensive Economic Development Strategy, and Regional Transportation Plan by working with regional planning officials around Buzzards Bay, Cape Cod Bay and Nantucket Sound. This work has already begun with Martha’s Vineyard, Bristol & Plymouth Counties.

## 2. Regional initiatives and Strategic Partners

### Overall Goals and Anticipated Impact

We have established the following goals for our Blue Economy initiative.

1. **Leverage Existing Assets to Create New Opportunities:** We will leverage our existing water based assets to attract and capture future opportunities in the water sector and related blue industries. This will include enhancing the existing regional marine technology and innovation cluster based on Cape Cod that forms the underpinning of a Blue Economy. We can accomplish this goal in part by fostering communication and coordination of the various constituencies in the region and increasing their level of engagement and awareness.
2. **Maintain and Expand Responsible Tourism Leadership Position:** Through an examination of proven responsible tourism projects and programs, we will maintain our standing as a world class travel destination with sustainable tourism-based initiatives that promote the uniqueness of the region through our natural and cultural assets.

Our work will have a measurable economic impact and establish a strong network that will plan and produce these regional initiatives:

1. Develop specific recommendations to support and enhance the existing blue tech innovation cluster goal (above), as well as articulate the resources required to create a pipeline that brings innovative ideas from the region to market.
2. Develop recommendations to support the sustainable tourism goal (above), including addressing workforce issues critical to this sector.
3. Integrate the Blue Economy concept into regional planning processes and guidance documents such as the Regional Policy Plan (up for reauthorization in 2016), Comprehensive Economic Development Strategy (annual report to Dept. of Commerce), and Regional Transportation Plan (annual update) by working with regional planning officials.
4. Serve as a basis for applications to the SBA Regional Innovation Cluster Initiative in 2016/2017, as well as the EDA Regional Innovation Strategies i6 Challenge grants program. Through these two sources, as well as in-kind and financial resources funded by the community partners, we seek to create a sustainable structure able to provide resources to create thriving businesses and, by extension, jobs within the Cape Cod and Islands region.

## Outcomes

The long-term outcomes of this initiative are:

1. Decrease the reliance on the seasonal tourism industry, thus reducing variability of revenue to local employers.
2. Increase the number of successful startups in the region.
3. Increase the number of skilled jobs in the region.
4. Create regional economic growth around an existing set of well-established industries.
5. Support a sustainable region, both economically and environmentally.

## Strategic Partners

As part of our commitment to the region, we have and will continue to engage the various constituencies that make up the Blue Economy. These constituencies include towns such as the Gateway City of Barnstable, regional Barnstable County planning agencies, private businesses, interested citizens, educational institutions and research institutions. We have formed a steering committee that includes representatives from these various constituencies and expect this committee to expand.

Brian Braginton- Smith, Lewis Bay Research Center

Eliza Cox, Nutter McLennan & Fish

Rich Delaney, Center for Coastal Studies

Mark Forest, The Delahunt Group

Jon Hagenstein, Gillmore Marine

James Hobbs, Graylyn Associates

Bert Jackson, Cape Cod Technology Council

Stephen Johnston, OpenCape

Maria Marasco, Massachusetts Office of Business Development

Michael Murphy, Massachusetts Clean Energy Center

Richard Neitz, Neitz Realty

Wendy Northcross, Cape Cod Chamber of Commerce

Rob O'Leary, Massachusetts Maritime Academy

John Pappalardo, Cape Cod Commercial Fisherman's Alliance

James Penn, Puritan Clothing Company

Mahesh Ramachandran, Cape Cod

Commission Environmental Economist

Sallie Riggs, Bourne Financial Development Corp.

Charles Ritch, National Graduate School

Warren Rutherford, The Executive Suite

Tobias Stapleton, UMASS-Dartmouth, Ctr. for Innovation & Entrepreneurship

Jill Talladay, CARE for the Cape & Islands

Bert Talerma, Cape Cod Five

Judith Underwood, B2G Energy

Scott Vandersall, Cape Cod Five

Anne Van Vleck, Cape Cod Young Professionals

Mark Watson, Keel Asset Management

Dan Wolf, Massachusetts State Senator

To further develop this partnership and maximize the expertise from a wide range of resources, we are expanding the work of our entrepreneur in residence, specifically focused on work with WHOI and the innovative technology, as well as adding a highly skilled program manager and intern(s) to support socioeconomic research, data collection and interpretation, and expand community engagement activities including regional informational and listening sessions with MOBD staff, ideation sessions, print and radio interactions, production and dissemination of informational materials including handouts, websites, social media outlets. We will also create and support Blue Economy themed events such as Startup Weekend as well as produce a white paper that includes an actionable plan for implementing the Blue Economy in the region.

## 3. Retain, Expand, and Attract Businesses

This will be done through supporting blue entrepreneurship, Startup Weekend Blue, and facilitating company introductions to MOBD.

## Blue Entrepreneurship

As we have done since the summer of 2014, we will continue to partner with Woods Hole Oceanographic Institution (WHOI) on building their entrepreneurial ecosystem. We will meet monthly with their Office of Technology Transfer (OTT) and members of the OTT advisory council. This group aligns the pipeline of discovery, transitional research and commercialization with business resources available in the region. Specifically, we have worked to provide direct support of WHOI concepts, startups and spinoffs and will continue to do so, both in the form of one on one consulting regarding the validation of business models as well as pairing regional entrepreneurs with WHOI scientists. This arrangement provides a unique lens on the marine and water technology industry cluster on the Cape. Our entrepreneur in residence will be partially funded for this work through the grant.

## Startup Weekend Blue

For a number of years, we have sponsored Entrepreneurs Weekend and more recently Startup Weekend, a program of TechStars. Startup Weekend is a 54-hour event, which helps educate, support, and empower people to become entrepreneurs. This year Startup Weekend is a special “themed” event. We will be focusing on Blue Economy type businesses, marine science and technology and other water related concepts. The event is currently scheduled for April 1, 2, 3<sup>rd</sup> 2016. In addition, we plan on holding a number of community listening and engaging events leading up to the Startup Weekend Event. We held one of these sessions on November 5<sup>th</sup> 2015 and had 25 participants at the session. Our counterparts on Martha’s Vineyard have asked us to hold at least one of these sessions on Martha’s Vineyard in February of 2016. As part of this year’s REDO grant to support the event and the coordination required, we plan on being a major sponsor of the event.

With the local MOBD officer on our steering committee, we will work to ensure that she will be invited to company meetings, as well as larger forums.

## 4. Workforce Development

We are partnering with the Workforce Investment Board and Cape Cod Community College to align the needs of Blue Economy employers with the available and emerging workforce. By understanding the needs of the employers and the skills gaps that exist, we will work with the College to close the gap by designing specific programs to train the workforce.

We will also engage employers on workforce issues through an employer forum focused on sustainable wages. Our region has a high concentration of small business ownership/entrepreneurism due to our geography and the lack of large employers. Nearly one in four Cape businesses fall into the category of “self-employed.” The isolated geography here forces entrepreneurship. This necessitates educational and support services that will foster employment, and allow existing businesses to grow and pay living wages. We plan on convening business leaders from around the region to discuss strategies to close the wage gap and work to create jobs that pay a living wage. This forum will meet a dual goal of both retaining employees as well as retaining employers that want to stay in the region.

## 5. Regional Collaboration

Over the coming months we will convene our steering committee on a monthly basis to help guide our planning activities and assist us in meeting our milestones. In this, we will document regional best practices and increase partner collaboration around issues both in the Blue Economy cluster and in the larger small business arena. Our objectives for regional forums for the Blue Economy will be shaped by the steering committee, with objectives for the broader small business community informed by the Economic Development Pillar of the Cape Cod Chamber of Commerce.

## 6. Regional Marketing and Communication

We have launched a website that outlines the strengths of the region as it relates to new residents that are choosing to Live, Work, Play and Create on Cape Cod. The site provides a central location for available business resources, including sites and services, with a calendar of events and shared information garnered from the regional forums: <http://www.whycapcod.org/work>. We have also installed billboard style ads at Logan International Airport promoting this site, and have run continuous social media contests to promote the site. We are always willing to working with MOBD and MMP on any other marketing strategies that are available to us. In addition, this site will serve as the home to the Blue Economy initiative. We have begun to collect and organize and publish Blue Economy related information at <http://www.WhyCapeCod.org/BlueEconomy>. This page will be expanded to highlight regional events, major forums and groundbreakings and other Blue Economy events. Part of the REDO funds will be used to create and maintain the resources on this site.

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By Wendy Northcross

Print Page

September 07, 2015 2:00AM

## Cape already transitioning to a 'Blue Economy'

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This is in response to an article in the Cape Cod Times ("Business dean: Cape needs to change to survive", Aug. 26, Page 1).

Dr. Elmore Alexander is 100 percent correct: To ensure a sustainable future, the Cape does need to change. However, the transformation has already begun. This is how:

Over the past few hundred years the Cape has undergone a series of economic eras and transitions, from fishing and agriculture to shipbuilding and whaling, and then tourism in the modern era.

For the better part of a century, Cape Cod thrived with a tourism/retirement-centered economy that leveraged its unique and immense natural resources with a geographic position near population centers in the Northeast megalopolis -- the most heavily urbanized region in the country (49 million people).

This strategy brought the Cape back from the brink of a resource failure-based, economic collapse at the end of the 19th century and has been successful in establishing Cape Cod as a world-class travel destination.

The Cape is now undergoing yet another transition as the region moves to supplement its destination economy with one that leverages its 559.6 miles of coastline, world-class research institutions, its quality of life and entrepreneurial spirit to build a sustainable future with private and public sector partners, based on what we are calling a "Blue Economy."

The Blue Economy is a broad descriptor that recognizes the vast role that water, both salt and fresh, plays in our everyday lives from economic, sociological, as well as physical and human geographic perspectives. It is understanding our relationship with the water resources surrounding us, how we interact, and finding a sustainable and symbiotic course for the future.

We believe that a core set of principles of a balanced economy, environmental stewardship and quality of life will provide a sustainable future for Cape Cod. We do this by maintaining our standing as a world-class travel destination with messaging that promotes all of the benefits of not only visiting Cape Cod, but embraces it as a desirable place to live, work, play and create.

With this secure foundation, we can leverage our existing water-based economy to attract and capture future opportunities in the water sector and related industries. We have on our shores what is arguably the premier ocean science and research community on the globe. Through the Blue Economy, we will work with this community of scientists to bring their innovations into the growing blue-tech business sector locally through innovative technology transfer partnerships with entrepreneurs.

Our Capewide challenge in confronting wastewater issues presents one of our greatest opportunities to be leaders in the burgeoning alternative wastewater solutions sector. As Dr. Elmore mentioned, AquaGen, a local algae-based water treatment technology, is leading the charge on this front.

Aquaculture Research Corp. in Dennis will combine a working business with the Living Lab concept, by educating young and old alike on aquaculture farming practices and disease resistance research while at the same time supporting the foundation of the region's shellfish aquaculture sector.

We are also working with our region's professional planners at the Cape Cod Commission to streamline the permitting process for blue-tech companies to get up and running quickly, and to update the Regional Policy Plan and the Comprehensive Economic Development Strategy to reflect the importance of Blue Economy activities.

Over the coming months and years you will see results of this vision. We are planning a Startup Weekend in November focused on the Blue Economy to bring thinkers and doers together to conceptualize, validate and start new companies targeting the largest opportunities presented by the Blue Economy. We are in the planning phases of a venture fund focused on investing in Blue companies to incubate and accelerate their formation and growth with innovative company building curriculum and programming. Next spring we will bring the region together at the SmarterCape Summit 6 to develop the next phase of the Blue Economy.

We love Cape Cod, and believe it is a great place to live, work, play and create and are committed to work passionately with others to ensure a successful, thriving and sustainable Cape Cod. Stay tuned, it is an exciting blue future.

*Wendy Northcross is CEO of the Cape Cod Chamber of Commerce.*

By Lorelei Stevens  
lstevens@capecodonline.com

July 07, 2015 2:01AM

Print Page

## Seeing the Cape's future in shades of blue

WOODS HOLE – Building a pathway to move great ideas from inception to market is a primary goal of the inaugural Marine Robotics Entrepreneurship Forum later this month.

Sponsored by the Woods Hole Oceanographic Institution, the forum on July 23 and 24 will bring marine-research startup principals together with venture capital investors and representatives of established companies such as Raytheon and Lockheed.

“This is an exciting time,” said forum organizer James Bellingham, director of WHOI’s Center for Marine Robotics. “The technologies are getting mature enough that the market is willing to spend money on them. This intersection of capability and opportunity is very fertile ground.”

The ideas and relationships that come out of the gathering also could help spur the evolution of what community and business leaders are beginning to call the “blue economy,” where marine-related startups provide new job opportunities and help diversify the Cape’s business base.

The world of marine robotics includes research, support systems and software used to create underwater remotely controlled vehicles operated from the surface by technicians, autonomous underwater vehicles that operate independently and hybrids with both capabilities.

These devices are used by scientists to study the marine environment, the oil and gas industry for exploration and monitoring, government and private companies to ensure the structural integrity and security of underwater structures, the defense industry and others.

And this area, particularly around Boston, the South Coast and the Cape, is where much of the world’s marine robotics work is done.

“If you use an AUV, odds are it was built on Cape Cod or in Southeastern Massachusetts,” Bellingham said. “We really do, as a region, have enormous strengths in this area. We’re one of only a few places on the planet that does.”

Because radio waves can’t travel through seawater, transitioning from remotely controlled underwater vehicles to those that operate independently has required the development of new acoustic and optical technologies to support communications, navigation and other functions.

Much of this work is being done at WHOI, the University of Massachusetts Dartmouth and other research and educational institutions in the region, Bellingham said, and it’s not uncommon for researchers to spin off and create their own companies when they come up with a new and potentially viable technology.

In 1997, Bellingham was part of a group of MIT engineers that founded Quincy-based Bluefin Robotics Corp., which engineers and manufactures autonomous underwater vehicles. Hydroid LLC, located here on the Cape in Pocasset, was founded in 2001 by WHOI researchers who developed remote environmental monitoring units known as REMUS.

Hydroid is often cited as an example of the kind of marine research-related light industry that could work on the Cape. The company, which employs 148 people, opened a state-of-the-art, 40,000-square-foot building last October to house its engineering, manufacturing and quality assurance operations. Construction on a new 15,000-square-foot administration building is expected to begin this summer.

The company’s ongoing relationship with WHOI, easy access to Buzzards Bay and deeper waters for testing and a solid workforce have all been factors in its success, according to Hydroid President Duane Fotheringham.

“About 50 percent of our employees are from the Cape and in tune with the oceanographic community,” he said.

With about half the company devoted to specialized manufacturing, one of Hydroid’s biggest challenges is recruitment.

But, based in part on Hydroid’s input, Cape Cod Community College has created several certificate programs that can be applied to an associate in science engineering degree, and the company is encouraged at the prospect of a growing, trained workforce.

Fotheringham said that having more high-tech startups settle on the Cape will “build upon itself” by drawing and retaining younger, skilled workers and growing the economy.

“Creating a base of companies helps everyone. It helps bring in those people we are trying to attract,” he said. “We’ve proven you can grow a successful company on the Cape.”

The “blue economy” concept came out of the Cape Cod Chamber of Commerce strategic planning process last year, according to CEO Wendy Northcross.



The “blue economy” encompasses everything from technology to tourism. Kingman Yacht Center in Cataumet, home to a large number of pleasure boats each summer, is also where Hydroid keeps its fleet. Merrily Cassidy/Cape Cod Times file

A group from the chamber is working with the Cape Cod Economic Development Corp., which administers the chamber's share of Cape license plate funds, to draw up ideas and action steps for the regional policy plan update currently being worked on by the Cape Cod Commission.

The hope is that the "blue economy vision" will "inspire individuals, organizations, businesses, governments, etc. to adopt some piece of the work and begin to transform the Cape's economy into this opportunity," Northcross said in an email.

A discussion document describes developing a "business plan" for the Cape that will maintain the area's standing as "a world-class travel destination" and continue to promote the benefits of tourism.

At the same time, the plan would build on the Cape's existing water-based economy, including the area's global reputation in marine science and technology, to attract marine-related businesses.

A lot of industries fit under the "blue economy" umbrella, said Warren Rutherford of the economic development corporation.

Tourism, marinas, the commercial and recreational fishing industries and fish and shellfish farming are among them. Innovative technologies for treating wastewater also represent opportunities, he said.

"We're focused on what we can do to help others working on these economic initiatives succeed and how we can facilitate those discussions," Rutherford said.

The SmarterCape Partnership, made up of seven organizations including the chamber and the Cape Cod Commission, is considering making the "blue economy" the theme of next year's SmarterCape Summit. This year's summit focused on housing and drew approximately 300 participants.

Additionally, Northcross said, Peter Karlson, the chamber's "entrepreneur in residence," is working to incorporate the concept into this fall's Startup Weekend Cape Cod. Startup Weekend is part of a global movement to bring together people interested in starting businesses.

The Marine Robotics Entrepreneurship Forum is WHOI's version of a startup day.

"In 10 to 20 years, AUVs are going to be everywhere," Bellingham said. "We want to ride that wave. We want to help those companies be successful as they get bigger."

Having started Bluefin Robotics, Bellingham said he understands the challenges of running a company that fields systems in a harsh ocean environment and of attracting financial backers.

It's important to "educate the investor," he said, and he is optimistic that putting people from all sides of the equation together will benefit everyone involved and the field of marine robotics in general.

"We're getting all these smart people in the room thinking and talking about how to work together," Bellingham said. "At this early stage, it's not about competition but about growing the market, thinking where it will be 10 years from now, making sure we understand and meet the needs of emerging markets. We're all in the same boat."

—*Follow Lorelei Stevens on Twitter: @CCTLorelei.*



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

**Office of the Board of Selectmen**

Tel: 508-349-7004, Extension: 10 or 24 Fax: 508-349-5505

January 12, 2016

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

Dear Ms. Chabot:

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

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

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

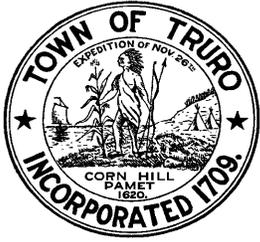
Thank you for your consideration in this matter. Should you have any questions, please feel free to contact me.

Sincerely yours,

---

Paul Wisotzky, Chair

Board of Selectmen  
Town of Truro



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Rae Ann Palmer, Town Administrator

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Review of Security Agreement with a participant in the Housing Rehabilitation Loan Program and authorize the Chair to sign.

**EXPLANATION:** The CDBG Housing Rehabilitation Loan Program is administered by the Lower Cape Cod Community Development Corporation d/b/a the Community Development Partnership (CDP) on behalf of the Town. The program provides a no interest, no payment loan to low-to moderate income home owners to make needed repairs on their homes. The attached Security Agreement is for an atypical situation: making renovations on a mobile home owned by the qualifying owner. Since it is not possible to secure the loan on a deed, the Security Agreement and a UCC-1 executed by the CDP will be used to secure the loan. A vote of the Board of Selectmen is needed to authorize the Chair to sign the Security Agreement.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The homeowner will not be able to participate in the Housing Rehab Program and repairs will not be made to their home.

**SUGGESTED ACTION:** *MOTION TO approve the Security Agreement and authorize the Chair to sign.*

**ATTACHMENTS:**

1. Security Agreement

SECURITY AGREEMENT

## Housing Rehabilitation Loan Program

Date: January 6, 2016

Name of Borrower: Jamie Lewis

Address: 2048 Harbor Lights Circle  
Wellfleet, MA 02667

Mailing Address: PO Box 2040  
Wellfleet, MA 02667

Name of Secured Party: Town of Truro Massachusetts  
Attn: CDBG Grant Administrator

Address: 24 Town Hall Road  
PO Box 2030  
Truro, MA 02666

For good and valuable consideration, the sufficiency of which is hereby acknowledged, the Borrower grants to the Secured Party a security interest in the following property: all assets including but not limited to Mobile Home and General Intangible, and other collateral as described in the UCC-1 executed on this day (hereinafter called the "collateral"), to secure the payment and performance of the indebtedness and obligations as set forth in a Note from the Borrower to the Secured Party of even date requiring and securing payment of the principal amount of Thirty Four Thousand Two Hundred Ninety Four Dollars and Sixty Cents (\$34,294.60) With interest at 0% (hereinafter called the "obligations").

Default in the payment or performance of any of the obligations or default under any agreement evidencing any of the obligations is a default under this security agreement. Upon any such default the secured party may declare all of the obligations immediately due and payable and shall be entitled to exercise all the rights and remedies of the Secured Party under the Uniform Commercial Code. Reasonable attorney fees and costs of the Secured Party set forth in the Note in enforcing any right or exercising any remedy hereunder upon default of the Borrower shall be deemed a part of the obligations secured hereby.

Borrower expressly warrants and covenants as follows:

1. The collateral is used or brought for use primarily for business other than farming operations; and if checked here (X), is being acquired with all or part of the proceeds of the advance evidenced by this agreement.
2. The collateral will be kept at 2048 Harbor Lights Circle, Wellfleet, MA. The borrower will promptly notify Secured Party of any change of Borrower's residence or in the location of the collateral, and Borrower will not remove the collateral from the Commonwealth of Massachusetts without prior written consent of the Secured Party.
3. Except for the security interest granted hereby, Borrower is the owner of the collateral free from an adverse lien, security interest or encumbrance, agrees to notify Lender of any such encumbrance, and Borrower will defend the collateral against all claims and demands of all persons at any time claiming the same or any interest therein.
4. No financing statement covering any collateral or any proceeds thereof is on file in any public office, and at the request of the Secured Party, Borrower will join with Secured Party in executing one or more Financing Statements pursuant to the Uniform Commercial Code in a form satisfactory to Secured Party.
5. Borrower will not sell or offer to sell or otherwise transfer the collateral or any interest therein without the written consent of Secured Party.
6. Borrower will have and maintain insurance at all times with respect to all collateral against risks of fire, including extended coverage, theft and such other risks as Secured Party may require, and in the case of motor vehicles, collision insurance, containing such terms, and in such form, for such periods and written by such companies as may be satisfactory to the Secured Party; such insurance to be payable to Secured Party and Borrower as their interest may appear. All policies shall provide for ten days written notice of cancellation to the Secured Party. Borrower shall furnish Secured Party with certificates or other evidence satisfactory to Secured Party of compliance with foregoing insurance provisions and Secured Party may act as attorney for Borrower in obtaining, adjusting, settling, and canceling insurance and endorsing any drafts relating thereto.
7. Borrower will keep the collateral free from any adverse liens, security interest or encumbrance and in good order and repair and will not waste or destroy the collateral or any part thereof. Borrower will not use the collateral in violation of any statute or ordinance and Secured Party may examine and inspect the collateral at any time, with 24-hour notice, wherever located.

8. Borrower will pay promptly when due all taxes and assessments upon the collateral or for its use or operation or upon this agreement or upon any note or notes evidencing the obligations secured thereby. At its option, Secured Party may discharge taxes, liens, other security interest, or any other encumbrances at any time levied or placed on the collateral and may pay for insurance on the collateral and may pay for the maintenance and preservation of the collateral. Borrower agrees to reimburse Secured Party pursuant to the foregoing authorization. Until default, Borrower may have possession of the collateral and use it in any lawful manner not inconsistent with any policy of insurance thereon.
9. Borrower will at the request of the Secured Party surrender Certificate(s) of Title to any motor vehicle(s) included in the collateral, and execute Application(s) for Adding Lienholder.
10. Borrower agrees that the collateral covered hereby is not and is not to be so affixed to any realty as to become a part thereof.

#### EVENTS OF DEFAULT

Borrower shall be in default under this agreement on the happening of any of the events of default set forth in the Note of even date between the Borrower and the Secured Party.

#### REMEDIES

1. Upon such default and at any time thereafter Secured Party may declare all obligations secured hereby immediately due and payable and shall have the remedies of Secured Party under the Uniform commercial Code.
2. Secured Party may require Borrower to assemble collateral and make it available to Secured Party at any place to be designated by Secured Party that is reasonably convenient to both parties.
3. Unless the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold at a recognized market, Secured party will give Borrower reasonable notice of the time and place of any public sale thereof or of the time which private sale of any intended disposition is to be made.

- 4. The requirements of reasonable notice shall be met if such notice is mailed postage prepaid, to the address of the Borrower shown at the beginning of this agreement at least (5) days before the time of the sale or deposition.
- 5. Expenses of retaking, holding, preparing for sale, selling or the like shall include Secured Party's reasonable attorney's fee and legal expenses.



**BORROWER**  
 Jamie Lewis  
 2048 Harbor Lights Circle  
 PO Box 2040  
 Wellfleet, MA 02667  
 Dated: January 6, 2016

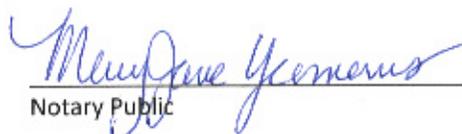
**LENDER**  
 Town of Truro Massachusetts  
 Lower Cape Cod Community Development  
 Corporation d/b/a Community  
 Development Partnership  
 authorized signatory Dated: January 6, 2016

**COMMONWEALTH OF MASSACHUSETTS**

**Barnstable, ss:**

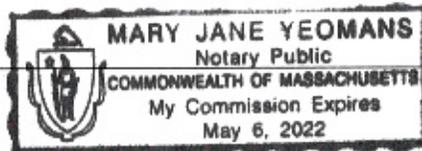
**January 6, 2016**

*Then personally appeared before me, the undersigned notary public, the above named Jamie Lewis and proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed to the preceding document, and acknowledge that she executed the foregoing instrument voluntarily for its stated purpose.*



Notary Public

My commission expires:





# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Truro Police Department

**REQUESTOR:** Chief Kyle Takakjian

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Declaration of Excess Property

**EXPLANATION:** Request to have the following two (2) MSR2000 base stations currently out of service (Non-compliance with FCC Narrow-banding regulations and replaced in 2014) declared as excess property and transferred to the Barnstable County Radio Shop for Re-Configuration as HAM radios. Both units will then be placed into service in the regional shelter and storm radio communication system.

Model # C73GSB-1145A  
Serial # 482CKE0315

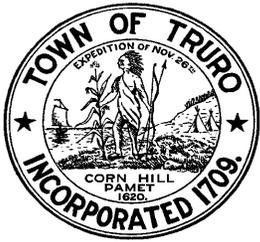
Model # C73KSB-1145B  
Serial # 482CPN0323

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** Two units would have to be purchased at a cost in the future.

**SUGGESTED ACTION:** *Motion to declare as excess property, two (2) out of service MSR2000 base stations and to authorize the transfer of the equipment to the Barnstable County Radio Shop for Re-Configuration as HAM radios for use in the Regional Shelter.*

**ATTACHMENTS:** N/A



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Licensing Department

**REQUESTOR:** Nicole Tudor, Executive Assistant

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Review and Approval of the 2015 ABCC (Alcoholic Beverages Control Commission) Annual report

**EXPLANATION:** In accordance with Chapter 138 § 10A of the Massachusetts General Laws, every city and town in the Commonwealth that issues retail alcohol licenses must submit Annual Reports for Alcoholic Beverage Licenses issued from their respective towns including the total numbers of licenses, fees, revenue generated and notice of any violations.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** It can be postponed until the meeting of January 26th for further research if need be. But ultimately per MGL must be submitted to the State prior to the February 15<sup>th</sup>, 2016.

**SUGGESTED ACTION:** *MOTION TO approve the 2015 Annual Alcoholic Beverages Control Commission report for submission to the State.*

**ATTACHMENTS:**

1. 2015 Annual ABCC Report
2. 2015 ABCC Notice for the Annual Report



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

Tel: 508-349-7004 , Extension: 10 & 24 Fax: 508-349-5505

Email: [ntudor@truro-ma.gov](mailto:ntudor@truro-ma.gov) & [nscoullar@truro-ma.gov](mailto:nscoullar@truro-ma.gov)

January 12, 2016

The Alcoholic Beverage Control Commission  
 ATT: Ryan Melville  
 Licensing Supervisor  
 239 Causeway Street, 1st Floor  
 Boston, MA 02114

In accordance with Chapter 138 § 10A of the Massachusetts General Laws, we submit our 2015 Annual Report for Alcoholic Beverage Licenses issued in the Town of Truro:

### Annual Report for 2015

<u>Class of Licenses</u>	<u>Number Issued</u>	<u>Fee set</u>	<u>Revenue Collected</u>
<b>All Alcoholic Beverages - Restaurants</b>			
Annual (Montano's)	1	\$1,650.00	\$ 1,650.00
Seasonal (Terra Luna, Whitman House, Blackfish, Highland Links, & Top Mast Café)	5	\$1,650.00	\$ 8,250.00
<b>All Alcoholic Beverages - Package Stores</b>			
Annual (Salty Market & Pamet Valley Package)	2	\$1,650.00	\$ 3,300.00
Seasonal (Fullers' Package)	1	\$1,650.00	\$ 1,650.00
<b>All Alcoholic Beverages – General on Premises</b>			
Annual	0	\$1,650.00	\$ 0.00
Seasonal (Beach Point Health and Swim)	1	\$1,650.00	\$ 1650.00
<b>Wine &amp; Malt – General on Premises</b>			
Annual	0	\$1,350.00	\$0.00
Seasonal (Payomet Theater)	1	\$1,350.00	\$1,350.00
<b>Wine &amp; Malt - Restaurants</b>			
Annual	0	\$1,350.00	\$0.00
Seasonal	0	\$1,350.00	\$0.00

**Wine & Malt - Package Stores**

Annual	0	\$1,350.00	\$0.00
Seasonal (Jams)	1	\$1,350.00	<b>\$ 1,350.00</b>

<b>Club</b>	0	\$200.00	\$0.00
<b>Farm Winery Pouring License (Truro Vineyards)</b>	1	\$200.00	<b>\$ 200.00</b>
<b>Farm Distillery Pouring License (Truro Vineyards)</b>	1	\$400.00	<b>\$ 400.00</b>

**Special (One Day) All Alcoholic Beverages:** 5 \$50.00 **\$120.00\***

\*The Local Authorities waive a portion of the fee for non-profit organizations that benefit its citizens, either educationally or culturally. (Truro Center for the Arts at Castle Hill)

**Special (One Day) Wine and Malt:** 14 \$25.00 **\$175.00\***

\*The Local Authorities waive a portion of the fee for non-profit organizations that benefit its citizens, either educationally or culturally. (Truro Center for the Arts at Castle Hill, Pamet Harbor Yacht Club, & Historical Society at Highland Museum)

**Special (One Day) Wine Only:** 2 \$25.00 **\$25.00\***

\*The Local Authorities waive a portion of the fee for non-profit organizations that benefit its citizens, either educationally or culturally. (Truro Treasures Weekend, & Pamet Harbor Yacht Club)

**Farmers' Market License** 1 \$25.00 **\$25.00**  
(Truro Vineyards at AgFair)

**Total Revenue** **\$ 20,145.00**

There were no violations in 2015.

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Paul Wisotzky, Chair

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Jan Worthington, Vice-Chair

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Maureen Burgess, Clerk

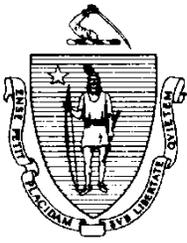
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Jay Coburn

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Robert Weinstein

Board of Selectmen/Local Licensing Authorities  
Town of Truro



Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: (617) 727-3040  
Fax: (617) 727-1510

Consent Agenda Item: 6C2

**Deborah B. Goldberg**  
*Treasurer and Receiver General*

**Kim S. Gainsboro, Esq.**  
*Chairman*

To: Town Administrator/Local Licensing Authority

From: Alcoholic Beverages Control Commission

Date: December 18, 2015

**RE: ANNUAL REPORT for Calendar Year 2015**

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Dear Town Administrator/Local Licensing Authority:

I would like to offer a reminder to you that your annual report to the Alcoholic Beverages Control Commission ("ABCC").

As you know, state law requires each local licensing authority to file with the ABCC an annual report on or before February 15<sup>th</sup> that follows the conclusion of the calendar/license year. The contents of this report are specified in the state law, M.G.L. Ch. 138 §10A, which requires you to file this report.

Your annual report must contain only the following:

1. The **number of licensees** of each class granted;
2. The **established schedule of fees** for all classes of licenses;
3. The **revenue generated** from these licenses;
4. A **list of all violations** of the law by licensees, which came to your attention; and,
5. Your **actions and findings** regarding those violations.

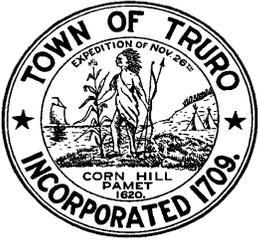
The ABCC reviews these reports to assist in fulfilling its function of reporting on the conduct and condition of traffic in alcoholic beverages during the calendar year, developing recommendations for legislation that may be necessary or desirable for the better regulation and control of the traffic in alcoholic beverages and for the promotion of temperance in the use of alcoholic beverages.

To this end, your attention and cooperation in filing your annual reports on time is greatly appreciated. **Reports need to be received on or before February 15, 2016. If you do not file your report, you will not be in compliance with the law.**

Respectfully yours,

*Ralph Sacramone*  
Ralph Sacramone  
Executive Director

*\*Please note if you choose to send the report by facsimile, please send to 617-727-1510. If you would rather send by e-mail to [phathaway@tre.state.ma.us](mailto:phathaway@tre.state.ma.us) or by mail, please address it to the Alcoholic Beverages Control Commission, 239 Causeway Street, 1<sup>st</sup> floor, Boston, MA 02114, to the attention of Patricia Hathaway.*



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Licensing Department

**REQUESTOR:** Nicole Tudor, Executive Assistant

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Approval of 2016 Common Victualer Licenses- Captain’s Choice-4 Highland Road

**EXPLANATION:** The approval of Captain’s Choice-Common Victualer is under the authority of the Board of Selectmen as Local Licensing Authorities. Please know that if you approve this license for renewal, the license will be issued only upon compliance with all regulations and receipt of the necessary fees. There were no reported issues with this establishment in 2015. The Health Department Food Service Application is complete and Food service licenses will be approved once the Common Victualer License is approved.

Mass General Law	Licenses & Permits Issued by Board of Selectmen	Names of Businesses
Chapter 140 § 2	<b>Common Victualer</b> (Cooking, Preparing and Serving food)	<b>Captain’s Choice</b>

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The applicant will not be issued their 2016 Common Victualer License to operate at Captain’s Choice in the Town of Truro.

**SUGGESTED ACTION:** *MOTION TO approve the 2016 Common Victualer Licenses for Captain’s Choice upon compliance with all regulations and receipt of the necessary fees.*

**ATTACHMENTS:**

1. Renewal Application for 2016: Captains Choice



# TOWN OF TRURO

## BUSINESS LICENSE APPLICATION ADMINISTRATION OFFICE

Main Floor Town Hall • P.O. Box 2030  
24 Town Hall Rd • Truro, MA 02666

Tel: 508-349-7004 Extensions: 10 or 24 Fax: 508-349-5505



**NO BUSINESS MAY OPERATE WITHOUT A VALID LICENSE ON THE PREMISES**

The undersigned hereby applies for a License to conduct business in the Town of Truro in accordance with the Statutes of the Commonwealth of Massachusetts and subject to the Rules and Regulations of the Licensing Authorities.

Please check the appropriate box that best describes the license type (s) being applied for:

Business Request	License Type	Hours of Operation
<input type="checkbox"/> New Application	<input checked="" type="checkbox"/> Common Victualer (Food)* <i>See Health Department</i>	<input type="checkbox"/> Annual License
<input type="checkbox"/> Renewal – No Changes	<input type="checkbox"/> Transient Vendor (Retail)	Number of Days Open:
<input checked="" type="checkbox"/> Renewal – Change (s)	<input type="checkbox"/> Peddler/Mobil Lunch Cart* <i>See Health Department</i>	Hours            AM            PM
<input type="checkbox"/> Transfer of License	<input type="checkbox"/> Entertainment License <i>Complete Entertainment Application</i>	<input checked="" type="checkbox"/> Seasonal License
<input type="checkbox"/> Name Change	<input type="checkbox"/> Lodging House	Number of Days Open: 7
<input type="checkbox"/> Manager Change	<input type="checkbox"/> Alcohol License <i>Complete ABCC Application</i>	Opening Date: around 4/10/16
<input type="checkbox"/> Location Change	<input type="checkbox"/> Innholder	Closing Date: around 11/15/16
<input type="checkbox"/> Seasonal to Annual	<input type="checkbox"/> Taxicabs	Hours 7            AM 10            PM
<input type="checkbox"/> Annual to Seasonal	<input type="checkbox"/> Other	<input type="checkbox"/> Change of Hours
<input type="checkbox"/> Extension of Premises		<input type="checkbox"/> Other

Other information please describe \_\_\_\_\_

**APPLICANT INFORMATION**

Name of Applicant CAPTAINS CHOICE

Name of Business/Corporation/Partnership CAPTAIN'S CHOICE, INC.

Business Location 4 HIGHLAND ROAD

*Truro Street Address*

Mailing Address of Business 18 OLD COLONY WAY ORLEANS, MA 02653

*Please use preferred mailing address for any Town Correspondence*

Business Contact Information: [REDACTED]

*Business Number/Cell Number/Email Address*

Name of Manager Bob and Kristi Wageman

*Please Print*

Manager Contact Information [REDACTED] \_\_\_\_\_  
Cell Number/Email Address

Manager's Mailing Address 18 OLD COLONY WAY ORLEANS, MA 02653 \_\_\_\_\_

FEIN Business Number [REDACTED] \_\_\_\_\_

Food Vendor Drivers' License # \_\_\_\_\_ Vehicle Registration # \_\_\_\_\_

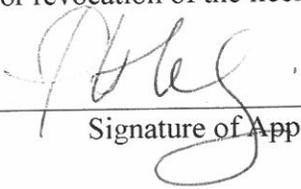
**CHECKLIST-Please provide the following items if not provided to the Health Department.**

- RESTAURANTS- See Health Department Application
- FIRE PROTECTION SYSTEMS ANNUAL TEST REPORT
- IF YOU HAVE EMPLOYEES- Provide Workers Compensation Affidavit **AND** Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Provide Workers Compensation Affidavit **ONLY**
- IF SELLING ALCOHOL FOR CONSUMPTION ON PREMISE
  - Provide Liquor Liability Insurance
  - Provide Current Building and Fire Certificate of Inspection
  - TIPS Server Training Certificates for Servers
- Mobil Food Unit-Attach State Hawker Peddler License
- Ice Cream Truck-Complete CORI Form and Permit to Engage in Ice Cream Vending (MGL 270 §25)
- Business Certificate with the Clerk's Office-*A Business Certificate is commonly referred to as a d/b/a or "Doing Business As" form. Its purpose is primarily for consumer protection and is considered a public record. Pursuant to M.G.L. Chapter 110, section 5, a person must file a business certificate when conducting business in Truro under any title (business name) other than the real name of the individual, partnership, or corporation. (Note: Certain exemptions to filing are allowed under section 6: a corporation doing business as its true name; a legal partnership is doing business under any title which includes the true surname of any partner; certain other exemptions exist for trusts and limited partnerships.)*

**ATTESTATION**

Pursuant to M.G. L. Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all local state taxes required under law and the information I have provided is true and accurate. Any misstatement in this application, or violation of state or applicable town bylaws or regulations, shall be considered sufficient cause for refusal, suspension or revocation of the license.

**CHRISTOPHER W. KING**  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signature of Applicant

**Complete the application and supporting documents and mail or bring them with the appropriate fees to:**

TOWN OF TRURO  
Administration Office ♦ Main Floor Town Hall  
24 Town Hall Rd ♦ PO Box 2030  
Truro, MA 02666

-----**Office Use Only**-----

- Payment Received
- Health Agent or Board of Health Approval    Board of Selectmen Meeting Date for Approval 1/12/2015



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: CAPTAIN'S CHOICE, INC.

Address: 4 HIGHLAND ROAD

City/State/Zip: NORTH TRURO, MA 02652 Phone #: 508-487-5800

**Are you an employer? Check the appropriate box:**

- 1.  I am an employer with 5 employees (full and/or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: NORFOLK & DEDHAM MUTUAL FIRE INSURANCE COMPANY

Insurer's Address: 222 AMES STREET

City/State/Zip: DEDHAM, MA 02026

Policy # or Self-ins. Lic. # [REDACTED] Expiration Date: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 12/2/15

Phone #: [REDACTED]

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY  
INSURANCE POLICY ---- INFORMATION PAGE

**INSURER:**

NORFOLK & DEDHAM MUTUAL FIRE INSURANCE COMPANY  
222 AMES STREET  
DEDHAM, MA 02026

**POLICY NO:** [REDACTED]

NEW BUSINESS

NCCI Company No: [REDACTED]

Account No:

FEIN: [REDACTED]

**ITEM 1. NAMED INSURED AND MAILING ADDRESS:**

CAPTAIN'S CHOICE INC  
18 OLD COLONY WAY  
ORLEANS MA 02653

**AGENT NAME AND ADDRESS:**

BENSON, YOUNG & DOWNS INS  
AGCY  
56 HOWLAND STREET  
P.O. BOX 559  
PROVINCETOWN, MA 02657

**AGENT NO.:** 20654

**LEGAL ENTITY:** CORPORATION

**OTHER WORKPLACES NOT SHOWN ABOVE:** (See Workers Compensation Classification Schedule)

**ITEM 2. POLICY PERIOD:** From: 05/21/2015 To: 05/21/2016

Effective 12:01 A.M. Standard Time at the Insured's mailing address.

**ITEM 3. COVERAGE:**

A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here:  
MA

B. Employers' Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3.A. The limits of liability under Part Two are:

Bodily Injury by Accident:	\$	100,000	each accident
Bodily Injury by Disease:	\$	500,000	policy limit
Bodily Injury by Disease:	\$	100,000	each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:  
SEE ENDORSEMENT WC 20 03 06 B

D. This Policy includes these Endorsements and Schedules:  
See Schedule of Forms and Endorsements.

**ITEM 4. PREMIUM:** The premium for this Policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required on the Workers Compensation Classification Schedule is subject to verification and change by audit.

Minimum Premium: \$ 219  
Audit Period: ANNUAL

Total Estimated  
Annual Premium: \$ 1,220  
Additional / Return Premium:

Comments :

Issued At:

Date: 05/21/2015

Countersigned by



Policy Number XXXXXXXXXX

NORFOLK & DEDHAM MUTUAL FIRE INSURANCE COMPANY

**WORKERS COMPENSATION CLASSIFICATION SCHEDULE**

State of: MASSACHUSETTS

Named Insured CAPTAIN'S CHOICE INC

Effective Date: 05/21/2015  
12:01 A.M., Eastern Standard Time

Agent Name BENSON, YOUNG & DOWNS INS AGCY

Agent No. 20654

Classification of Operation	Code No.	Annual Remuneration	Rates Per \$100 of Remuneration	Deviation Factor	Estimated Annual Premium
LOC #1 CAPTAIN'S CHOICE INC FEIN # 47-3961930 4 HIGHLAND ROAD UNIT D NORTH TRURO MA 02652					
CLERICAL OFFICE EMPLOYEES NOC (8810)	8810	\$ 10,400	.08	1.00	\$ 8.00
CLERICAL OFFICE EMPLOYEES NOC (8810)	8810	\$ 10,400	.08	1.00	\$ 8.00
CLERICAL OFFICE EMPLOYEES NOC (8810)	8810	\$ 10,400	.08	1.00	\$ 8.00
RESTAURANT NOC (9079)	9079	\$ 75,000	1.15	1.00	\$ 863.00

# RALPH J. PERRY, INC.

96 Falmouth Rd. (Route 28) • Hyannis, MA 02601 • Phone: (508) 775-FIRE • Ma. Lic. #017 D.O.T. # A-850

## SYSTEM INSPECTION REPORT

1.8500

Name CAPTAINS CHOICE

Date 10-7-15 Next Insp. Due April 2016

Address 5 HIGHLAND ROAD

Model # PCL-650 Mfg. Pyle Co

N. Truro Ma. 02652

Bill To P.O. BOX 602 PARIMOUTHWISCONSIN

# of Tanks 1 Wet X Dry     

Contact CHRIS KING Phone     

Annual      Semi X Recharge      New     

Hood needs to be cleaned OK Refuses Inspection     

Fusible Links: 360 5 450      Other      Seals     

Grease accumulation: Excessive      Heavy      Moderate     

Fuel Shut Off: X Gas      Electric      Caps     

Filters need to be cleaned: OK Type Grapple

Ansul Cart: Single      Double      N2      CO2     

Cooking appliance location: Left to right: Slow Grill City Fry Fry

Ralph J. Perry, Inc. must be notified if there is any change/movement in cooking equipment.

- |  |             |   |             |
|--|-------------|---|-------------|
| 1. Are all appliances covered by nozzles         | <u>    </u> | 17. Clean nozzles no. of <u>1</u> duct <u>1</u> plenum <u>1</u> appliance | <u>    </u> |
| 2. Are hood and duct covered by nozzles          | <u>    </u> | 18. Replace fusible links / Mfg. date                                     | <u>2015</u> |
| 3. Check positioning of nozzles                  | <u>    </u> | 19. Check cable, nut, and S-hook movement                                 | <u>    </u> |
| 4. Hood and duct penetration sealed              | <u>    </u> | 20. All piping secured  | <u>    </u> |
| 5. Is system U.L. 300                            | <u>    </u> | 21. All filters in place  | <u>    </u> |
| 6. Proper clearance flange to filters            | <u>    </u> | 22. Cartridge/N2 reinstalled/Safety pin removed                           | <u>    </u> |
| 7. Nozzle seals in place                         | <u>    </u> | 23. System reset and operational  | <u>    </u> |
| 8. Are there seal tites in place                 | <u>    </u> | 24. All yellow seals in place   | <u>    </u> |
| 9. Pressure gauges in proper range               | <u>    </u> | 25. Service and certification tag on system                               | <u>    </u> |
| 10. Check cartridge weight                       | <u>OK</u>   | 26. Portable extinguishers up to code                                     | <u>    </u> |
| 11. Hydrotest due                                | <u>2017</u> | 27. Class K extinguisher and placard installed                            | <u>    </u> |
| 12. Inspect cylinder liquid and mount            | <u>    </u> | 28. Reviewed automatic & manual operation of system w/customer            | <u>    </u> |
| 13. Test for proper operation from terminal link | <u>    </u> | 29. Exhaust fan working   | <u>    </u> |
| 14. Test remote manual operation                 | <u>    </u> | 30. Customer instructed on required monthly inspection of system          | <u>    </u> |
| 15. Micro switch in place                        | <u>    </u> | 31. Customer performing monthly inspection                                | <u>    </u> |
| 16. Gas valve in place and working               | <u>    </u> |   |             |

Recommendation:     

Non-compliance issued: Yes / No Reason     

\*Non-Compliance systems/or systems with discrepancies may fail to extinguish/suppress a fire.

Discrepancies or deficiencies     

Ralph J. Perry, Inc. is not a hood/duct service company. Any discrepancies should be addressed by a qualified hood/duct company.

Extinguisher Inspections:      Light Inspections:      Total # of Ext:      Ext. due service:      Service Chg:      Cond. Test:     

### RECHARGES / SERVICE

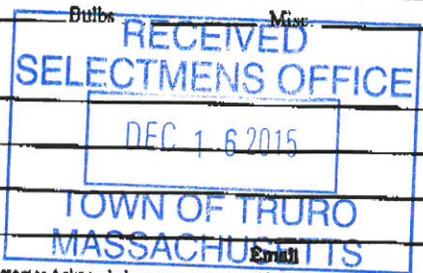
### NEW EXTINGUISHERS

Drychem 2.5lb      5lb      10lb      20lb      6 year      Hydro       
 W      K Class      6L      2.5G      Hydro       
 Halotron 2.5lb      5lb      11lb      15.5lb      6 year      Hydro       
 CO2 5lb      10lb      15lb      20lb      Hydro       
 Parts: Service Collar      Orig      Pull Pin     

Drychem 2.5lb      5lb      10lb      20lb       
 PW      K Class      6L      2.5G       
 Halotron 2.5lb      5lb      11lb      15.5lb       
 CO2 5lb      10lb      15lb      20lb       
 Batteries:      Bulbs      Misc     

TRF EXTINGUISHERS ARE IN COMPLIANCE WITH NFPA 10 CODE YES X NO     

Comments:     



Service Technician

Michael Leh  
Lic. # 91

Not there  
Customer's Authorized Representative

Please read the Customer Acknowledgment on reverse side before signing.

On this date, the above system was tested and inspected in accordance with procedures of the current NFPA 17A AND 96 edition and the manufacturers manual at time of installation and was operating according to these procedures with the results indicated above.  
 On this date, the above fire extinguishers and fire equipment were inspected or serviced in accordance with procedures of the NFPA 10 and the manufacturers manual, with the results indicated above. The above service technician certifies that the system/extinguishers were personally inspected and found conditions to be as indicated above.  
 A copy of this report will be forwarded to the local fire department.



TRURO FIRE RESCUE  
Truro Public Safety Facility  
344 Route 6 Truro, MA 02666

FIRE PROTECTION SYSTEMS  
ANNUAL TEST REPORT

BUSINESS NAME: Captain's Cottage

OWNER/MANAGER: Cory King / John White Bob + Kristy Wageman

ADDRESS: 4 Highland Road

PHONE #: 508 487 5900 NUMBER OF UNITS: 1

CONTACT PERSON: CHRISTOPHER KING [REDACTED]

ADDRESS: 140 Paul Dike Road Westport, MA

TESTING COMPANY: QUAKES Electric Co.

TESTING ELECTRICIAN/TECHNICIAN: Arthur D. Martinez  
487-1222

COMPANY PHONE #: \_\_\_\_\_ HOME PHONE #: \_\_\_\_\_

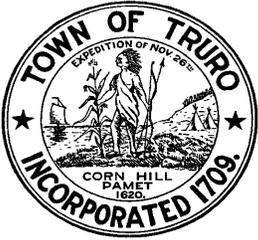
LICENSE #: A10653

The fire protection system (s) including, but not limited to, (Sprinkler Systems) (Range Hood Systems) (Fire Extinguishers) (Type I II III Fire Alarm Systems) (C.O. Detectors) at the above mentioned business address, were tested, (CERTIFIED) the add parts of the systems, were found to be, or corrected to be, fully operational.

COMMENTS: Systems Tested OK

DATE OF CERTIFICATION: 10/6/15 BY: [Signature]  
Signature of Licensed Electrician

THIS REPORT MUST BE FILLED OUT AND SUBMITTED, PRIOR TO THE ISSUANCE OF, OR RENEWAL OF A LICENSE TO OPERATE WITHIN THE TOWN OF TRURO.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Information Technology

**REQUESTOR:** David Wennerberg, IT Director

**REQUESTED MEETING DATE:** January 12, 2016

**ITEM:** Review and approve amendment to the Implementation and Migration Services Contract with Barnstable County IT to extend the date.

**EXPLANATION:** The amendment to the Contract with Barnstable County IT is to extend the contract termination date by six (6) months to accommodate for the timeline of the phone system implementation.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** The contract with Barnstable County IT would expire before the new phone system would be implemented.

**SUGGESTED ACTION:** *MOTION TO approve and execute the amendment to the contract with Barnstable County IT to extend the contract termination date by 6 months.*

**ATTACHMENTS:**

1. Amendment to Barnstable County IT Contract

**INTERMUNICIPAL AGREEMENT  
FOR INFORMATION TECHNOLOGY IMPLEMENTATION AND MIGRATION SERVICES  
BETWEEN BARNSTABLE COUNTY  
AND THE TOWN OF TRURO**

**AMENDMENT #1**

WHEREAS, Barnstable County and the Town of Truro are parties to an inter-municipal agreement executed under date of June 17, 2015 (the "Agreement");

WHEREAS, said Agreement provides for the furnishing of information technology services by Barnstable County to the Town of Truro as more fully set forth in said Agreement and Amendments;

WHEREAS, said Agreement expires on January 1, 2016; and

WHEREAS, the County of Barnstable and Town of Truro desire to modify said Agreement and to extend the term thereof.

NOW THEREFORE, the parties hereto agree as follows:

1. The term of said Agreement is extended to June 30, 2016.

In all other respects said Agreement is ratified and confirmed.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be executed by their individual representatives whose signatures are hereto affixed.

COUNTY OF BARNSTABLE  
BOARD OF COUNTY COMMISSIONERS

TOWN OF TRURO  
BOARD OF SELECTMEN

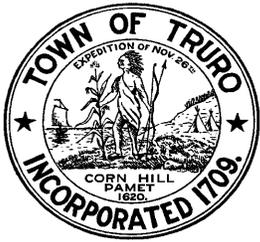
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# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Building, Health & Conservation

**REQUESTOR:** Russell Braun

**REQUESTED MEETING DATE:** January 12, 2015

**ITEM:** Disposition of unused file cabinets – (6) four drawer file cabinets and (2) five drawer flat files

**EXPLANATION:** This equipment has been made obsolete due to the installation of the new high density file system. In addition we have electronically scanned the drawings stored in the flat files and are archiving the paper copies.

**FINANCIAL SOURCE (IF APPLICABLE):** N/A

**IMPACT IF NOT APPROVED:** There is nowhere to store these items. We have offered all of our surplus equipment to other departments and much of it has already been claimed. The four drawer files are generally in a bad state. The flat files, although well worn, might still have some value

**SUGGESTED ACTION:** *MOTION TO declare as surplus six (6) file cabinets and two (2) flat files and to authorize the Town Administrator to dispose of the surplus properties as appropriate. .*

**ATTACHMENTS:** None

# DRAFT

**Truro Board of Selectmen  
Meeting, December 15, 2015  
Town Hall Meeting Room**

**Members Present:** Chair Paul Wisotzky; Maureen Burgess, Jay Coburn, Robert Weinstein, Janet Worthington

**Present:** Town Administrator Rae Ann Palmer

Chair Paul Wisotzky called the meeting to order at 5:00 p.m.

## **PUBLIC COMMENT**

Three people came forward to discuss 27 Stephens Way. Bill Worthington spoke against tearing it down and destroying any housing when the need for affordable housing is so great in Truro. Joan Holtz, who had questioned the legality of the construction of 27 Stephens Way from the start, said that the building should not remain there. Jack Reimer supported Joan Holtz with the opinion that the house should be taken down.

## **BOARD OF SELECTMEN ACTION**

### ***Sutton Place Condominium Manager's Unit***

Attorney Lester J. Murphy explained the revision to the Declaration of Covenant for Sutton Place Condominium Trust's new designation of the manager's unit at 503-522 Shore Road. The units are seasonal, but a year-round manager's unit is allowed. The owner is seeking to have the manager's unit changed from Unit 9 to Unit 7. Unit 9 will become a seasonal unit.

Jay Coburn moved to approve the revision to the Declaration of Covenant for Sutton Place Condominium Trust's for the designation of Unit 7 as manager's unit at 503-522 Shore Road. Robert Weinstein seconded, and the motion carried 5-0.

### ***Sun-Edison Contract***

Town Administrator Rae Ann Palmer had requested that the Board of Selectmen approve and authorize the Chair to sign a contract with Sun-Edison for the solar array at the Transfer Station. She called upon Rick Holland from Town Counsel, Kopelman & Paige, to explain the contract. He said it was a two-year contract, solely for the photo voltaic array. Secondly, it is an agreement for the metering credits which the Town will receive. Attorney Holland explained the price of the credits and how the system works. He projected savings for the Town through the use of the credits. Robert Weinstein asked about the unauthorized work by AT&T that had caused damage at the Transfer Station. Attorney Holland said they are pursuing compensation for damages, and AT&T is cooperating. There is a timeline that needs to be met for the array to go on line.

Maureen Burgess moved to approve the contract and authorize the Chair to sign the contract with Sun-Edison for the solar array at the Transfer Station. Robert Weinstein seconded, and the motion carried 5-0.

***Pay-As-You-Throw Plan***

The SMART Committee had requested a recommendation from the Selectmen on the Pay-As-You-Throw (PAYT) program. Members of the Board of Selectmen expressed their opinions on the PAYT program. Janet Worthington and Maureen Burgess had many concerns about staffing, quality and cost of the bags, the split opinion of the SMART Committee, the Board of Health's role, support from the entire town, giving better recycling a chance, home bag maintenance, and the difference between raised sticker fees and PAYT. Jay Coburn and Robert Weinstein supported the plan that would put responsibility of trash recycling and management on the home owner and save money for the Town. Robert Weinstein, who was the liaison to the SMART Committee, reviewed the efforts of that board to study and choose PAYT as the best option for Truro, a change that would benefit the community. Paul Wisotzky said the data is clear on the reduction of solid waste and savings in tonnage. He considered the dissent on the SMART Committee healthy, but, he said there was a missing piece – an operational plan to implement PAYT by July 1. He favors the PAYT plan, but the operational/implementation piece is not clear to him. He said there should be more public hearings to establish this. Jay Coburn reminded everyone that PAYT is the Board of Health's decision.

Jay Coburn moved to approve that the Board of Health to move forward with an operational/implementation plan for PAYT. Robert Weinstein seconded. The motion is not a recommendation for PAYT. Further discussion ensued.

Robert Weinstein discussed the Board of Health's role and the public hearing process. Rae Ann Palmer said that operation of Transfer Station was in purview of the DPW; the fees are in the purview of the Board of Health. She said she supported the motion to produce an operational plan. DPW Director Jay Norton and Health Agent Pat Pajaron came forward and recommended that an operational plan be created. Pat Pajaron also discussed making allowances for low income families.

From the audience, Paul and Nancy Fenechault expressed their concerns about PAYT even though they support good recycling and composting. Steve Sollog said this was not just a fee change but a whole new mechanism and would prefer that the townspeople decide, not just one board. Jack Reimer also recommended bringing the decision to Town Meeting where people could have their say. He also questioned if more couldn't be done at the Transfer Station through screening what is brought in and checking that it is being put in the right receptacles. Joan Holtz said that she didn't think that the PAYT program was ready to go forward to Town Meeting for a July 1<sup>st</sup> implementation date. She said that the pro's and con's should be compiled before the Town should go forward.

Jay Coburn referred to the 2010 study of towns in Massachusetts which showed that the PAYT communities had cut their waste nearly in half. Paul Fenechault noted that only PAYT was mentioned in the study. Joan Holtz said that the implementation plan should address the anticipated difficulties that some people in town would face with PAYT.

The motion to recommend that the Board of Health and Town staff develop an operational/implementation plan that addresses the concerns of the Board of Selectmen carried 3-2. (Burgess, Worthington)

***Snow Plowing***

Chair Paul Wisotzky and the Board discussed snow plowing and maintenance of private roads. Selectmen's Policy #17, which is currently in place, could be adapted for emergency situations, but it would take a Town Meeting vote in accordance to State law to change policy for plowing private roads. DPW Director Jay Norton reviewed the report he had prepared on snow plowing and maintenance of private roads. It included other Cape towns' policies, including their inspection policies. He had created a financial analysis for inclusion of private roads in snow removal. Rae Ann Palmer commented upon the financial impact of hiring more staff for added plowing. Mr. Norton said public safety for fire/police emergencies and people in need of medical attention is a major consideration. Paul Wisotzky suggested putting the report on the Truro website's home page.

Janet Worthington thanked Jay Norton for the report and asked him to expand on the equipment difficulties the DPW could encounter in plowing extra roads. Robert Weinstein said the Town should only focus on emergency situations. Foreman Tim King had been concerned about equipment and the effects on of extended periods of plowing in heavy snow. Mr. Weinstein thanked the Council on Aging for compiling a list of people with medical needs.

Paul Wisotzky summarized, "How do we change the policy to help with emergency situations, and, if put to the vote of town, what would it take to plow all roads." He had drafted a revised Policy Memorandum #17 that separated plowing from maintenance. He distributed and read the draft of the revised snow plowing policy. Jay Coburn suggested adding sanding for emergencies. Janet Worthington suggested adding "Town employees' safety." Rae Ann Palmer reminded the Board that the policy addresses emergency situations only.

Robert Weinstein suggested that home owners take responsibility to prepare their roads for the winter. He recommended that property owners be reminded to maintain the "14 foot box" needed on private roads. Fire Chief Tim Collins came forward and repeated his promise that the Fire Department would rescue anyone in an emergency.

Jack Reimer called attention to a General Bylaw of the Town that identifies guidelines that need to be followed for private roads. Donna Lee Aburno, who lives on a private road, came forward to ask about voting on the Mass law that would be needed to plow all roads in town.

Jay Coburn suggested providing more information to townspeople on neighborhood associations and encouraging homeowners to create or reactivate them.

Jay Coburn moved to accept a Policy #17 with substitute language that deals with snow plowing with *sanding and plowing* and adding *town employee safety*. Robert Weinstein seconded, and the motion carried 5-0.

Paul Wisotzky suggested that discussion Massachusetts law governing private roads be placed on a future agenda along with roads within the National Seashore.

*Jay Coburn recused himself from the meeting.*

***Exemption by Board of Selectmen***

Paul Wisotzky explained the exemption by the Board of Selectmen that Jay Coburn needs for his disclosure as a Special Municipal Employee of financial interest in a Municipal Contract as required by MGL Ch. 268A § 20(d). No money from the Town of Truro supports his salary.

Robert Weinstein moved to approve the MGL Ch. 268A § 20(d). exemption for Jay Coburn's disclosure as a Special Municipal Employee of financial interest in a Municipal Contract as required by MGL Ch. 268A § 20(d). Maureen Burgess seconded, and the motion carried 4-0.

***CDP Housing Rehab Program Contract***

The Board reviewed the Community Development Partnership Contract for the Housing Rehab program for the Fiscal Year 2015 CDBG grant.

Maureen Burgess moved to approve the Community Development Partnership Contract for the Housing Rehab program for the Fiscal Year 2015 CDBG grant and authorize the Chair to sign. Robert Weinstein seconded, and the motion carried 4-0.

Rae Ann Palmer encouraged qualified homeowners to apply to the Housing Rehab program that CDBG offers.

*Jay Coburn returned to the meeting.*

***Annual Town Report Dedication and Cover***

Rae Ann Palmer presented for the Board's approval the 2015 Annual Town Report's dedication, at the staff's suggestion, to retired Fire Chief Brian Davis. The cover design submissions had all been of snow, and the Board made other suggestions for the cover.

Maureen Burgess moved to approve the 2015 Annual Town Report's dedication to Brian Davis and a cover to be chosen by Administration and staff. Janet Worthington seconded, and the motion carried 5-0.

***Work Sessions***

Selectman Jay Coburn sought approval for a Work Session's Board of Selectmen's Policy #56. He explained that it would provide ground rules for work sessions. Maureen Burgess moved to approve Selectmen's Policy #56. Robert Weinstein seconded, and the motion carried 5-0.

***Follow-up on Joint Meeting with Conservation Commission***

Chair Paul Wisotzky reported that Peter Romanelli and he had agreed to hold another joint meeting of the Board of Selectmen the Conservation Commission.

**CONSENT AGENDA**

There were six items on the Consent Agenda:

- A. Review/Approve and Authorize the Chair to sign the Weston and Sampson Contract Amendment No. 2 for the Truro Landfill, the preparation of Bid Documents and Bid Assistance;
- B. Review and approve 2016 Common Victualer- terra Luna Restaurant (Seasonal) – 104 Shore Road, FarmMaid Foods (Annual)- 8 Highland Rd. & Savory and the Sweet Escape (Annual) – 316 Route 6, Captain’s Choice, Inc. (Seasonal) – 4 Highland Road;
- C. Review and Approve reappointment of DPW Director Jay Norton to the Cape Cod Joint Transportation Committee;
- D. Review and approve the renewal of Truro Police Department appointments;
- E. Review and approve the application for a permit for an Organized Bike & Road Race for the Wounded Warrior Project Cycling Event to be held Friday, September 23, 2016; and
- F. Review and approve the BOS minutes of December 1, 2015, December 7, 2015 (Budget Task Force) and December 8, 2015.

Rae Ann Palmer asked that the Common Victualer’s License for Captain’s Choice in Section B be removed from consideration at this meeting.

Jay Coburn moved to approve the Consent Agenda with the Captain’s Choice license removed from the list of licenses in Section B. Robert Weinstein seconded, and the motion carried 5-0 with an abstention by Jay Coburn on Section B for FarmMaid Foods as they are a client of his.

**SELECTMEN & TOWN ADMINISTRATOR’S REPORTS**

The reports included a well-received, surprise one. Robert Weinstein had attended an Ad Hoc Committee by the Planning Board to discuss a possible Warrant Article for building in the Seashore. Maureen Burgess had attended the same meeting. She had also attended her first Human Services meeting. Paul Wisotzky and Jay Coburn had met with the Non-Resident Taxpayers Association and plan to meet with them again, possibly in summer. He reported that he as attended two Budget Task Force meetings and commended the preparation of the departments that have presented their budgets so far. Janet Worthington read “A Week Before Christmas,” a holiday verse she created to honor the year-long efforts of the Selectmen and Town Administrator. Her poetic surprise received much applause. Jay Coburn reported on the joint Planning Board and ZBA meeting he had attended. He had attended Truro’s NRTA and commented on Truro’s practice of allowing non-residents to participate on boards and speak at Town Meetings. Town Administrator Rae Ann Palmer reported that the Truro Central School had serenaded the staff with holiday songs. She mentioned renovation plans to enclose the Selectmen’s Meeting Room.

**NEXT MEETING AGENDA**

Town Administrator Rae Ann Palmer and the Board reviewed agenda items for the next meeting to be held January 12, 2016. A shellfish public hearing is rescheduled for this date, she said.

Jay Coburn moved to adjourn. Maureen Burgess seconded, and the motion carried 5-0. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Mary Rogers  
Recording Secretary

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Paul Wisotzky, Chair

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Maureen Burgess, Clerk

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Jay Coburn

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Janet Worthington, Vice-chair

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Robert Weinstein

**Public Records Material of December 15, 2015**

1. Weston and Sampson Contract Amendment No. 2 for the Truro Landfill, the preparation of Bid Documents and Bid Assistance
2. Report on Plowing and Maintenance of Private Roads in Truro
3. Applications for 2016 Common Victualer –Terra Luna Restaurant (Seasonal) – 104 Shore Road, FarmMaid Foods (Annual) – 8 Highland Rd. & Savory and the Sweet Escape (Annual) – 316 Route 6
4. Application for reappointment of DPW Director Jay Norton to the Cape Cod Joint Transportation Committee
5. Renewal of Truro Police Department appointments
6. Application for a permit for an Organized Bike & Road Race for the Wounded Warrior Project Cycling Event to be held Friday, September 23, 2016

## Consent Agenda Item: 6G

Budget Task Force  
Selectmen Meeting Minutes  
December 14, 2015 – 8:00am  
Truro Town Hall

**Selectmen Present:** Robert Weinstein, Chair- Paul Wisotzky, Jay Coburn

**Finance Committee Present:** Lori Meads, Roberta Lema, Chair-Bob Panessiti, Richard Wood

**Staff/Others:** Town Administrator-Rae Ann Palmer, Town Accountant-Trudi Brazil, Police Chief-Kyle Takakjian, Animal Control Officer-Suzanne Trasavage

The meeting was called to order by Selectmen Chair Paul Wisotzky at 8:00am.

### **Emergency Management and Police Department Budget**

Chief Takajian discussed the emergency management section of the budget, which includes an emergency shelter. Town Administrator Palmer noted that one of the challenges would be getting people to support the shelter. She mentioned that Provincetown utilizes their Fire Department for staffing; however it is in their job description. Truro Fire employees do not have anything written in their job description regarding working in a shelter; therefore they would need to be paid additionally for that. Chief Takakjian stated that two members of the CERT Team have been trained. He also pointed out that there are about eleven different positions within a shelter, and there are shift rotations which need to be considered too, when staffing.

The Police Department Budget was presented next. Chief Takakjian stated that the budget was presented without contractual increases. Those negotiations go back to the prior July 1<sup>st</sup>. Chair Wisotzky clarified that the budget does not reflect the cost of the new contract. Town Administrator Palmer stated that the new contract has not been ratified yet. The Purchase and Services line has been reduced by \$1600. He has increased the 5200 category by \$500 to compensate other police departments having to appear in court on a Truro matter. The cost of instructors has been reduced by \$1000 because the Municipal Police Training Facility is paying a little more of their in-service training. The 5400 line (supplies) has been increased by \$1000 for uniforms because they are costing more, and they have more staff. The vehicle parts line has increased by \$1000 as well (prices of tires and parts continue to increase). The budget remains static for the cost of fuel. The 5700 (other) line has an academy tuition payback increase of \$7500. Chair Wisotzky asked about expected health care increases. Town Accountant Brazil told the group that they will only have preliminary numbers in January. Chief Takajian stated that there was a decrease in 5700 of \$300 for an insurance clause that was already in place with the Town. A discussion ensued regarding grant monies and reimbursements. Selectman Coburn asked if the Town was required by State law to provide police coverage during elections. Chief Takajian said yes.

Chief Takajian continued by saying that the overtime budget was staying the same. He has found that, with the appropriate amount of staff, they are on track with budgetary expenditures. Chair Wisotzky asked that if they ratify a contract for January 1<sup>st</sup>, would the retro money from July 1<sup>st</sup> come out of the fy16 budget. Town Accountant Brazil confirmed in the affirmative.

Next discussed was the Capital Budget. Town Administrator Palmer noted that she increased the amount of chairs and tables in the training room from the last budget she saw. That room is being set up as a 2<sup>nd</sup> public meeting room, and she felt more money would be needed. Chief Takakjian discussed a couple of items:

- One of the Dodge Chargers and one of the Dodge SUVs needs replacing.

- The radio system needs to be replaced. They currently have an analog system. The State is transferring over to a new digital system. The portable radios they use were built in 1994-1995. They are no longer manufactured, and parts are no longer made. He does not know the exact date that the State is going over to the digital format. A discussion took place on how to appropriate the money over time.

Chief Takakjian then went over explanations for turn-backs. There were no questions from the group regarding this section.

**Animal Control Budget**

Animal Control Officer Suzanne Trasavage joined the group to discuss her portion of the overall Town budget. She has used a considerable amount of her budget this past year on veterinary care and housing for some of the animals she’s had to seize. The money comes back to the Town through court proceedings, but takes time. Due to that chunk of expenditure, she has increased her FY17 budget in anticipation of future similar issues. In the Capital Budget, she has put in for a replacement vehicle. The current vehicle has problems and is very large, which makes it difficult to get to many locations. A suggestion was made to utilize one of the Police Department’s SUVs.

**General Discussion**

Town Administrator Palmer mentioned the cost of engineering and repair for the East Harbor culvert, under the Environmental Projects section within the Capital Budget. Roberta Lema asked about the \$50,000 for Snow’s Field (under Recreation). She thought that the work was being completed by volunteers. Town Administrator Palmer explained that they do not have enough money to do what they want to do. Chair Wisotzky talked about having better coordination with the Community Preservation Committee.

**Selectman Weinstein made a motion to adjourn at 9:15am  
Selectman Coburn seconded.**

Respectively submitted, Noelle Scoullar, Executive Assistant  
Board of Selectmen

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Paul Wisotzky – Chair

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Absent  
Jan Worthington – Vice Chair

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Absent  
Maureen Burgess – Clerk

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Jay Coburn

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Robert Weinstein

Budget Task Force  
Selectmen Meeting Minutes  
January 4, 2016 – 8:00am  
Truro Town Hall

**Selectmen Present:** Chair- Paul Wisotzky, Clerk-Maureen Burgess, Robert Weinstein

**Finance Committee Present:** Richard Wood, Robert Panesitti via cell phone

**Staff/Others:** Town Administrator-Rae Ann Palmer, Town Accountant-Trudi Brazil, Harbor Master-Tony Jackett, Fire Chief-Tim Collins

The meeting was called to order by Selectmen Chair Paul Wisotzky at 8:15am. He noted that there was a quorum for the Board of Selectmen but not for the Finance Committee.

### **Fire and Rescue Budget**

Chief Collins started with the 5100 budget. He stated that the increase in salary was due to the Chief's position. He made nominal changes in the request for salary and wages other than his.

For purchase of services (5200), items were moved into this category. There has been an increase in equipment supply costs and testing services. \$15,000 from the 5800 category was moved into 5200, which more appropriately classifies the funds as they will be expended. Richard Wood questioned the cost of chairs (which were budgeted at approximately \$300 per chair). Town Administrator Palmer stated that she would take a look at the cost of chairs on the office supply contract, and will adjust as appropriate. Chief Collins told the group he could get the cost, and the readjustment amount, to them today.

For training and expenses (5300) the amount was kept as-is. Money from this budget was moved into the 5700 budget. Town Accountant Brazil explained that people were being reimbursed for training expenses. \$16,500 was added for uniforms for department members, they do not currently provide uniforms and this is a way to identify the firefighters as members of Truro.

\$3,000 was moved into the 5700 budget from 5300 as previously mentioned. A membership to the NFPA in the amount of \$1350.00 was added.

Chief Collins then ran down a list of gear and equipment which needs to be replaced, and a discussion amongst the group ensued. The next item mentioned was training incentives for employees, and where that incentive money comes from. Selectman Weinstein asked for a status on certifications for employees. Chief Collins updated everyone on who should be certified and who does not need to be. There was also a dialogue about offering benefits to certain fire department members. Town Accountant Brazil asked if there would be additional training for EMS personnel. Chief Collins explained that part of the budget is to bring a physician from Cape Cod Hospital to the Fire Department to do Morbidity and Mortality rounds and EMS training.

### **Harbor Master/Shellfish Budget**

Town Administrator Palmer mentioned that both budgets were combined. Harbor Master Jackett began by reminding the group that there was an Assistant Harbor Master last year to help with coverage. Going into the next season, he is looking for the same staffing.

As far as purchase of services (5200) there was a request from the Harbor Commission to install a light on the south side of the jetty. Harbor Master Jackett has purchased the light but did not have the funds to have it installed. Town Administrator Palmer noted that if money is available in the current year, they will use that money. If not, they will use money from next year to install.

For supplies (5400) they've put in shell fish stock, and supplies typically needed during the season.

Town Administrator Palmer mentioned that the Shellfish Advisory Committee was asking for a revolving

fund for their fees and after researching, the Town Accountant has advised that it cannot be done. Therefore, more money has been placed in the budget in case it's needed. Selectman Weinstein asked if there has been an increase or decrease in the shell fishing permits since the fees have been raised. Harbor Master Jackett told him that he would need a full year of statistics to better answer his question. There has been an increase in launch revenues. Board of Selectman Chair Wisotzky asked how the parking situation over the summer was. Harbor Master Jackett said that typically, on weekends, they sent several trailers with their vehicles (sometimes 12 to 14) over to the Corn Hill parking lot. Selectman Weinstein asked if there was a way to extend the season. Due to a significant tuna season after Labor Day the parking lot was quite busy and this could be a revenue generator. Charging for launching typically ends around Columbus Day weekend. Town Administrator Palmer stated that they would need to keep the staff longer.

A general discussion was held regarding policy on towing, Capital Budget, and the "hull" of the boat over at the Public Safety Facility.

**General Discussion**

There was no general discussion.

**Chair Wisotzky asked for a motion to adjourn. Selectman Burgess made a motion to adjourn at 9:40am, Selectman Weinstein seconded.**

Respectively submitted, Noelle Scoullar, Executive Assistant

Board of Selectmen

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Paul Wisotzky – Chair

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Absent  
Jan Worthington – Vice Chair

\_\_\_\_\_  
Maureen Burgess – Clerk

\_\_\_\_\_  
Absent  
Jay Coburn

\_\_\_\_\_  
Robert Weinstein