



**Truro Board of Selectmen Meeting**  
**Tuesday, September 12, 2017**  
**Regular Board of Selectmen Meeting - 5:00pm**  
Truro Town Hall, 24 Town Hall Road

**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. Public Hearing on an application for a new Common Victualer (food) license received from Jennifer Edgar, Manager of Kindred Kitchen at Babe's Bakery, located at 63 Shore Rd, Truro, MA.

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

**4. TABLED ITEMS**

- A. Beach Commission Discussion on Residential Only Parking Lot at Coast Guard Beach  
(Tabled until 9/26)

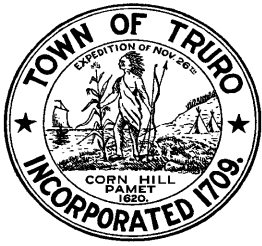
**5. BOARD OF SELECTMEN ACTION**

- A. Introduction to Matrix Consulting Group  
Presenter: Jocelyn Mathiasen
- B. Review Board of Selectmen Policies  
Presenter: Paul Wisotzky, Chairman
- C. Discussion of Year Round Condo Bylaw  
Presenter: Paul Wisotzky, Chairman
- D. Discussion of Residential District House Size Bylaw  
Presenter: Paul Wisotzky, Chairman
- E. Discussion of Moratorium on Marijuana Establishments and Special Town Meeting  
Presenter: Rae Ann Palmer, Town Manager
- F. Discussion of Part Time Resident Advisory Committee  
Presenter: Paul Wisotzky, Chairman

**6. CONSENT AGENDA**

- A. Review/Approve and Authorize Signature:
  - 1. None
- B. Review and Approve Reappointments of Linda Noons-Rose/Conservation Commission; Angela Gaimari-Cable and Internet Advisory Committee
- C. Review and Approve Appointment of Staff : Emily Beebe, Rep. to Cape Cod Water Protection Collaborative
- D. Review and Approve Sunday Entertainment for Vinegrass Music Festival at Truro Vineyards October 1<sup>st</sup>, 2017
- E. Review and Approve request from DPW Director Cabral to Authorize Volunteers to Remove Returnable Bottles and Cans from the Transfer Station to Benefit The Friends of the Council on Aging.
- F. Review and Approve Special One Day Alcohol License Truro Center for the Arts at Castle Hill September 23, 2017
- G. Review and Approve Board of Selectmen Minutes: August 22, 2017

- 7. SELECTMEN REPORTS AND TOWN MANAGER REPORT**
- 8. SELECTMEN COMMENTS**
- 9. NEXT MEETING AGENDA: Tuesday, September 26**



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Licensing Department

**REQUESTOR:** Nicole Tudor, Executive Assistant

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Approval of New Seasonal Common Victualer (Food) License-Kindred Kitchen

**EXPLANATION:** An application from Jennifer Edgar, for a new seasonal business, Kindred Kitchen, was received August 10, 2017 with the Health department. The Common Victualer License falls under the authority of the Board of Selectmen as Local Licensing Authorities. The business will be open from September 13<sup>th</sup>, 2017 until October 13<sup>th</sup>, 2017, Friday through Sunday from 8:00am-12:00pm. If Ms. Edgar decides to remain open longer than October 13<sup>th</sup> she will modify her application with the Health Department; the seasonal Common Victualer license expires December 31<sup>st</sup>, 2017. The original opening dates changed due to the requirement of both a Board of Health and Board of Selectmen public hearing and team inspection of location. The location for Kindred Kitchen is at 63 Shore Rd (formerly Babe’s Bakery).

Should you approve this license; the license will be issued only upon compliance with all regulations and upon receipt of the necessary documents, fees and an approved team inspection. The Board of Health held a public hearing on the food service licenses on September 5, 2017, which were approved for issuance.

Mass General Law	Licenses & Permits Issued by Board of Selectmen	Names of Businesses
Chapter 140 § 2	<b>Common Victualer-Cook, Prepare &amp; Serve Food</b>	<b>Kindred Kitchen</b>

**IMPACT IF NOT APPROVED:** The licensee will not be issued a Common Victualer (food) License for 2017 for Kindred Kitchen.

**SUGGESTED ACTION:** *MOTION TO approve the new 2017 seasonal common victualer (food) license for Kindred Kitchen at Babe’s Bakery location upon compliance with all regulations and receipt of the necessary documents, fees and requirements from the Health Department.*

**ATTACHMENTS:**

1. Public Hearing Notice
2. Business Application for Kindred Kitchen



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

## Licensing Department

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

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

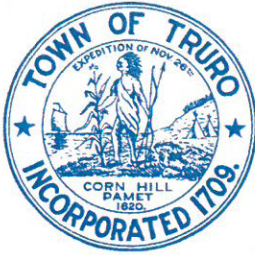
TOWN OF TRURO  
PUBLIC HEARING  
**NEW BUSINESS LICENSE  
COMMON VICTUALER**

The Truro Board of Selectmen will hold a public hearing on Tuesday, **September 12, 2017 at 5:00 p.m.** at the Truro Town Hall, 24 Town Hall Road, Truro, on an application for a new Common Victualer (food) license received from Jennifer Edgar, Manager of Kindred Kitchen at Babe's Bakery, located at 63 Shore Rd, Truro, MA. Comments from the public will be heard, and all interested parties are urged to attend.

Paul Wisotzky, Chairman  
Board of Selectmen  
Town of Truro



2017-110



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

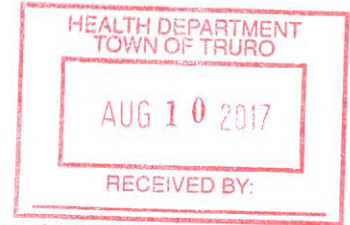
## BOARD OF HEALTH

Tel: 508-349-7004, Extension: 32 or 31 Fax: 508-349-5508

Email: [ppajaron@truro-ma.gov](mailto:ppajaron@truro-ma.gov) or [adavis@truro-ma.gov](mailto:adavis@truro-ma.gov)

### BUSINESS LICENSE APPLICATION

Date: 7/26/2017  Renewal  New



#### Section 1 – License Type

Please check the appropriate box the best describes the license type(s).

- | FACILITY:                               | # UNITS | FOOD SERVICE  | RETAIL SERVICE                       |
|---|---------|---|--------------------------------------|
| <input type="checkbox"/> Motel          | _____   | <input checked="" type="checkbox"/> Food Service<br>(Restaurant, Take Out, Residential Kitchen) | <input type="checkbox"/> Gas Station |
| <input type="checkbox"/> Cottage Colony | _____   | <input checked="" type="checkbox"/> Common Victualer*   |                                      |
| <input type="checkbox"/> Condominium    | _____   | <input type="checkbox"/> Catering   |                                      |
| <input type="checkbox"/> Campground     | _____   | <input type="checkbox"/> Manufacturer of Ice Cream/Frozen Desserts                              |                                      |
|   |         | <input type="checkbox"/> Bakery   |                                      |
|   |         | <input type="checkbox"/> Retail Sales: Foods Commercially Packaged                              |                                      |

(\* Requires additional License issued by the Board of Selectmen)

#### Section 2 – Business Information

Federal Employers Identification Number (FEIN/SS) \_\_\_\_\_

Jennifer Edgar Kindred Kitchen  
Print Name of Applicant Business Name or DBA ( Check if new name)

Jennifer Edgar  
Owner Name

Street Address of Business \_\_\_\_\_ Mailing Address of Business ( Check if New Address)  
PO Box 498 Truro, MA 02666

Business Phone Number ( Check if New Phone Number) \_\_\_\_\_ Business E-Mail Address \_\_\_\_\_

**Section 3 –MANAGER INFORMATION FOR COTTAGE COLONY, CONDOMINIUMS, MOTOR COURT, MOTEL, CAMPGROUNDS**

Check if New Manager (Must submit application to Name a Manager)

**Name of Onsite Manager:**

Name: \_\_\_\_\_ Unit Number: \_\_\_\_\_

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

Phone: (24 Hour Contact): \_\_\_\_\_ Email Address: \_\_\_\_\_

**Manager's Signature (REQUIRED)**

**Name of Offsite Manager:**

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

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

Phone: (24 Hour Contact): \_\_\_\_\_ Email Address: \_\_\_\_\_

**Manager's Signature (REQUIRED)**

**Name of Co- Manager:**

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

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

Phone: (24 Hour Contact): \_\_\_\_\_ Email Address: \_\_\_\_\_

**Co-Manager's Signature (REQUIRED)**

**Section 4 – HOURS OF OPERATION**

Annual  Seasonal  (Please check one that applies)

Opening Date (MM/DD/YYYY) September 1, 2017

Closing Date (MM/DD/YYYY) September 31, 2017

Days of the Week Open Fri - Sun

Hours of Operation (Opening to Closing) 8am - 12 pm.

**Section 5 – 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.

[Signature]  
Signature of Applicant

Jennifer Edgar.  
Print Name



# TOWN OF TRURO

## BOARD OF HEALTH

24 Town Hall Road, P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 32 or 31 Fax: 508-349-5508

Email: [ppajaron@truro-ma.gov](mailto:ppajaron@truro-ma.gov) or [adavis@truro-ma.gov](mailto:adavis@truro-ma.gov)

### APPLICATION FOR FOOD SERVICE PERMIT

PART I - TO BE FILLED IN BY APPLICANT

Applicant: (check one)  New  Renewal

Date: 7/26/17

**Type of Food Service Establishment :**

- Food Service (restaurant or take out)
- Retail Food (commercially prepared foods)
- Residential Kitchen
- Bed & Breakfast w/Continental Breakfast
- Catering
- Manufacturer of Ice Cream/Frozen Dessert
- Bakery

Business Name: Kindred Kitchen.

Owner Name: Jennifer Edgar Email Address: [REDACTED]

Mailing Address: PO Box 498 Truro, MA 02666

Phone No: [REDACTED] 24 Hour Emergency: \_\_\_\_\_

Person Directly Responsible for Daily Operations: (Owner, Person In Charge, Supervisor, Manager)

Name: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

Phone No: \_\_\_\_\_ 24 Hour Emergency: \_\_\_\_\_

Number of Seats: Inside: \_\_\_\_\_ Outside: \_\_\_\_\_ Number of Employees: \_\_\_\_\_

Length of Permit:  Annual  Seasonal Operation

Hours of Operation: Mon-Fri: \_\_\_\_\_ : \_\_\_\_\_ To \_\_\_\_\_ : \_\_\_\_\_

Days Closed Excluding Holidays: \_\_\_\_\_



If Seasonal: Approximate Dates of Operation: \_\_\_\_/\_\_\_\_/\_\_\_\_ To \_\_\_\_/\_\_\_\_/\_\_\_\_

Certified Food Manager(s) (attach copy): (at least 1 full-time equivalent PER SHIFT required)

Allergen Awareness Certification (attach copy):

Has your menu changed from last year?  Yes  No

If yes please attach copy of menu or provide description of food to be prepared and sold:

I, the undersigned, attest to the accuracy of the information provided in this application and further agree to allow the regulatory authority access to the food service establishment as specified under § 8-402.11. I affirm that the food establishment operation will comply with 105 CMR 590.000, Truro Board of Health Regulation Section X, Food Service Regulations and all other applicable laws. Pursuant to MGL Ch. 62C § 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid state and local taxes required by law.

Signature of Applicant:  Date: 7/26/2017

Social Security Number or Federal ID:



**FOR HEALTH DEPARTMENT USE ONLY**

- Food Manager Certification     Allergen Awareness Certification     Choke Saver Training     Workers Comp Affidavit     Copy of Liability Insurance     Copy of Commercial Hood/Ventilation System Report     Copy of Dishwasher Service Report

Comments: \_\_\_\_\_

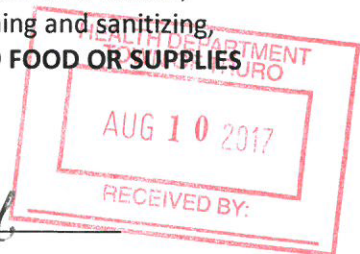
Application Approved \_\_\_\_\_ Denied \_\_\_\_\_

\_\_\_\_\_  
Signature of Health Agent

\_\_\_\_\_  
Date

# USE OF COMMISSARY AGREEMENT BASE OF OPERATIONS

It is required by the State Food Code that all Mobile Food Vendors, Caterers or individuals processing potentially hazardous foods must have a base of operation from a licensed fixed facility (commissary/shared commercial kitchen). Home kitchens and kitchens in bed and breakfast establishments are not approved. The licensed kitchen is an essential part of a mobile food vendor, caterer or food processor for supply storage, potable water source, equipment cleaning and sanitizing, food preparation, effuse, water and grease disposal and other service activities. **NO FOOD OR SUPPLIES SHALL BE STORED AT A HOME RESIDENCE.**



### Base of Operation Information

Name of Business: Babe's Address: 69 Shore Rd  
Town: Truro Zip: 02652  
Contact Person: Veruschka Boespflug Title: Manager  
Phone: [redacted] Email: [redacted]  
Business Hours of Operation: Fri - Sun 8am - 9pm

▪ Attach copy of current permit if located out of Truro

### Mobile Food Vendor/Caterer/Food Processing Business Information

Name of Business: Kindred Kitchen Address: PO Box 498  
Town: Truro Zip: 02666  
Contact Person: Jennifer Edgar Title: \_\_\_\_\_  
Phone: [redacted] Email: [redacted]  
Business Hours of Operation: Fri - Sun 8am - 10pm

### Signatures:

Base of Operation Owner/Person in Charge:  
\_\_\_\_\_  
(print name) (signature & date)

Mobile Vendor/Caterer/Food Processing Business Representative:  
\_\_\_\_\_  
(print name) Jennifer Edgar 7/30/2017  
(signature & date)

This agreement between owner of the base of operations and the owner of the Mobile Food Vendor/catering/Food processing operations signifies that both [parties agree to the allowed use of the kitchen as specified. Note that this agreement is non transferable. Should there be a change in ownership of the kitchen or mobile food vendor, caterer or food processor or should there be a cancellation or any modification of this agreement between the parties, the permit may be suspended.

Board of Health Approval: \_\_\_\_\_ Date: Aug 8 / 2017





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

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

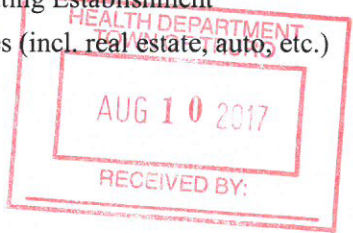
Business/Organization Name: Kindred Kitchen
Address: PO Box 498
City/State/Zip: Truro, MA 02666
Phone #: [Redacted]

Are you an employer? Check the appropriate box:

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

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:
Insurer's Address:
City/State/Zip:

Policy # or Self-ins. Lic. # Expiration Date:

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

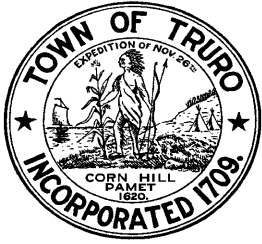
Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised 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: [Handwritten Signature] Date: 8/10/2017
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 #:



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Introduction to Matrix Consulting Group

**EXPLANATION:** Staff from Matrix Consulting Group will be present to provide an overview on their engagement with the Town to complete a Shared Services Assessment for the Towns of Truro and Provincetown. This project is funded by a Community Compact Grant awarded to the Town by the Commonwealth of Massachusetts.

**FINANCIAL SOURCE (IF APPLICABLE):** Commonwealth of Massachusetts Community Compact Grant

**SUGGESTED ACTION:** No action required.

**ATTACHMENTS:**

1. Matrix Consulting Group Inc. Power point





***Introduction to the Shared Services  
Assessment***

***Truro and Provincetown, Massachusetts***





# The Matrix Consulting Group

---

- ◆ Senior members of the team have provided management consulting services for decades, including prior municipal management experience.
- ◆ We have conducted over 1,000 studies since our founding in 2002, including all municipal functions.
- ◆ Our experience also includes shared services feasibility studies.
- ◆ We have extensive Massachusetts experience since the 1990s.
- ◆ Our approach is in depth, leading to high rates of implementation:
  - Extensive staff and stakeholder input
  - Detailed data collection and analysis.
  - Frequent progress reviews leading to implementation planning.
- ◆ We are a national firm, but we have a regional office in Worcester.

# Project Scope of Work

---

- ◆ To determine the feasibility of 'shared services' between Truro and Provincetown.
- ◆ To obtain the view of 'stakeholders' in determining this – employees and the community.
- ◆ To evaluate the feasibility for candidate services on a factual basis to include impacts on the following:
  - Service delivery
  - Organization and staffing
- ◆ Infrastructure
  - Legal considerations and governance
  - Financial impacts
- ◆ To develop preliminary implementation steps for feasible services.

# Project Methodologies

---

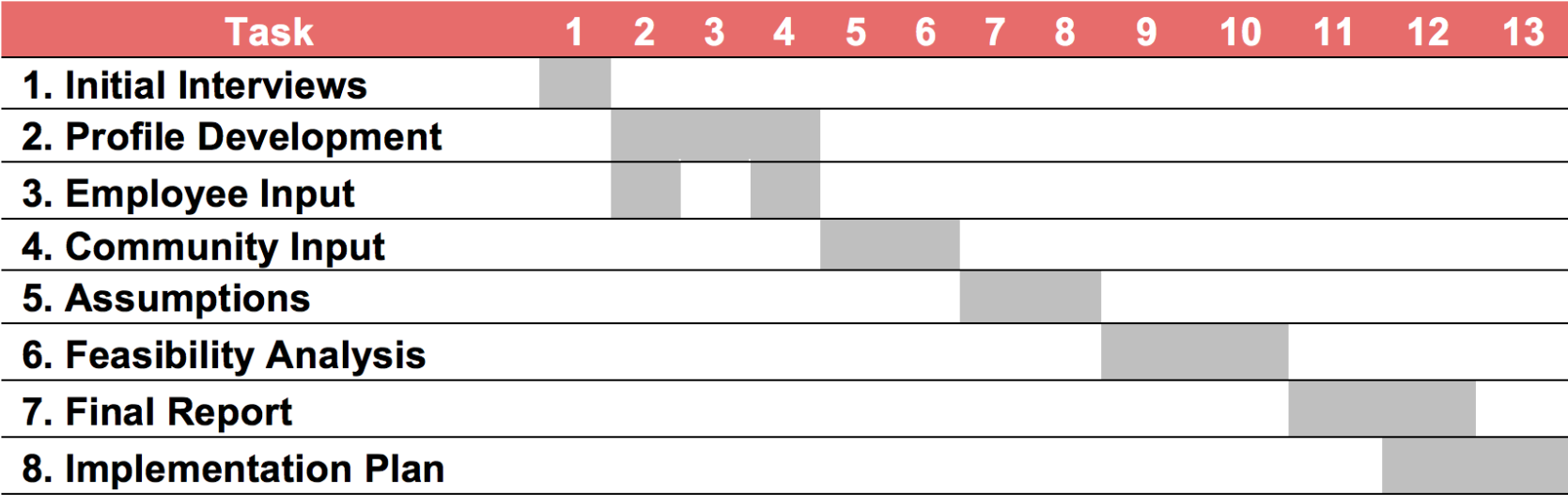
- ◆ **Develop an in depth understanding of the services by the two Towns** from extensive interviews and data collection.
- ◆ **Obtain input from staff**, through interviews and an online survey, to obtain perceptions about services and opportunities for improvement.
- ◆ **Obtain input from the the two communities**, through an online survey and focus group meetings, to understand their needs and issues about service delivery and views toward shared services.
- ◆ **Develop a feasibility analysis of shared service feasibility** for services which analysis indicates could be feasible on a service and cost basis.
- ◆ **Develop a preliminary plan for implementation for feasible services.**
- ◆ **Progress reviews** with the two Towns as the project progresses.

# Project Task Plan

---

- ◆ **Task 1** – Develop an initial understanding of services
- ◆ **Task 2** – Develop a service profile for the two Towns
- ◆ **Task 3** – Employee input
- ◆ **Task 4** – Community input
- ◆ **Task 5** – Issues and assumptions for feasible services
- ◆ **Task 6** – Feasibility analysis
- ◆ **Task 7** – Final report
- ◆ **Task 8** – Implementation planning

# Project Schedule



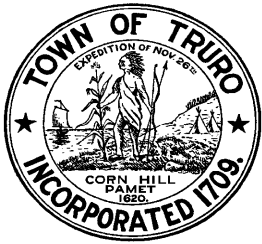
# Relevant Experience

- ◆ The project team has conducted over 1,000 relevant studies in New England and nationally in 41 states and Canada.
- ◆ Some of our recent shared services and New England experience includes:

Shared Services Studies	Other New England Studies
Avon, CT (Administration & Maintenance)	Boston, MA (Fire & Inspections)
Falmouth, MA (Dispatch)	Brattleboro, VT (All Functions)
Greenwich, CT (Maintenance)	Burlington, VT (Development Services)
Lincoln, RI (Fire)	Groton, MA (All Functions)
MAPC (Police, Fire & Administration)	Montpelier, VT (All Functions)
Reno and Washoe County, NV (Admin.)	Waltham, MA (All Functions)

# Our Project Team

Team Member	Background	Project Role
<b>Richard Brady</b>	Matrix CG President	President and Project Advisor with 35 years in consulting, including animal care Specializes in public safety
<b>Robin Haley</b>	Matrix CG Senior Manager	25 years of consulting experience Leads our New England practice Specializes in infrastructure services
<b>Jocelyn Mathiasen</b>	Matrix CG Manager	15 years consulting and public sector experience Former Permitting Manager in New England Specializes in develop review services
<b>Tanya Stepasiuk</b>	Matrix CG Senior Consultant	10 years of public sector experience Former Consultant with the UMass Collins Center Specializes in administrative services



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Review of Board of Selectmen Policies

**EXPLANATION:** In accordance with the 2018 Goals and Objectives, the Board of Selectmen will review all Selectman's policies for updating, rescinding or affirming. Vice Chair Maureen Burgess recommended that the process continue with a review of the following ten (10) Policies:

1. Policy # 16 *ORV Use on Town Beaches*
2. Policy # 17 *Policy for Repair or Snowplowing of Private Roads*
3. Policy # 18 *Use of Town Vehicles*
4. Policy # 19 *Sexual Harassment Policy*
5. Policy # 22 *Drug & Alcohol Testing Policy for Employees in Positions Requiring a CDL/Safety-Sensitive*
6. Policy # 23 *Buy Recycled Procurement Policy*
7. Policy # 24 *Provincetown Water Line Application Process*
8. Policy # 25 *Drug Free Workplace Policy*
9. Policy # 26 *Equal Opportunity Policy Statement*
10. Policy # 27 *Fair Housing Policy Statement*

Staff and I have reviewed the policies in advance of your meeting and make the following recommendations:

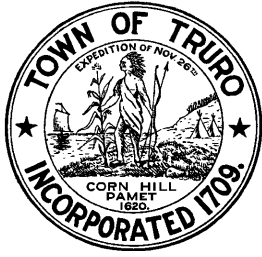
- Policy # 16 – Reviewed and updated to allow policy to change with landscape/ erosion that occurs over time. Changes to reflect current titles and roles of departments. Please see attached draft.
- Policy # 17 – Reviewed and updated (changed title of Town Administrator to Town Manager. Minimal updates needed as the policy was last revised in December 2015). Please see attached draft.
- Policy # 18 – Reviewed and updated to reflect vehicles used for transporting members of the public. Please see attached draft.
- Policy # 19 – Under review by Town Counsel.
- Policy # 22 – Under review by Town Counsel.
- Policy # 23 – Reviewed and updated to include current procurement guide information. Please see attached draft.
- Policy # 24 – Reviewed with Interim Health & Conservation Agent Beebe and minimal updates made for clarification. Please see attached draft.
- Policy # 25 – Under review by Town Counsel.
- Policy # 26 – Under review by Town Counsel.
- Policy # 27 – Reviewed with Alice Boyd of Bailey Boyd Associates and updated. Please see attached draft.



**SUGGESTED ACTION:** *MOTION TO accept proposed revisions for policies 16, 17, 18, 23, 24, and 27 and to table policies 19, 22, 25, and 26 until such time that Town Counsel has provided recommended revisions.*

**ATTACHMENTS:**

1. Board of Selectmen Policies – Current and With Recommended Changes



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #16

Date: Revised February 26, 1996

Subject: **ORV USE ON TOWN BEACHES**

1. ORV's using the town's bayside beaches must display a current Truro ORV sticker. OEV stickers will be sold during the summer months at the Beach Commission's beach sticker location and during the remainder of the year at Town Hall. ORV sticker fees are as follows:

Resident:	Annual	\$10.00
Non-resident	2 weeks	\$10.00
	4 weeks	\$20.00
	Annual	\$35.00

Rules for eligibility for resident stickers are printed in the Truro Beach commission brochure and are the same as for a resident beach sticker.

2. ORV equipment requirements are also listed in the Beach Commission brochure and must be attested to by signature in order to obtain a sticker.
3. Year round access and egress to and from bayside beaches is permitted by possessing and displaying a valid ORV sticker and said access and egress is to be limited to Fisher Beach, Corn Hill Beach, Cold Storage Beach, and Beach Point Landing during the time periods and conditions as stipulated below:
  - a. January 1 through the third Saturday in June access to and egress from all aforementioned bayside beaches permitted at user discretion.
  - b. Third Saturday in June through Labor Day access and egress restricted to the hours of 6:00 p.m. to 9:00 a.m. at Fisher Beach, Corn Hill Beach, and Cold Storage Beach.
  - c. Third Saturday in June through Labor Day positively no access or egress at Beach Point Landing other than for emergency use only.
  - d. Day after Labor Day through December 31<sup>st</sup> access to and egress from all aforementioned bayside beaches permitted at user discretion.
4. The driving corridor will at all times be below the spring high water marks. At no time will a vehicle drive or park on beach grass, coastal dunes, coastal embankments, marsh land or nesting areas. The Truro ORV sticker in no way authorizes vehicles to the use of any private lands.
5. The maximum speed limit is 10 mph and is to be observed at all times. Pedestrians and those

who are sitting on the beach always have the right of way.

6. Positively no overnight camping is allowed. Fires require a permit (Truro Police Department) and the permit must be present at the site.
7. No motorcycles, ATV's, or ATC's are allowed on the Truro beaches.

**ENFORCEMENT:**

1. Failure to have a current Truro ORV sticker will be punishable by a fine of \$50.00.
2. Violations of any of the above regulations will result in loss of ORV sticker or fine or both.
3. As Safety Commissioners, this Board hereby charges the Truro Police Department with the enforcement of these policies. At a minimum, this enforcement shall include the following:
  - Periodic access checks to insure that ORV's using the beaches have valid stickers.
  - Periodic beach patrols in the Police Department ORV to spot check ORV beach users during peak season weekends.
  - Timely on-site investigation of complaints of beach disturbances or incidents of overnight camping.

---

Gary Palmer, Chairman

---

Janet W. Worthington, Vice-Chairman

---

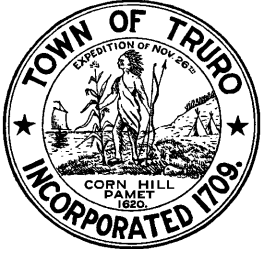
Christopher R. Lucy, Clerk

---

Alfred Gaechter

---

Curtis Hartman  
Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #16

Date: Revised February 26, 1996; Revised September 12, 2017

Subject: **ORV USE ON TOWN BEACHES**

1. ORV's using the town's bayside beaches must display a current Truro ORV sticker. ORV stickers will be sold during the summer months at the Truro Beach Office and during the remainder of the year at Town Hall. ORV sticker fee information and rules for eligibility for resident stickers are available from the Truro Recreation & Beach Department. Resident eligibility for resident ORV stickers are the same as for a resident beach sticker.
2. ORV equipment requirements are also listed online and at the Truro Beach Office. By purchasing a Truro ORV sticker, the purchaser attests to the ORV equipment requirements.
3. Year round access and egress to and from bayside beaches is permitted by possessing and displaying a valid ORV sticker and said access and egress is to be limited to Town-designated accesses/egresses. Due to storms, protected wildlife, and changing topography, access points may change from time to time. The Truro Beach Office and the Town of Truro website will maintain a list of the access points. The access points will be accessible during the time periods and conditions as stipulated below:
  - a) January 1 through the third Saturday in June access to and egress from all Town-designated access areas permitted at user discretion.
  - b) Third Saturday in June through Labor Day access and egress restricted to the hours of 6:00 p.m. to 9:00 a.m.
  - c) Day after Labor Day through December 31<sup>st</sup> access to and egress from all designated bayside beaches permitted at user discretion.
  - d) All signs and notices restricting access to specified areas of beach must be adhered to. This includes driving limitations in threatened/ endangered species' habitat.
4. The driving corridor will at all times be below the spring high water marks. At no time will a vehicle drive or park on beach grass, coastal dunes, coastal embankments, marsh land or nesting areas. The Truro ORV sticker in no way authorizes vehicles to the use of any private lands.
5. The maximum speed limit is 10 mph and is to be observed at all times. Pedestrians and those who are sitting on the beach always have the right of way.

6. Positively no overnight camping is allowed. Fires require a permit (Truro Police Department) and the permit must be present at the site.
7. No motorcycles, ATV's, or ATC's are allowed on the Truro beaches.

**ENFORCEMENT:**

1. Failure to have a current Truro ORV sticker will be punishable by a fine of \$50.00.
2. Violations of any of the above regulations will result in loss of ORV sticker or fine or both.
3. The Truro Police Department and Truro Recreation & Beach Department are the enforcement agents of these policies.

---

Paul Wisotzky, Chair

---

Maureen Burgess, Vice-Chair

---

Robert Weinstein, Clerk

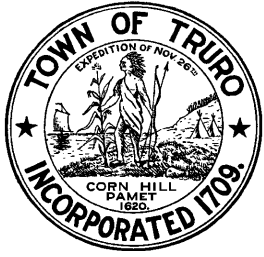
---

Janet Worthington

---

Jay Coburn

Board of Selectmen  
Town of Truro



Agenda Item: 5B1

# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #17

Date: Adopted February 18, 2004; Revised December 15, 2015  
Subject: **POLICY FOR REPAIR OR SNOW PLOWING OF PRIVATE ROADS**

### **Repairs on Private Way**

Repair work on private ways by the Truro Department of Public Works (DPW) will be limited to temporary repairs and scheduled only when indicated by emergencies. The DPW Director, in consultation with the Town Administrator (or, in his/her absence, the Assistant Town Administrator or the Chairman of the Board of Selectmen, or, in the absence of the Chairman, the Vice-Chairman, or the Clerk) shall determine whether or not an emergency exists, and shall oversee the appropriate temporary repair after receiving permission from abutters. The repair shall be limited to filling in of holes with sand, gravel, or other suitable material in order to make said way passable, and shall not include construction, reconstruction, resurfacing, or drainage of said ways. There will be no betterment charge.

### **Snow Removal from Private Ways**

Snow plowing and sanding of private roads shall be undertaken only in emergency situations. Individuals and families known to the Town through the COA (Elders of Concern), Police, and Fire and Rescue to at-risk or with special needs will be, if possible and appropriate, given priority. Individuals and families who believe they are particularly at-risk to need assistance are encouraged to make themselves known to the Town (COA, Police, Fire, Town Administrator) prior to winter storm events and emergency situations. The Town Administrator will ensure that a comprehensive list of those most at-risk, vulnerable and/or with special needs is maintained and shared between the COA, Police, Fire and DPW so that a coordinated response is facilitated and undertaken.

The Town Administrator in consultation with the DPW Director and if appropriate the Police Chief, Fire Chief and COA Director, will make the ultimate determination whether or not to plow a private road.

Property owners on private roads are encouraged to maintain their road (s) to a standard that will not jeopardize the safety of Town employees and equipment if emergency plowing services become necessary. The Town will consider private road standard when evaluating emergency requests.

---

Paul Wisotzky, Chair

---

Jan Worthington, Vice-Chairman

---

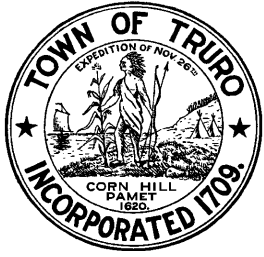
Maureen Burgess, Clerk

---

Robert Weinstein  
Board of Selectmen  
Town of Truro

---

Jay Coburn



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #17

Date: Adopted February 18, 2004; Revised December 15, 2015; Revised September 12, 2017

Subject: **POLICY FOR REPAIR OR SNOW PLOWING OF PRIVATE ROADS**

### Repairs on Private Way

Repair work on private ways by the Truro Department of Public Works (DPW) will be limited to temporary repairs and scheduled only when indicated by emergencies. The DPW Director, in consultation with the Town Manager (or, in his/her absence, the Assistant Town Manager or the Chairman of the Board of Selectmen, or, in the absence of the Chairman, the Vice-Chairman, or the Clerk) shall determine whether or not an emergency exists, and shall oversee the appropriate temporary repair after receiving permission from abutters. The repair shall be limited to filling in of holes with sand, gravel, or other suitable material in order to make said way passable, and shall not include construction, reconstruction, resurfacing, or drainage of said ways. There will be no betterment charge.

### Snow Removal from Private Ways

Snow plowing and sanding of private roads shall be undertaken only in emergency situations. Individuals and families known to the Town through the COA (Elders of Concern), Police, and Fire and Rescue, and those at-risk or with special needs will be, if possible and appropriate, given priority. Individuals and families who believe they are particularly at-risk to need assistance are encouraged to make themselves known to the Town (COA, Police, Fire, Town Manager) prior to winter storm events and emergency situations. The Town Manager will ensure that a comprehensive list of those most at-risk, vulnerable and/or with special needs is maintained and shared between the COA, Police, Fire and DPW so that a coordinated response is facilitated and undertaken.

The Town Manager in consultation with the DPW Director and if appropriate the Police Chief, Fire Chief and COA Director, will make the ultimate determination whether or not to plow a private road.

Property owners on private roads are encouraged to maintain their road(s) to a standard that will not jeopardize the safety of Town employees and equipment if emergency plowing services become necessary. The Town will consider private road standards when evaluating emergency requests.

---

Paul Wisotzky, Chair

---

Maureen Burgess, Vice-Chair

---

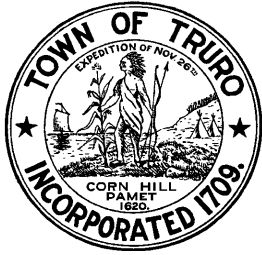
Robert Weinstein, Clerk

---

Jan Worthington  
Board of Selectmen  
Town of Truro

---

Jay Coburn



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #18

Date: Adopted January 17, 1995

Subject: **USE OF TOWN VEHICLES**

It shall be the policy of the Town of Truro that, unless otherwise allowed by contract, or explicitly approved in advance by the Board of Selectmen, there shall be no use of town vehicles for personal use, and there shall be no unauthorized persons, i.e., non-municipal employees, employee family members, using or riding in town vehicles. Unauthorized use will result in disciplinary action.

Department heads are responsible to ensure this policy is observed by employees under their respective jurisdiction.

---

John H. Snow, Chairman

---

Robert J. Martin, Vice-Chairman

---

Lloyd F. Rose, Clerk

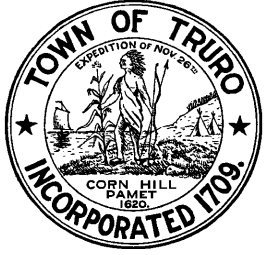
---

Ruth Jacobs

---

James T. Downey  
Board of Selectmen  
Town of Truro





# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #18

Date: Adopted January 17, 1995; Revised September 12, 2017.

Subject: **USE OF TOWN VEHICLES**

It shall be the policy of the Town of Truro that, unless otherwise allowed by contract, or explicitly approved in advance by the Town Manager, there shall be no use of town vehicles for personal use and there shall be no unauthorized persons (i.e. non-municipal employees, employee family members, etc.) using or riding in town vehicles. Members of the public should only be transported by those Town vehicles designated to be used for public transportation or emergency transportation and by appropriately designated and licensed drivers. Unauthorized use will result in disciplinary action.

Department heads are responsible to ensure this policy is observed by employees under their respective jurisdiction.

---

Paul Wisotzky, Chair

---

Maureen Burgess, Vice-Chair

---

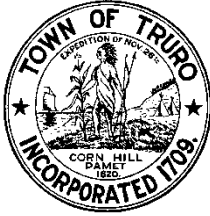
Robert Weinstein, Clerk

---

Jan Worthington

---

Jay Coburn  
Board of Selectmen  
Town of Truro



# TOWN OF TRURO

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

## POLICY MEMORANDUM #19 (amended)

Date: November 5, 1996 (Amended: May 2005)

Subject: **SEXUAL HARASSMENT POLICY**

### 1. Introduction:

It is the goal of the Town of Truro to promote a workplace that is professional, treats all of those who work here with dignity and respect, and is free of sexual and other forms of discriminatory harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town of Truro. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will also not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Truro takes allegations of sexual and other forms of discriminatory harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual and other forms of discriminatory harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### 2. Legislative Requirement:

Chapter 278 of the Acts and Resolves of 1996 signed on August 8, 1996 is available at Truro Town Hall.

### 3. Definition of Sexual Harassment:

In Massachusetts, the legal definition for sexual harassment is:

## **Sexual Harassment Policy**

November 5, 1996 (amended May 2005)

Page 2

**"Sexual harassment:"** shall mean sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; **or**
- b. Such advances, requests or conduct have the purpose or affect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor or other employee for sexual favors in exchange for actual or promised job benefits such as favorable evaluations, salary increases, promotions, increased benefits, or continued employment, constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the affect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

## **Sexual Harassment Policy**

November 5, 1996 (Amended May 2005)

Page 3

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Truro.

### **4. Complaints of Sexual Harassment:**

If any of our employees believes that they have been subjected to sexual harassment, the employee has the right to file a complaint with the Town of Truro. This may be done in writing or orally. Attachment 2 contains the Complaint Procedure Guidelines and Complaint Form.

If you would like to file a complaint, you may do so in writing or orally with your supervisor, or by writing to or speaking with the Town Administrator. You may call Town Hall at 349-7004 and set up a personal appointment, or by writing to the Town Administrator at P. O. Box 2030, Truro, MA 02666. You may also file a complaint with or seek advice from Mrs. Charleen Greenhalgh by calling 349-7004, ext. 27, or by writing to her c/o Truro Town Hall. These individuals are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **5. Sexual Harassment Investigation:**

When we receive the complaint, we will then investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### **6. Disciplinary Action:**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

**Sexual Harassment Policy**

November 5, 1996 (Revised May 2005)

Page 4

7. Sexual Harassment Complaint Procedure:

Any employee who believes they may have been subjected to sexual harassment should report the alleged incident immediately in accordance with the procedures outlined in the Attachment to this Policy Memorandum. All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

8. State and Federal Remedies:

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has the following time period for filing a claim (EEOC -- 300 days; MCAD – 300 days).

a. The U. S. Equal Employment Opportunity Commission (EEOC)

JFK Federal Building, Room 475

Government Center

Boston, MA 02203

617-565-3200

b. The Massachusetts Commission Against Discrimination (MCAD)

(Boston Office)

One Ashburton Place, Sixth Floor, Room 601

Boston, MA 02108

617-994-6000

Attachments

\_\_\_\_\_  
Alfred Gaechter, Chairman

\_\_\_\_\_  
Christopher R. Lucy, Vice-Chairman

\_\_\_\_\_  
Gary Palmer, Clerk

\_\_\_\_\_  
Lloyd F. Rose

\_\_\_\_\_  
Paul J. Asher-Best

Board of Selectmen

Town of Truro

RWB/rwb  
sk rev. 5/05

# **SEXUAL HARASSMENT AND ANY OTHER FORM OF DISCRIMINATORY HARASSMENT COMPLAINT PROCEDURE GUIDELINES**

Any employee who believes they may have been subjected to sexual harassment or any other form of discriminatory harassment should report the alleged incident immediately in accordance with these procedures. All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.

## **STEP 1**

The individual alleging sexual harassment or any other form of discriminatory harassment should report the incident immediately to their Department Head or Supervisor, or to the Town Administrator, or use the Private Counseling Option noted in the Policy Statement.

Any individual made aware of such accusations must immediately direct the matter to the Town Administrator who will notify the Board of Selectmen of the allegations as necessary. A confidential investigation will be undertaken immediately under the direction of the Town Administrator.

The matter will be discussed separately with the accuser and the alleged offender, informally, in an attempt to mediate and/or resolve the matter. If warranted, immediate action will be taken to separate the affected individuals from further contact in the working environment to the extent possible.

## **STEP 2**

If the matter cannot be resolved informally, the individual alleging sexual harassment or any other form of discriminatory harassment will be informed that in order to pursue the complaint further, they should complete the attached complaint form specifically outlining the nature of the complaint or request verbally that the complaint be further pursued. The completion of a written complaint form is preferred but is strictly optional.

If the matter must be pursued further, Town Counsel will be notified.

## **STEP 3**

Within 48 hours after receiving the request to further investigate the complaint, the alleged offender will meet with the Town Administrator, or designee and be informed of:

- a. The charge being made,
- b. Town policy regarding sexual harassment, and
- c. The seriousness of the charge.

The respondent will be provided with a copy of the complaint, if submitted, and given the opportunity to address the allegation by responding in writing on the complaint form or verbally, whichever is desired.

**Sexual Harassment Complaint  
Procedure Guidelines**  
Page 2

STEP 4

The Town Administrator, or designee, shall investigate the allegations. This investigation may include, but is not limited to:

- a. Interviews with respondent/complainant,
- b. Interviews with supervisor,
- c. Interviews with witnesses, and
- d. Review of any documentation on file.

Within two (2) weeks of the receipt of a complaint, or as soon as reasonably possible, the investigator, if applicable, will report the findings and recommendations to the Town Administrator, who, in turn, will inform the Board of Selectmen. The Town Administrator will determine the action to be taken based upon the facts on a case-by-case basis with whatever consultation may be required. If after appropriate investigation, the allegations are shown to be false, the Town Administrator will determine what, if any, action will be taken with either party. If warranted, the Town Administrator will determine the action and whether or not disciplinary action will be taken against the individual who alleged the false complaint.

Appeal of any disciplinary action taken by the Town Administrator will follow the procedures outlined in Article XVI of the Town of Truro's Personnel Bylaw.

Any retaliatory action by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

**THIS IS A GUIDELINE FOR INVESTIGATING AND ADDRESSING SEXUAL HARASSMENT COMPLAINTS AND ANY OTHER FORM OF DISCRIMINATORY HARASSMENT; THEY NEED NOT FOLLOW THE STEPS OUTLINED, AND DEVIATIONS ARE ALLOWED TO FIT THE INDIVIDUAL FACTS OF EACH CASE.**









# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666  
24 Town Hall Road

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

## *Policy Memorandum #22, Revised*

Date: October 27, 1998

Subject: **DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE DEFINED AS SAFETY-SENSITIVE**

### **I. Policy**

It is the policy of the Town of Truro: to ensure that its employees are provided a safe and healthful work place for the conduct of Town business and that they are not impaired by alcohol ("alcohol") and drugs, controlled substances and other mind-altering substances (hereinafter referred to separately and jointly as "controlled substances"); to prohibit the use, sale, manufacture, distribution, purchase or possession of alcohol and/or controlled substances by a driver while on Town property or in the performance of Town-related job tasks or while operating Town-owned (o leased) vehicles. The purpose of the Department of Transportation regulations and the Town's policy and program is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by our drivers. In keeping with this policy, employees are required to report to work fit for duty and to refrain from activities during the work day which would impair their abilities to perform their duties.

This policy provides for drug testing for five controlled substances (marijuana, cocaine, opiates, amphetamines, including methamphetamine, and phencyclidine), as well as breath testing for alcohol. This policy is promulgated under the independent authority of the Town of Truro and complies with the Department of Transportation regulations concerning drug and alcohol testing of those commercial driver's license (CDL) employees required to be tested under the applicable Federal regulations.

The Town recognizes its obligation to abide by any applicable requirements under state and federal laws prohibiting discrimination against the handicapped. Employees are expected to seek assistance before their dependency renders them unable to perform the essential job functions and/or jeopardizes their health and safety and the health and safety of co-workers and others.

All drivers are hereby advised that full compliance with this Policy is a condition of employment.

## II. Definitions

- A. Alcohol Use means the consumption of any beverage, mixture or any preparation, including any medication, containing alcohol.
- B. Alcohol Concentration, also called **Alcohol Content**, means the alcohol in a volume of breath (expressed as grams of alcohol per 210 liters of breath) as indicated by an evidential breath test, such as a breathalyzer.
- C. Breath Alcohol Technician means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.
- D. Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle -
1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVW rating of more than 10,000 pounds; or
  2. Has a gross vehicle weight rating of 26,001 or more pounds; or
  3. Is designed to transport 16 or more passengers, including the driver.
- E. Conformation Test
1. In **alcohol testing**, means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative measurement of alcohol concentration.
  2. In **drug testing**, means a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from, and uses a different technique and chemical principle from, that of the alcohol screening test.
- F. Controlled Substances In this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
- Marijuana
  - Cocaine
  - Opiates
  - Phencyclidine (PCP)
  - Amphetamines, including methamphetamines
  - Halucinogens

- Narcotics
  - Cannabinoid
  - Any substance for which a prescription is required which has not been obtained or followed by the Driver.
  - Any substance the use of which impairs the Driver's ability to safely perform a safety sensitive function.
  - Derivation or combination of any of the substances contained in this list.
- G. Driver means any person who operates a commercial motor vehicle (CMV) including:
- full-time, regularly employed drivers
  - casual, intermittent or occasional drivers
  - leased drivers
  - independent, owner-operator contractors who are either directly employed by or under contract to the Town or who operate a CMV at the direction of or with the consent of the Town.
- H. Evidential Breath Testing Device means the piece of equipment used for alcohol breath testing that has been approved by the National Highway Safety Administration.
- I. Medical Review Officer means a licensed physician (either a medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.
- J. Screening Test
1. In **alcohol**, testing means the initial test to determine if a driver has a prohibited concentration of alcohol in his/her system.
  2. In **controlled substances**, testing means a test to eliminate "negative" urine specimens from further consideration.
- K. Performing a Safety Sensitive Function means a driver is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- L. Safety Sensitive Function means any of the following on-duty functions:
1. All time on Town property, public property, or other property waiting to

- be dispatched or drive;
  - 2. All time inspecting, servicing or conditioning any commercial motor vehicle at any time;
  - 3. All driving time;
  - 4. All time other than driving time in or upon any CMV;
  - 5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
  - 6. All time spent performing driver requirements relating to accidents;
  - 7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- M. Substance Abuse means the patterns of substance abuse that result in health consequences or impairment in social, psychological and occupational functioning.
- N. Substance Abuse Professional, or SAP, means a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substance-related disorders.
- O. Supervisor means any person, including any Working Foreman, Crew Leader, Superintendent, Manager, Director, or other authorized official or authorized agent of the Town who assigns or allows persons to operate a CMV, who supervises such assignment or driving, or who observes such assignment or driving.
- P. Refusal to Submit to an Alcohol or Controlled Substances Test means that a driver:
- 1. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirements for breath testing; or
  - 2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or

3. Engages in conduct that clearly obstructs the testing process.

### **III. What Are the Prohibitions?**

The Department of Transportation refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

### **IV. Alcohol Prohibitions are tied to the performance of safety-sensitive functions in the following ways:**

- A. Alcohol Concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- B. Alcohol Possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol. No supervisor having actual knowledge that a driver possesses alcohol may permit the driver to drive or continue to drive a commercial vehicle.
- C. On-Duty Use: No driver shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- (4) D. Pre-Duty Use: No driver shall perform safety-sensitive functions within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- E. Use Following an Accident: No driver required to take a post accident alcohol test under this policy shall use alcohol for (8) hours following the accident, or until he/she undergoes a post accident alcohol test, whichever is first.

### **V. Substance Abuse Prohibitions**

- A. Use Prior To or On-Duty: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV, and the town has approved, in advance, the driver's performance of safety-sensitive functions under these circumstances.

It is the driver's responsibility to inquire and provide the Town with satisfactory

medical documentation that the prescribed substance will not impair the driver's ability to safely perform the duties of the position. The Town may obtain an opinion from its own physician(s). The driver will fully cooperate (release of medical and medication records, etc.) with the Town's efforts to obtain an opinion from its own physician(s).

No supervisor having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

- B. Controlled Substances Testing: No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances. No supervisor having actual knowledge that a driver tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions. No supervisor having actual knowledge that a driver possesses a controlled substance shall permit a driver to perform or to continue to perform safety sensitive functions.
- C. No driver shall manufacture, distribute, sell or possess a controlled substance while on the job or Town property.

## **VI. What Tests are Required and When Will An Employee Be Tested?**

### A. Pre-Placement Testing

When: As a condition of employment, each applicant for a position requiring the performance of a safety sensitive function is required to provide written authorization for all employers of the applicant within the last two years to release records relating to any alcohol or drug tests administered to the applicant. This includes new employees as well as candidates for promotion or transfer to a position requiring the performance of a safety sensitive function.

Note: No person will be considered for a Driver's position who has a positive pre-placement test for alcohol and/or drugs, has had a positive test under an Employer's Drug and Alcohol policy within two years of the application for the position, who refuses the test or who has refused a test under an Employer's Drug and Alcohol policy within two years of the application for the position.

### B. Post-Accident Testing

When: Following an accident in which -

1. A life was lost, or
2. The driver was cited for a moving traffic violation.

3. There is other reasonable suspicion, as described herein.

Post-accident alcohol testing should be done within two (2) hours of the accident. If an alcohol test is not administered within two (2) hours, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight (8) hours of the accident, the supervisor shall cease attempts to obtain a test and shall prepare and maintain the same record. Post-accident Controlled Substance Testing should be administered within 32 hours following the accident. If not, the supervisor shall cease attempts to administer a controlled substance test and prepare and maintain on file a record stating the reasons the test was not promptly administered.

An employee who is subject to post-accident testing shall remain readily available for such testing or will be deemed by the Town to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The results of a breath or blood test for the use of alcohol, or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local requirements and that the results of the tests are obtained by the employer.

If the employee is hospitalized and unable to perform the requirements of a test, the employee or his or her legal representative shall provide all necessary authorization for the Employer to obtain medical records and reports, including hospital and laboratory records and reports, to determine whether there were any controlled substances or alcohol in the employee's system at the time of the accident.

C. Random Testing

Unannounced random testing for both alcohol use and substance abuse is required. A random selection process shall be used to ensure that each driver has an equal chance of being tested each time selections are made. Each driver who is notified of selection for random alcohol and/or controlled substance testing will proceed to the designated test site immediately, provided, however, that if a driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

When: The minimal annual percentage rate for random alcohol testing shall be



twenty-five percent (25%) of the average number of driver positions, unless a higher or lower percentage rate is established by the Federal Highway Administrator. The minimum annual percentage rate for random controlled substances testing shall be fifty percent (50%) of the average number of driver positions.

Random alcohol and controlled substances tests conducted under this policy will be unannounced and the dates for administering the tests will be spread reasonably throughout the calendar year.

A driver shall only be tested for alcohol while performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. Random testing for drugs may be done at any time.

D. Reasonable Suspicion Testing

When: Drivers shall be required to submit to an alcohol test when a supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning alcohol, except for Section IV, Part "B", entitled Alcohol Possession. The supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, explainable observations concerning the appearance, behavior, speech or body odors of the driver. Drivers shall be required to submit to a controlled substances test when the supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of this policy concerning controlled substances.

The supervisor's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. It is understood that any evidence of violations of the prohibitions of this policy, whether regarding alcohol or drug use, when found on Town property or Town equipment, the Town has the right to take custody of said evidence.

1. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor who is trained in accordance with this policy. The person who makes the determination shall not conduct the alcohol test of the driver.
2. Alcohol testing is authorized by this section only if the observations required by the first paragraph of this section are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this part.

3. If an alcohol test required by this section is not administered within two (2) hours following the determination under the first paragraph of this section, the supervisor shall prepare and maintain on file a record stating the reasons why the alcohol test was not properly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under the first paragraph of this section, the Town shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
4. Notwithstanding the absence of a reasonable suspicion for an alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the Town permit the driver to perform, or continue to perform, safety-sensitive functions until:
  - a. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or
  - b. Twenty-four (24) hours have elapsed following the determination under the first paragraph of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.
5. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

**VII. Return to Duty and Follow-up:**

When:

- A. Return to duty testing is required for drivers who violate prohibitions and are returning to work. In order to return, an alcohol concentration of less than 0.02 or a negative drug test is required.
- B. Follow-up testing is required when a driver returns to a safety-sensitive function. A minimum of six (6) tests shall be performed during the first year back in a safety-sensitive position. However, the Town may require follow-up testing for up to five (5) years.

**VIII. What Happens If An Employee Refuses to be Tested?**

All safety-sensitive employees must submit to alcohol and drug testing. If an employee

refuses to be tested, he/she cannot continue on the job.

Refusal to test is considered to be any time an employee either fails to provide enough breath for alcohol testing or enough urine for controlled substances testing without a valid medical reason after being notified of the testing requirements, or if the employee clearly obstructs the testing process.

Refusal to submit to a test called for under this policy will be considered a positive test result and treated accordingly. At the Town's option, a refusal to be tested may be treated as a voluntary resignation.

**IX. How is Alcohol Testing Done?**

- A. All alcohol testing is done by a certified Breath Alcohol Technician or BAT, in a private setting where only the BAT and the employee can see or hear the results. An Evidential Breath Testing device (EBT) approved by the National Highway Safety Administration shall be used.
- B. The employee must provide his/her CDL license for identification. The employee may ask the BAT for his/her identification as well.
- C. To complete the test, the employee must blow forcefully into the mouthpiece of the testing device. The BAT must show the employee the test result on the testing device.
- D. A screening test is done first. If the reading is less than 0.02, the employee shall sign the certification and fill in the date on the form. The test will be reported as negative to the Town.
- E. If the reading on the EBT is 0.02 or greater, a confirmation test shall be done after 15 minutes, but within 20 minutes of the first test. The employee shall not be allowed to eat, drink, belch or put anything in his/her mouth. These steps are necessary to prevent the buildup of mouth alcohol, which could lead to an artificially high test result.
- F. If the screening and confirmation test results are not the same, the confirmation test result shall prevail.
- G. If an employee refuses to be tested or to sign the testing form, the BAT shall immediately notify the Town.

**X. How is Drug Testing Done?**

- A. Drug testing is done by analyzing a urine sample, which is collected in a private location.

- B. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called "primary" and "split", are sent to a State certified testing laboratory.
- C. At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
- D. The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
- E. If the first test is positive, the Medical Review Officer (MRO) shall notify the employee to find out if there is a medical reason for the drug use. If the employee is able to document why the substance is being taken and the MRO finds it is a legitimate medical use, the test may be reported as negative to the Town.
- F. After being notified that the first test was positive, the employee has 72 hours to request a test of the split specimen. Upon this request, the split specimen shall be sent to another DHHS-certified laboratory for the test.
  - 1. If the employee does not contact the MRO within 72 hours, the test shall be reported as positive.
  - 2. If the employee does not contact the MRO within 72 hours, but can prove to the MRO a legitimate reason for not doing so, the MRO can order the split specimen tested.
  - 3. If the MRO is unable to contact the employee, he/she shall contact the Administrative Secretary/Licensing Agent who shall make reasonable efforts to contact the employee and request him/her to contact the MRO.
  - 4. Removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

## **XI. Referral, Evaluation and Treatment**

A. Each driver who has engaged in conduct prohibited by this policy shall be advised by the supervisor of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. The Town is required by law to make treatment accessible to the employee. The Town is not, however, required to hold a job open while an employee undergoes treatment or to pay for rehabilitation.

In circumstances where the Town allows an employee who has engaged in conduct prohibited by this policy to retain employment with the Town, the failure to successfully complete a

treatment program will result in disciplinary action, up to and including termination of employment.

- B. Each driver who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse.
- C. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.
- D. In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall,
  - 1. Be evaluated by a Substance Abuse Professional (SAP) to determine that the driver has properly followed any rehabilitation program prescribed under paragraph "B" of Section XI, and
  - 2. Be subject to unannounced follow-up alcohol and controlled substances tests administered by the Town following the driver's return to duty.

The number and frequency of such follow-up testing shall be as directed by the SAP and consist of at least six (6) tests in the first 12 months following the driver's return to duty. The Town may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and controlled substances, if the Substance Abuse Professional determines both are necessary for a particular driver. Any such testing shall be performed in accordance with the requirements established by the Federal Highway Administrator. Follow-up testing shall not exceed sixty (60) months from the date of the driver's return to duty. The Substance Abuse Professional may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines such testing is no longer necessary.

- E. The requirements of this section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a Pre-placement alcohol or controlled substances test or who have a pre-placement alcohol test with a result indicating an alcohol concentration of 0.02 or greater or a controlled substances test with a verified positive test result.

## **XII. Retention of Records**

Records of the alcohol misuse and controlled substances use prevention program shall

be maintained on a confidential basis in a secure location. All records shall be prepared, retained and released in accordance with applicable Federal Highway Administration Rules and Department of Transportation Regulations.

A driver is entitled, upon written request, to obtain copies of any records pertaining to his/her use of alcohol or controlled substance, including any records pertaining to his/her alcohol or controlled substance tests. A driver may also release information to another identified person by a specific written request. Any other release of information must be in strict compliance with Federal law and/or rules.

Generally, driver alcohol and controlled substance testing records are confidential. Generally, release of this information may only be made with the driver's consent or in response to a court order. However, test results and other confidential information may be released to the Employer, the Substance Abuse Professional, the Medical Review Officer, and for any proceeding arising from the results of an alcohol or controlled substance test, including a grievance or arbitration hearing.

### **XIII. Employer Notifications**

The Town will notify a driver of the results of a Pre-placement controlled substance test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The Town shall notify a driver of the results of random, reasonable suspicion and post accident tests for controlled substances conducted under this part if the test results are verified positive. The Town shall also inform the driver which controlled substance or substances were verified as positive.

### **XIV. What are the Consequences of Violating the Alcohol or Drug Prohibitions?**

#### **A. Alcohol violations:**

1. Removal from safety-sensitive functions;
2. Following a violation, a driver cannot return to a safety-sensitive function until an evaluation has been done and a recommended treatment has been completed;
3. Anyone with an alcohol concentration of 0.02 or greater, but less than 0.04, cannot return to safety-sensitive duties for at least 24 hours.

#### **B. Drug violations:**

1. Removal from safety-sensitive functions;
2. A driver cannot return to a safety-sensitive job until an evaluation has been performed, recommended therapy is completed and a verified

negative drug test is produced.

- C. No supervisor shall permit a driver who has engaged in conduct prohibited by this policy to perform safety-sensitive functions, driving a CMV unless the driver has met the requirements of the Referral, Evaluation and Treatment section of this policy.

D. Massachusetts Safety Rules:

Massachusetts has adopted certain Commercial Motor Vehicle Safety Act Rules which affect drivers. These rules are spelled out on Page 1-4 and 1-5 of the Massachusetts Commercial Drivers License Manual. The ones most relevant to this policy are:

1. Employee must notify the Town within 30 days of a conviction for any traffic violation (except parking). This is true no matter what type of vehicle he/she was driving.
2. Employee must notify the Town if his/her license is suspended, revoked, or cancelled, or if he/she is disqualified from driving.
3. Employee will lose his/her Commercial Driver's License (CDL) for at least one year for a first offense if he/she drives a commercial motor vehicle under the influence of alcohol (i.e., with a blood alcohol concentration of 0.04 percent or more) or a controlled substance. He/She will lose his/her CDL for life for a second offense.
4. Employee will lose his/her CDL for at least one year if he/she leaves the scene of an accident involving a commercial motor vehicle he/she was driving.

- E. **ANY VIOLATION OF THE PROHIBITIONS OF THIS POLICY, INCLUDING THE PROHIBITIONS CONTAINED HEREIN, IS A VERY SERIOUS OFFENSE. IN ADDITION TO ANY OTHER CONSEQUENCES SET FORTH IN THIS POLICY, A VIOLATION WILL SUBJECT AN EMPLOYEE TO DISCIPLINE UP TO AND INCLUDING DISCHARGE.**

XV. Employee Training

The Town will provide each employee with this policy as educational material that explains the requirements of the applicable Federal Law and Rules, the Town policy and requirements, and the procedures with respect to meeting the requirements.

XVI. Compliance With Law/Severability

Should any of the provisions of this Policy be determined by a court of competent jurisdiction to be legally invalid, no other portion or proviso of this Policy shall be invalidated, impaired or affected thereby, but the Policy shall be construed as if such invalidated provision had not been contained herein.

---

Robert J. Martin, Chairman

---

Ruth Jacobs, Vice Chairman

---

Lloyd F. Rose, Clerk

---

Harold A. Eastman

---

Suzanne Grout Thomas

Board of Selectmen  
Town of Truro



# ***TOWN OF TRURO***

## **REASONABLE SUSPICION ALCOHOL AND DRUG TESTING**

### **PROCEDURE - EMPLOYEE**

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen  
Breath Alcohol Level
- Procedures:**
1. The Town of Truro has established a drug policy statement and has adopted procedures for causal testing and handling of employees with positive results.
  2. The Foreman and the Director of Public Works shall determine the need for causal drug and alcohol testing.
  3. A Reasonable Cause Documentation Report (RDC) will be completed by the Foreman and signed by the Director of Public Works.
  4. The Foreman and/or Director will explain to the employee that he/she will have drug and alcohol testing. A signed Consent form will be obtained.
  5. The supervisor will accompany the employee for the testing and wait for the employee. Completed form will be delivered to testing personnel.
  6. Collection of specimens per standard protocol is done by qualified personnel. Positive photo identification (CDL) is necessary or specimens will not be collected.
  7. The employee is escorted back to home and will be suspended with pay pending results of testing.

# ***TOWN OF TRURO***

## **REASONABLE SUSPICION ALCOHOL AND DRUG TESTING**

### **PROCEDURE - SUPERVISOR**

- Philosophy:** An employer may be considered to be negligent in the event of an incident where a driver is not safe.
- Purpose:** To evaluate an employee's fitness to perform his/her job while in a safety-sensitive position and to rule out possible substance use/abuse. Substance Abuse testing is part of the Town policy to provide a safe work environment free from controlled substance and alcohol abuse.
- Testing Will Include:** Urine Drug Screen  
Breath Alcohol Level
- Procedures:**
1. Identification of problem. When a supervisor questions an employee's fitness to perform his/her job, he must contact the DPW Director or Foreman.
  2. The Director or Foreman will observe the employee's behavior and verify the need for causal drug and alcohol testing.
  3. If the need for causal testing is substantiated, the Director or Foreman must do the following:
    - a. Complete the Reasonable Cause documentation form (RCD Form), recording observations. This report is to be signed by the Director and/or Foreman.
    - b. Explain to the employee that he/she will have drug and/or alcohol testing and obtain a signed Consent Form. Completed forms will be place in the Driver's Personnel File.
    - c. Notify Medical Testing Services at \_\_\_\_\_.
1. Accompany the employee for testing and wait for the employee. Positive photo identification (CDL) is necessary or the specimen will not be collected.

# ***TOWN OF TRURO***

## **MEDICAL EVALUATION**

### **EMPLOYEE CONSENT FORM**

I, \_\_\_\_\_ understand that a need for drug and alcohol testing has been determined. I understand and agree that my urine and breath will be tested for designated (illegal) drugs and alcohol.

I understand that if I decline to sign this consent, the test will not be conducted, but the Town Administrator will be notified, and I will be subject to termination of employment.

I consent and agree to release the results of such tests and other related medical information to the appropriate agent of the Town of Truro and/or its subsidiaries.

**I hereby**                       **Consent**  
    **Refuse to Consent**

Signature of Employee: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Date: \_\_\_\_\_

Check here if employee refused to consent or sign. Ensure that the employee understands the consequences (i.e., termination).

# ***TOWN OF TRURO***

## **RCD FORM REASONABLE CAUSE DOCUMENTATION**

Prepare this form every time an employee is suspected of drug or alcohol abuse by actions, appearance or conduct which constitutes a major change in a person's appearance and/or behavior.

Employee or Driver's Name: \_\_\_\_\_

Date of Observation: \_\_\_\_\_

Time of Observation: From \_\_\_\_\_ a.m./p.m. To \_\_\_\_\_ a.m./p.m.

Location: \_\_\_\_\_

### **OBSERVED BEHAVIOR - Circle All Appropriate Items**

#### **PHYSICAL INDICATORS**

**Pupils Dilated**  
**Noticeable Weight Loss**  
**Neglect of Personal Hygiene**  
**Tremors**  
**Odor of Alcohol**

**Chronic Redness of Eyes**  
**Loss of Appetite**  
**Cold Sweats**  
**Rapid Breathing**  
**Odor of Marijuana**

#### **SPEECH**

**Thick**  
**Rapid**  
**Slurred**  
**Incoherent**  
**Excessively Talkative**

#### **BALANCE**

**Unsteady**  
**Swaying**  
**Falling**

#### **EMOTIONAL INDICATORS**

**Depression**  
**Anxiety**  
**Alienation**  
**Combative**  
**Withdrawal**  
**Moodiness**  
**Irritability**

#### **WALKING**

**Stumbling**  
**Staggering**  
**Grasping for Support**

# ***TOWN OF TRURO***

## **EMPLOYEE ACKNOWLEDGEMENT**

I HEREBY CERTIFY THAT THE ALCOHOL AND DRUG USE AND TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND WHICH ARE DEFINED AS SAFETY-SENSITIVE HAS BEEN PROVIDED TO ME AND I AM AWARE THAT I MAY DIRECT ANY QUESTIONS OR CONCERNS TO THE DPW DIRECTOR OR TOWN ADMINISTRATOR.

---

Employee

---

Date

This acknowledgement will be forwarded to the Human Resources Department and maintained in the Employee's file or other file as required.

# ***TOWN OF TRURO***

## **EMPLOYEE CONFIRMATION OF RECEIPT**

I hereby certify that I was given a copy of the Town of Truro Drug and Alcohol Testing Policy, dated \_\_\_\_\_, and have been given an opportunity to ask questions about the content of the policy at Drug and Alcohol Training Sessions that were held at various times throughout the calendar year \_\_\_\_\_.

---

Employee's Name

---

Department

---

Employee's Signature

---

Date

# TOWN OF TRURO

## PRE-PLACEMENT CONSENT TO DRUG AND ALCOHOL SCREENING

I, \_\_\_\_\_ Social Security Number: \_\_\_\_\_ ,

understand that the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol.
- An evidential breath test (EBT) for the presence of alcohol.
- A urine test for the presence of drugs and/or alcohol.

I hereby give my consent to \_\_\_\_\_ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, the test will not be completed. The Town of Truro will be notified and my application for employment will be rejected.

I further consent to the release of the results to the Town Administrator and Director of Public Works.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name &amp; Amount</u>	<u>Prescribing Physician</u>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Tablets	_____	_____
<input type="checkbox"/> Anti-Malarial	_____	_____
<input type="checkbox"/> Other	_____	_____

**CONSENT GIVEN**

**CONSENT REFUSED**

Specimen Number: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Witness: \_\_\_\_\_

# TOWN OF TRURO

## EMPLOYEE CONSENT

I, \_\_\_\_\_ Social Security Number: \_\_\_\_\_ ,

understand that the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol.
- An evidential breath test (EBT) for the presence of alcohol.
- A urine test for the presence of drugs and/or alcohol.

I hereby give my consent to \_\_\_\_\_ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, I may be subject to disciplinary action, up to and including termination from Town service.

I further consent to the release of the results to the Town Administrator and Director of Public Works.

I have taken the following drugs or substances within the last 96 hours:

<b><u>Identify</u></b>	<b><u>Name &amp; Amount</u></b>	<b><u>Prescribing Physician</u></b>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Tablets	_____	_____
<input type="checkbox"/> Anti-Malarial	_____	_____
<input type="checkbox"/> Other	_____	_____

**CONSENT GIVEN**

**CONSENT REFUSED**

Specimen Number: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Witness: \_\_\_\_\_



**AMENDMENT NUMBER TWO TO THE**

**JULY 1, 1997**

**THROUGH**

**JUNE 30, 2000**

**COLLECTIVE BARGAINING AGREEMENT**

**BETWEEN**

**THE TOWN OF TRURO**

**AND**

**AFSCME, AFL-CIO, STATE COUNCIL 93, LOCAL 1462**

AFSCME, AFL-CIO, State Council 93, Local 1462 (Truro DPW Union) acknowledges its receipt of and agreement to the Town of Truro's Drug And Alcohol Testing Policy For Employees In positions Requiring A Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive, including the following documents:

- a) Policy Memorandum #22, Revised;
- b) Attachments to Policy Memorandum #22, Revised (Reasonable Suspicion Alcohol and Drug Testing Employee Procedure; Reasonable Suspicion and Drug Testing Supervisor Procedure; Medical Evaluation - Employee Consent Form; RCD Form - Reasonable Cause Documentation; Acknowledgement; Employee Confirmation of Receipt; Pre-Placement Consent to Drug and Alcohol Screening; Employee Consent).

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

For: Town of Truro

For: Local 1462

Date: \_\_\_\_\_

Date: \_\_\_\_\_

July 30, 1997

Mr. John Pedro  
Staff Representative  
AFSCME Council 93  
301 Herman Melville Boulevard  
New Bedford, MA 02740

Re: **Drug And Alcohol Testing Policy For Employees In Positions Requiring A Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive**

Dear Mr. Pedro:

As you may know, federal law requires the Town to adopt and implement a drug and alcohol testing policy for employees who are required to have commercial driver's licenses. Attached you will find the proposed Drug And Alcohol Testing Policy For Employees In Positions Requiring A Commercial Driver's License (CDL) And Which Are Defined As Safety-Sensitive. It includes several attachments.

Given the requirements of the law, it is essential that the Town implement a policy as soon as possible. Therefore, your prompt attention to this matter is necessary.

Please review the policy. If the Union has any suggestions, comments, questions or concerns and would like to discuss them with me, please notify me no later than August 15, 1997. If I don't hear from you by that date, I will assume that the policy is acceptable as proposed and proceed accordingly.

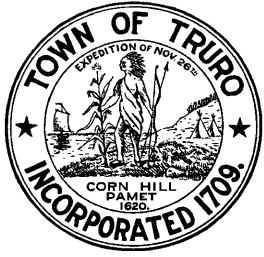
Thank you for your prompt attention to this matter.

Sincerely,

R. W. Breault, Jr.  
Town Administrator

Enclosures

Copy to: Labor Counsel  
Board of Selectmen  
DPW Director  
Leo Rose



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #23

Date: Adopted September 16, 1997

Subject: **BUY RECYCLED PROCUREENT POLICY**

### 1. Introduction:

The Board of Selectmen are committed to participating in the Commonwealth of Massachusetts' recycling program to the maximum extent practicable. Buying recycled products is a critical element in making recycling cost-effective, by creating markets for the recycling materials collected and sold through our municipal recycling program. To help meet this commitment, the Board of Selectmen is establishing this new "buy recycled" policy for **all** departments.

### 2. Action:

Effective immediately, all departments in the Town of Truro will, to the maximum extent possible, buy products made of recycled content in lieu of virgin products whenever recycled products are readily **available**, are of the **same quality**, and are of the **same or lower price**.

To assist you in meeting the requirements of this policy, the Massachusetts Operational Services Division (OSD), in cooperation with the Executive Office of Environmental Affairs (EOEA) and the Department of Environmental Protection (DEP) periodically prepare a "Recycled and Environmentally Preferable Products Guide" for State Contracts, a recent copy of which was forwarded to all departments for information. For each State contract listed, the guide provides a summary of those items in the contract which contain recycled content or other environmentally preferable criteria. You may order off these contracts by call the the vendors directly.

If you have any questions or need assistance, contact the Chief Procurement Officer at 349-3635, or call an Environmental Purchasing Coordinator at OSD at 617-727-7500, ext. 351.

\_\_\_\_\_  
Gary Palmer, Chairman

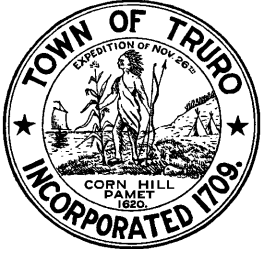
\_\_\_\_\_  
Suzanne Grout Thomas

\_\_\_\_\_  
Ruth Jacobs, Vice-Chairman

\_\_\_\_\_  
Harold A. Eastman  
Board of Selectmen

\_\_\_\_\_  
Lloyd F. Rose, Clerk

Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #23

Date: Adopted September 16, 1997; Revised September 12, 2017.

Subject: **BUY RECYCLED PROCUREMENT POLICY**

### 1. Introduction:

The Board of Selectmen are committed to participating in the Commonwealth of Massachusetts' recycling program to the maximum extent practicable. Buying recycled products is a critical element in making recycling cost-effective, by creating markets for the recycling materials collected and sold through our municipal recycling program. To help meet this commitment, the Board of Selectmen is establishing a "buy recycled" policy for **all** departments.

### 2. Action:

Effective immediately, all departments in the Town of Truro will, to the maximum extent possible, buy products made of recycled content in lieu of virgin products whenever recycled products are readily **available**, are of the **same quality**, and are of the **same or lower price**.

To assist Town employees in meeting the requirements of this policy, the Massachusetts Operational Services Division (OSD) maintains an "Environmentally Preferable Products and Services Guide" for State Contracts. Department Heads and those staff members responsible for ordering and purchasing department supplies are encouraged to review this guide periodically.

---

Paul Wisotzky, Chair

---

Jan Worthington

---

Maureen Burgess, Vice-Chairman

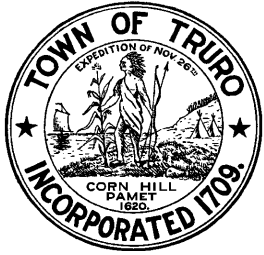
---

Jay Coburn

---

Robert Weinstein, Clerk

Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #24

Date: Adopted September 23, 1997

Subject: **PROVINCETOWN WATER LINE APPLICATION PROCESS**

1. Introduction:

The Board of Selectmen, in cooperation with the Provincetown Water/Sewer Board and the Truro Board of Health, have established the following procedures for new water service or expansion of service from the Provincetown Water Line.

This new policy is established in order to control an increasing reliance upon the Provincetown Water Line, reduce the potential impact or increased density and increased nitrogen loading along the water line corridor, and to reduce these impacts on abutters.

2. Action:

a. **Minimum requirements:** Effective immediately, any property owner desiring to obtain new water service, or to expand existing service, must be able to meet one of the below requirements before an application will be accepted:

1. **Existing dwelling with a well:** In the event the existing well fails, the property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V regulations.
2. **New construction:** The property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V regulations.
3. **Non-conforming building lots:** When a lot size makes it impossible to establish a wellhead in compliance with existing Title V regulations.
4. **Configuration of land:** When topographical characteristics do not lend themselves to establishing a wellhead in compliance with existing Title V regulations.
5. **Contamination:** When tests substantiate the presence of contaminants not meeting public health standards for potable water, and the property owners(s) is unable to obtain potable water via a private well, in compliance with existing Title V regulations.

b. **Application Procedures:** Effective immediately, any property owner desiring to obtain new water service or to expand existing service must follow the procedures established by the Provincetown Water/Sewer Board, a copy of which may be obtained at the Town Hall. This procedure requires application review by the Truro Board of Health, and application approval by the Truro Board of Selectmen, before the application is forwarded to the Provincetown Water/Sewer Board for final approval.

**Note:** Although approval by the Truro Board of Selectmen does not guarantee approval by the Provincetown Water/Sewer Board, by following these outlined procedures, the application will be more favorably reviewed, and will be strongly endorsed by the Town of Truro.

---

Robert J. Martin, Chairman

---

Ruth Jacobs, Vice-Chairman

---

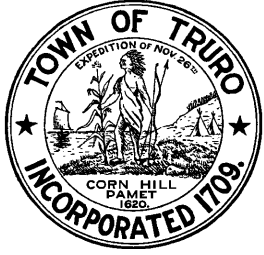
Lloyd F. Rose, Clerk

---

Harold A. Eastman

---

Suzanne Grout Thomas  
Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #24

Date: Adopted September 23, 1997; Revised September 12, 2017.

Subject: **PROVINCETOWN WATER LINE APPLICATION PROCESS**

1. Introduction:

The Board of Selectmen, in cooperation with the Provincetown Water/Sewer Board and the Truro Board of Health, have established the following procedures for new water service or expansion of service from the Provincetown Water Line.

This policy is established in order to control an increasing reliance upon the Provincetown Water Line, reduce the potential impact or increased density and increased nitrogen loading along the water line corridor, and to reduce these impacts on abutters.

2. Action:

a. **Minimum requirements:** Effective immediately, any property owner desiring to obtain new water service, or to expand existing service, must be able to meet one of the below requirements before an application will be accepted:

1. **Existing dwelling with a well:** In the event the existing well fails, the property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V regulations.
2. **New construction:** The property owner(s) must be unable to obtain potable water via a private well, in compliance with existing Title V regulations.
3. **Non-conforming building lots:** When a lot size makes it impossible to establish a wellhead in compliance with existing Title V regulations.
4. **Configuration of land:** When topographical characteristics do not lend themselves to establishing a wellhead in compliance with existing Title V regulations.
5. **Contamination:** When a property owner is unable to obtain potable water via a private well, in compliance with existing Title V regulations.

b. **Application Procedures:** Effective immediately, any property owner desiring to obtain new water service or to expand existing service must follow the procedures established by the Provincetown Water/Sewer Board, a copy of which may be obtained at the Town Hall. This procedure requires application review by the Truro Board of Health, and application approval by the Truro Board of Selectmen, before the application is forwarded to the Provincetown Water/Sewer Board for final approval.

**Note:** Although approval by the Truro Board of Selectmen does not guarantee approval by the Provincetown Water/Sewer Board, by following these outlined procedures, the application will be more favorably reviewed, and will be strongly endorsed by the Town of Truro.

---

Paul Wisotzky, Chair

---

Maureen Burgess, Vice-Chair

---

Robert Weinstein, Clerk

---

Jan Worthington

---

Jay Coburn  
Board of Selectmen  
Town of Truro



# TOWN OF TRURO

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

## Policy Memorandum #25

Date: November 3, 1998

Subject: **DRUG FREE WORKPLACE POLICY**

1. The Town of Truro is committed to providing a safe and productive working environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee abuses the use of drugs, controlled substances and other mind-altering substances (hereinafter referred to separately and jointly as controlled substances) or alcohol (alcohol) on the job, comes to work under their influence, or possesses, distributes or sells controlled substances or alcohol in the workplace. Therefore, the Town of Truro has established the following policy to help attain our goal of establishing and maintaining an alcohol and drug-free work environment.

- a. Alcohol Use: This means any beverage, mixture or any preparation, including any medication, containing alcohol.
- b. Controlled substances: In this policy, the terms drugs and controlled substances are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:
  - \* Marijuana
  - \* Cocaine
  - \* Opiates
  - \* Phencyclidine (PCP)
  - \* Amphetamines, including methamphetamines
  - \* Hallucinogens
  - \* Narcotics
  - \* Cannabinoid
  - \* Any substance for which a prescription is required which has not been obtained or followed.
  - \* Any substance the use of which impairs the individuals' ability to safely perform the essential functions of their job.
  - \* Derivation or combination of any of the substances contained in this list.

2. Employees of the Town of Truro are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent

Policy Memorandum #25  
Drug Free Workplace Policy  
November 3, 1998

it in a responsible and creditable fashion. The vast majority of employees reflect credit upon themselves and the Town of Truro which they represent. While the Town has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in condition to perform their duties. The Town recognizes that employee off-the-job as well as on-the-job involvement with controlled substances and alcohol can have an impact on the work place and on our ability to accomplish our goal of an alcohol and drug-free environment.

3. The Town of Truro attempts to prevent those involved with controlled substances and the abuse of alcohol from becoming employees of the Town, and strongly encourages the voluntary rehabilitation of such persons already in the employ of the Town. As a condition of employment:

a. Employees must abide by this policy, and must notify the Town in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

b. The Town has an obligation to notify the appropriate Federal agencies within ten (10) days after receiving such notice from an employee or otherwise receiving actual notice of such conviction.

c. The Town also has an obligation to take appropriate personnel action within thirty (30) days after receiving such notice against such employee up to and including immediate suspension and termination; or the Town may require such employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by the Town's Employee Assistance Program (EAP) Substance Abuse Professional (S.A.P.); and the Town will allow the employee to use accrued vacation, sick leave, or an unpaid leave of absence pending successful completion of the above approved assistance or rehabilitation program.

4. The Town of Truro, as a recipient of Federal funds and as a Federal contractor, is required to comply with the Drug-Free Workplace Act of 1988. In accordance with that Act, the illegal use, distribution, sale, or possession of controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including immediate suspension and termination, except as provided by paragraph 9 of this policy.

5. In addition, employees who are under the influence of controlled substances and/or alcohol, either on the job or when reporting for work, or who possess or consume controlled substances not prescribed by their health care provider and/or alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Such conduct will be just cause for disciplinary action, up to and including immediate suspension and termination, consistent with any just cause provisions of any collective bargaining agreement that pertains to the employee.

Policy Memorandum #25  
Drug Free Workplace Policy  
November 3, 1998

6. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor of any prescription medication which is likely to have an effect on job performance. In addition, notification must be given at the time of any testing or screening as to any medication being taken. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

7. Any employee, during the employee's work shift, including without limitation all breaks and meal periods, who manufactures, distributes, sells, uses, possesses or is found to have in the employee's locker or desk or other such repository, alcohol or controlled substances, which are not medically prescribed, will be suspended immediately pending further investigation, except as provided by paragraph 9 of this policy. If use or possession is substantiated, disciplinary action, up to and including termination, will be imposed. In deciding what action to take, the Town will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the Town, and other factors relative to the impact of the employee's use or possession.

8. The Town of Truro is committed to the treatment and rehabilitation of employees with alcohol and controlled substance problems and encourages employees to come forward voluntarily and seek assistance for those problems before they impair performance and/or jeopardize the employee's continued employment.

a. It is the responsibility of the Town's Department Heads and supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee may have an alcohol or drug problem. Although it is not the Department Head or supervisor's job to diagnose personal problems, they should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe working environment and co-workers should encourage anyone who may have a drug or alcohol problem to seek help.

b. If at any time an employee volunteers to enter an alcohol or drug treatment or rehabilitation program, they will enter without fear of disciplinary action being taken against the employee as a result of seeking treatment, provided the employee stops any and all involvement with the substance being abused, and maintains adequate job performance. Such a program is designed to provide care and treatment to employees who are in need of rehabilitation.

c. The Town of Truro has established an Employee Assistance Program (EAP). This program is an evaluation and referral service which assists employees in obtaining treatment for a wide range of problems. There is no cost for this service to employees and all services provided are kept confidential between the EAP provider and the employee. All employees may request assistance in dealing with alcohol or controlled

Policy Memorandum #25  
Drug Free Workplace Policy  
November 3, 1998

substance problems from the EAP provider. While the EAP is a valuable resource in dealing with personal problems, participation in the program will not prevent disciplinary action for a violation of this policy.

9. The prohibitions against possession of alcohol or controlled substances shall not apply to employees required to possess alcohol or controlled substances as part of their work duties.

10. The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the use of alcohol and the illegal use of controlled substances is incompatible with employment in the Town of Truro.

---

Robert J. Martin, Chairman

---

Lloyd F. Rose, Vice Chairman

---

Harold A. Eastman, Clerk

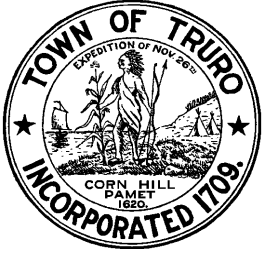
---

Suzanne Grout Thomas

---

Sally Sears-Mack

Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #26

Date: Adopted April 20, 1999, revised March 18, 2008

Subject: **EQUAL OPPORTUNITY POLICY STATEMENT**

The Town of Truro, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to age, sex, race, color, disability, religious creed, sexual orientation, ancestral origin or national origin, resolves to take necessary measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs, programs and services, and all terms and conditions of employment.

Non-discrimination and equal opportunity is the policy of the Town of Truro in all of its programs and activities. Therefore, all Town employees shall rigorously take affirmative action steps to ensure equal opportunity in the internal affairs of all departments, as well as in their relations with the public, including those persons and organizations doing business with any Town agency. Each department, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity. The Town will undertake every possible effort to effectuate the requirements of the Americans with Disabilities Act of 1990, that provide a comprehensive national mandate for the elimination of discrimination against individuals with disabilities in employment and municipal government activities.

Affirmative action must entail positive and aggressive measures to ensure equal opportunity in internal personnel practices and in those programs which can affect persons outside of Town government. This affirmative action shall include efforts necessary to remedy the effects of present and past discriminatory patterns and any action necessary to guarantee equal opportunity for all people.

---

Alfred Gaechter, Chairman

---

Gary Palmer, Vice-Chairman

---

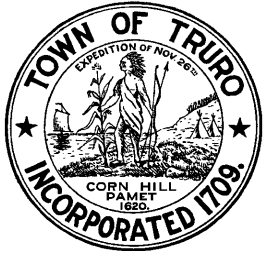
Christopher R. Lucy, Clerk

---

Curtis Hartman

---

Janet W. Worthington  
Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #27

Date: Adopted April 20, 1999

Subject: **FAIR HOUSING POLICY STATEMENT**

The Congress of the United States of America has declared a national fair housing policy through Title VII of the Civil Rights Act of 1964. The Commonwealth of Massachusetts declared a State equal housing opportunity policy through the Massachusetts Fair Housing Law (MGL Chapter 151B). The Americans with Disabilities Act of 1990 provides a comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Towns within the Commonwealth of Massachusetts are part of a long-standing tradition of equal justice for all persons.

It is hereby resolved that the Town of Truro affirms its commitment to ensure equal opportunity in housing for all persons. The effects of overt or covert discrimination based on race, color, religious creed, national origin, sex, age, children, ancestry, marital status, source of income, or disability in the sale, rental, or financing of housing have insidious implications for the moral base of any community. In the conduct of all Town programs and activities affecting the housing of Town residents, the policy of the Town shall be to promote equal choice and access to housing for all persons. The Town shall take all action necessary and appropriate to prevent discrimination in housing and housing services against individuals residing or wishing to reside within its boundaries.

The Town recognizes that discriminatory practices are detrimental to its citizens and to its future, and will take all necessary action to remedy the effects of discrimination and prevent the continuation of such practices. The Town will aggressively move to counteract any activities which restrict the potential for equal opportunity in housing.

The Town encourages all real estate agents, home builders, land developers, mortgage lenders and landlords to review their operating practices and join the Town in making equal opportunity in housing a reality.

\_\_\_\_\_  
Robert J. Martin, Chairman

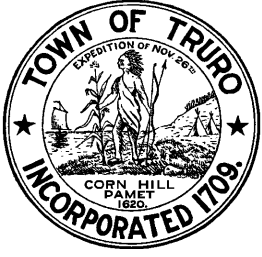
\_\_\_\_\_  
Lloyd F. Rose, Vice-Chairman

\_\_\_\_\_  
Harold A. Eastman, Clerk

\_\_\_\_\_  
Suzanne Grout Thomas

\_\_\_\_\_  
Sally Sears-Mack

Board of Selectmen  
Town of Truro



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## POLICY MEMORANDUM #27

Date: Adopted April 20, 1999; Revised September 12, 2017

Subject: **FAIR HOUSING POLICY STATEMENT**

The Congress of the United States of America has declared a national fair housing policy through Title VII of the Civil Rights Act of 1964. The Commonwealth of Massachusetts declared a State equal housing opportunity policy through the Massachusetts Fair Housing Law (MGL Chapter 151B). The Americans with Disabilities Act of 1990 provides a comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Towns within the Commonwealth of Massachusetts are part of a long-standing tradition of equal justice for all persons.

It is hereby resolved that the Town of Truro affirms its commitment to ensure equal opportunity in housing for all persons. The effects of overt or covert discrimination based on race, color, religious creed, national origin, sex, age, children, ancestry, marital status, source of income, or disability in the sale, rental, or financing of housing have insidious implications for the moral base of any community. In the conduct of all Town programs and activities affecting the housing of Town residents, the policy of the Town shall be to promote equal choice and access to housing for all persons. The Town is committed to preventing discrimination in housing and housing services against individuals residing or wishing to reside within its boundaries.

The Town recognizes that discriminatory practices are detrimental to its citizens and to its future, and will take all necessary action to remedy the effects of discrimination and prevent the continuation of such practices. The Town will aggressively move to counteract any activities that restrict the potential for equal opportunity in housing.

The Town encourages all real estate agents, home builders, land developers, mortgage lenders and landlords to review their operating practices and join the Town in making equal opportunity in housing a reality.

---

Paul Wisotzky, Chair

---

Maureen Burgess, Vice-Chair

---

Robert Weinstein, Clerk

---

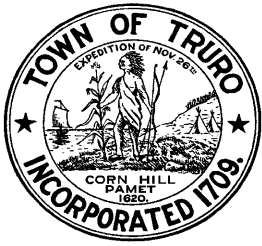
Janet W. Worthington

---

Jay Coburn

---

Board of Selectmen  
Town of Truro



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Discussion of Year Round Condo By-law

**EXPLANATION:** Objective CS1 of the 2018 Board of Selectmen Goals and Objectives states that “The Board of Selectmen will work with the Planning Board to develop zoning by-law changes that will allow for year round condominium use by February 28, 2018 to present at the 2018 Annual Town Meeting.” Chairman Wisotzky spoke with planning Chair Steve Sollog regarding the Planning Board’s interest in working with the Board of Selectmen on this item. A memo from Interim Planner, Harry Terkanian, is attached for your reference.

A citizen petition to repeal the seasonal restriction on condominium use was presented to the Town prior to the 2015 Annual Town Meeting. The citizen petition was replaced by the attached article prepared by staff and Town Counsel Jamie Veara to set a process for converting existing condominiums to year round use. The article as prepared required a special permit from the Zoning Board of appeals to insure that the converted premises would comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health, and applicable provisions of the Provincetown Water regulations. The intent was to provide for appropriate and adequate year round living.

At this time, I think it is appropriate to determine how the Board wishes to proceed with development of this by-law and soliciting citizen input. I have forwarded the article to Attorney Silverstein for his review, comments and recommendations.

**SUGGESTED ACTION:** *Motion to*

**ATTACHMENTS:**

1. Email from Interim Planner Harry Terkanian
2. Copy of the 2015 By-law.



**From:** [Harry Terkalian](#)  
**To:** [Rae Ann Palmer](#)  
**Subject:** Planning Board Consideration of Zoning Amendments  
**Date:** Thursday, September 07, 2017 10:14:33 AM

---

Rae Ann:

The Planning Board has discussed possible amendments to the Truro Zoning Bylaw on August 1<sup>st</sup> and September 5<sup>th</sup>. At this point it is a general inquiry on identifying zoning issues which need addressing. The two issues of general significance that the Board discussed are: (2) possible massing limitations on residential structures outside the Seashore District; and (2) whether the seasonal use restriction applicable to condominiums should be relaxed in whole or in part.

On the residential massing, the Board has been provided with two examples of a possible solution: a draft from Chuck Steinman; and a copy of the Town of Chilmark zoning bylaw. To date there has been no discussion of specific proposals. The Board's discussion has been on how to get community input on this topic, including information gathering sessions, surveys and analysis of existing data. A subcommittee consisting of Steve Sollog, Peter Herridge and Paul Kiernan has been formed to work on this. This will remain as a continuing agenda item.

On the issue of relaxing or eliminating seasonal use restrictions for condominium properties, a poll of the Board did not show sufficient present interest by Board members in the subject.

The Board is also interested in "technical" fixes to zoning bylaw problems.

Harry

**Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

---

Article \_\_\_\_: To see if the Town will vote to amend the Truro Zoning Bylaw by adding a new Definition of “Dwelling, Multi-Family” in Section 10.4 as follows:

“Dwelling, Multi-family. Three or more dwelling units, attached, detached, or a combination thereof on a single lot.”

And further, to amend the Truro Zoning Bylaw Section 30.2 by adding “Multi-family Dwelling” in the Use Table under Residential Uses and by adding a new NOTES 13, as following:

RESIDENTIAL							
	R	BP	NT6A	TC	NTC	Rt6	S
Multi-family Dwelling (13)	N	SP	SP	N	SP	SP	N

NOTES

13. This use is further subject to the special regulations set forth in §40.3A, Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel for Year Round Use and the Zoning Board of Appeals shall serve as the Special Permit granting authority.

And further, to amend the Truro Zoning Bylaw by adding a new Section 40.3A, as follows:

§ 40.3A. Conversion of Cottage or Cabin Colony, Motor Court, Motel or Hotel ~~and/or~~ for Year Round Use

A. Purpose. The Board of Appeals may grant a special permit for the conversion of a cottage colony, cabin colony, motor court, motel, or hotel to a multi-family dwelling use under any type of ownership, provided that the provisions of this section are met. For those properties which have received a Special Permit pursuant to §40.3 above, a new Special Permit will be required to allow for the year-round use of said property.

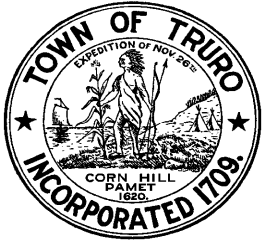
B. Requirements.

1. The converted premises shall comply with applicable provisions of the zoning, building, health and safety codes, as determined by the Building Commissioner and Board of Health and applicable provisions of the Provincetown Water regulations so as to provide for appropriate and adequate year round living.
2. Each converted unit shall comply with the parking requirements for single family dwellings as established in § 30.9, Parking, except that, where pre-existing structures under this section are unable to meet the current parking standards on their existing lots, the parking requirement may be met on a contiguous lot or on a lot directly across the street provided the following conditions are met:
  - a. The two lots must be in and remain in common ownership and not be

**Year-Round Multi-Family Bylaw – 2-2-15 Draft – For Conversion of Existing Cottage or Cabin Colony, Motor Court, Motel or Hotel Only**

---

- further divided.
- b. The two lots shall not be used for the purpose of increasing the size or the use of the pre-existing structure or property.
  - c. Other than parking, pre-existing structures, and septic systems allowed by the Truro Board of Health, the adjacent lot shall remain open space.
  - d. All conditions must be recorded at the Barnstable Registry of Deeds.
3. The density of units permitted on a lot shall be as follows:
    - a. Route 6A, North Truro Limited Business District; North Truro Center General Business District and Rout 6 General Business District: one unit per 3,000 sq ft.
    - b. Beach Point Limited Business District one unit per 2,100 sq ft.
    - c. Notwithstanding the restrictions of this section, no cottage colony, cabin colony, motor court, motel, or hotel which existed on January 1, 1987 shall be required to reduce its then existing number of units if or when it converts to multi-unit dwelling or non-dwelling use so long as it complies with all other requirements of this bylaw.
  4. The granting of a Special Permit hereunder shall be consistent with the provisions of Section 30.8."



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Discussion of Residential District House Size Bylaw

**EXPLANATION:** Objective CS2 of the 2018 Board of Selectmen Goals and Objectives states that “The Board of Selectmen will work with the Planning Board to develop a Town-wide home size zoning bylaw for the Residential District to protect the character of Truro to present at the 2018 Annual Town Meeting.” Chairman Wisotzky spoke with planning Chair Steve Sollog regarding the Planning Board’s interest in working with the Board of Selectmen on this item. A memo from Interim Planner, Harry Terkanian, is attached for your reference.

The Planning Board has started to work on this item and is currently determining how they will move forward. The Board may wish to offer to assist the Planning Board by holding a public meeting to solicit input or provide any other assistance as you deem appropriate.

**SUGGESTED ACTION:** *Motion to*

**ATTACHMENTS:**

1. Email from Interim Planner Harry Terkanian

**From:** [Harry Terkianian](#)  
**To:** [Rae Ann Palmer](#)  
**Subject:** Planning Board Consideration of Zoning Amendments  
**Date:** Thursday, September 07, 2017 10:14:33 AM

---

Rae Ann:

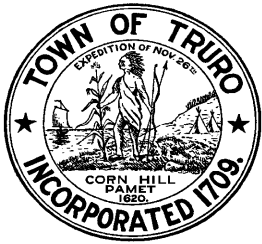
The Planning Board has discussed possible amendments to the Truro Zoning Bylaw on August 1<sup>st</sup> and September 5<sup>th</sup>. At this point it is a general inquiry on identifying zoning issues which need addressing. The two issues of general significance that the Board discussed are: (2) possible massing limitations on residential structures outside the Seashore District; and (2) whether the seasonal use restriction applicable to condominiums should be relaxed in whole or in part.

On the residential massing, the Board has been provided with two examples of a possible solution: a draft from Chuck Steinman; and a copy of the Town of Chilmark zoning bylaw. To date there has been no discussion of specific proposals. The Board's discussion has been on how to get community input on this topic, including information gathering sessions, surveys and analysis of existing data. A subcommittee consisting of Steve Sollog, Peter Herridge and Paul Kiernan has been formed to work on this. This will remain as a continuing agenda item.

On the issue of relaxing or eliminating seasonal use restrictions for condominium properties, a poll of the Board did not show sufficient present interest by Board members in the subject.

The Board is also interested in "technical" fixes to zoning bylaw problems.

Harry



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Discussion of Marijuana Establishments

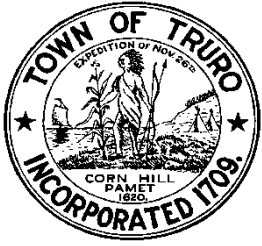
**EXPLANATION:** Town Counsel recommends that the Board discuss its position on marijuana establishments in Town. Truro residents voted in favor of legalizing marijuana at the November 4, 2016 election, therefore a ban or temporary moratorium must be approved by the voters. The Town could vote a complete ban on marijuana establishments, limit the number of marijuana retailers in the Town, or limit the types of marijuana establishments that can operate in the Town.

Should the Board wish to pursue a ban on marijuana retail establishments in Town, a special election would need to be held. If the Board wishes to restrict location, number or types of marijuana establishments, Town Counsel recommends a special election to place a moratorium on marijuana establishments to allow time to develop and present a Zoning By-law at a Special or Annual Town Meeting. If there is any interest in pursuing one or more of these avenues, the Board could add a Special Town Election in November to institute a ban on marijuana establishments in Town or to institute a moratorium on marijuana establishments until December 2018. The moratorium would allow time to prepare and present a Zoning By-law to the 2018 Town Meeting. The Board would then need to follow up the ballot question with the required zoning bylaw amendment at either a fall Special Town Meeting or at the 2018 Annual Town Meeting. Under the new law, however, the Cannabis Control Commission must start accepting applications for marijuana establishments no later than April 1, 2018. Therefore, it would be best to have the zoning bylaw amendment in place, or at least a marijuana moratorium voted and in place prior to that date, if so desired.

**IMPACT IF NOT APPROVED:** Applications could be submitted for a marijuana establishment prior to developing any zoning requirements.

**SUGGESTED ACTION:** *Motion to set a date for a Special Town Election in November and to prepare a ballot question to: either ban marijuana establishments in Truro, **OR** to place a moratorium on marijuana establishments in Truro until December 2018.*

**ATTACHMENTS:** None.



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

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

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Discussion of Creation of a standing Part Time Resident Advisory Committee.

**EXPLANATION:** After hearing multiple comments from part time residents requesting an opportunity to have more interaction on Town issues, Chairman Wisotzky requested that this item be placed on the Agenda for discussion and possible action by the Board. Creation of a Part time Resident Advisory Committee would provide a more formal process for input and participation from part time resident property owners on issues that affect the Town. This Committee would function in accordance with the Massachusetts Open Meeting, Ethics and Public Records laws and would meet the requirements for participation that apply to all Town multi-member appointed committees. In accordance with the Town Charter, Chapter 4, §6-4-4 and §6-4-6, the Board of Selectmen may establish multi-member bodies.

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

**IMPACT IF NOT APPROVED:** There will continue to be no formal process for seeking input from part time resident property owners.

**SUGGESTED ACTION:** *For Discussion only, or Motion to establish a Part Time Resident Advisory Committee in accordance with the attached charge.*

**ATTACHMENTS:**

1. Charge of the Part Time Resident Advisory Committee.

# TOWN OF TRURO

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

Date: September 12, 2017

From: Board of Selectmen

To: Part Time Resident Advisory Committee

---

In an effort to provide a public forum for part time residents and property owners to make recommendations to the Board of Selectmen and other elected and appointed bodies, the Truro Board of Selectmen hereby establishes a Part Time Resident Advisory Committee in accordance with the Truro Town Charter, Chapter 6-4-4, with the following Charge:

## PART TIME RESIDENT ADVISORY COMMITTEE

The Committee shall:

- give part time residents a voice
- provide Selectmen and other elected and appointed bodies with the benefit of information and views
- review policy proposals, make recommendations and share their perspective on matters of importance to the Town
- hold an annual Part Time Resident Town Meeting to hear reports from Town officials.

**Committee Organization:** The Committee shall be comprised of seven (7) regular members to be made up of part time property owners of the Town of Truro; all members will be appointed by the Board of Selectmen. This standing committee will adhere to all procedures as prescribed for a standing committee in the Town Charter and Bylaws and shall be subject to the Commonwealth's Open Meeting Law, Ethics Law and Public Records Law. There shall be a Selectmen liaison to the Committee and the Town Manager or his/her designee shall serve as staff liaison.

---

Paul Wisotzky, Chairman

---

Maureen Burgess, Vice-Chair

---

Robert Weinstein, Clerk

---

Jay Coburn

---

Jan Worthington  
Board of Selectmen  
Town of Truro





# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

## 6. CONSENT AGENDA

A. Review/Approve and Authorize Signature:

*I. None*

B. Review and Approve Reappointments of Linda Noons-Rose/Conservation Commission; Angela Gaimari-Cable and Internet Advisory Committee

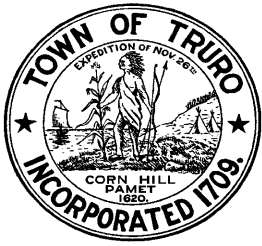
C. Review and Approve Appointment of Staff : Emily Beebe, Rep. to Cape Cod Water Protection Collaborative

D. Review and Approve Sunday Entertainment for Vinegrass Music Festival at Truro Vineyards October 1<sup>st</sup>, 2017

E. Review and Approve request from DPW Director Cabral to Authorize Volunteers to Remove Returnable Bottles and Cans from the Transfer Station to Benefit The Friends of the Council on Aging.

F. Review and Approve Special One Day Alcohol License Truro Center for the Arts at Castle Hill September 23, 2017

G. Review and Approve Board of Selectmen Minutes: August 22, 2017



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Noelle Scoullar, Executive Assistant

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Reappointment of Board/Committee/Commission Member

**EXPLANATION:** The following individuals wish to be reappointed to the Board or Committee on which they currently serve:

- *Linda Noons-Rose to the Conservation Commission for the term of 9/12/2017-6/30/2020.*
- *Angela Gaimari to the Cable and Internet Advisory Committee for the term of 9/12/2017-6/30/2020.*

The attached check list provides information regarding these individuals' compliance with appointment requirements.

**IMPACT IF NOT APPROVED:** The applicants will not be able to participate on their respective Committee or Board.

**SUGGESTED ACTION:** *MOTION TO appoint Linda Noons-Rose to serve on the Conservation Commission and Angela Gaimari on the Cable and Internet Advisory Committee both for a three year term ending June 30, 2020.*

### ATTACHMENTS

1. Application to Serve
2. Reappointment checklist



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

APPLICATION TO SERVE ON SEND 2017AUG22 am11:41  
AN APPOINTED MULTI-MEMBER BODY  
ADMINISTRATIVE OFFICE  
TOWN OF TRURO

NAME: Linda Noons-Rose HOME TELEPHONE: [REDACTED]

ADDRESS: 4 Bayberry Lane WORK PHONE: Same

MAILING ADDRESS: PO Box 2 Truro E-MAIL: [REDACTED]  
02666

FAX: - MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: \_\_\_\_\_

Conservation Commission

SPECIAL QUALIFICATIONS OR INTEREST: understanding of plants, plants  
and soils. Interest in preserving and protecting  
lands but also in help home owners to be able to  
use and enjoy their properties.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: [Signature] DATE: 8/22/17  
\*\*\*\*\*

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

INTERVIEW DATE: \_\_\_\_\_ APPOINTMENT DATE (IF APPLICABLE): \_\_\_\_\_



**TOWN OF TRURO  
CONSERVATION COMMISSION**

P.O. Box 2030  
Truro MA 02666

Rae Ann Palmer, Town Manager  
24 Town Hall Road,  
Truro, MA 02666

Dear Rae Ann and Members of the Board of Selectmen,

This letter of endorsement is sent to you on behalf of two members of the Conservation Commission: [REDACTED] Linda Noons-Rose. In the years that I have served with them I have observed that each member has contributed significantly to the Conservation Commission and to the public in their duties as Commissioners. They each bring a unique and well-educated perspective to the Commission and our function is much better served by their hard work and dedication.

I support and encourage their reappointment to the Truro Conservation Commission.

Yours in Community Service,

Deborah L. McCutcheon



# TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

## APPLICATION TO SERVE ON AN APPOINTED MULTI-MEMBER BODY

NAME: Angela Gaimari HOME TELEPHONE: [REDACTED]

ADDRESS: 3 Quail Run WORK PHONE: \_\_\_\_\_

MAILING ADDRESS: PO Box 109 E-MAIL: [REDACTED]

FAX: \_\_\_\_\_ MULTI-MEMBER BODY ON WHICH I WISH TO SERVE: Cable & Internet Advisory Board

SPECIAL QUALIFICATIONS OR INTEREST: Digital marketing, remote work, high speed internet

COMMENTS: \_\_\_\_\_

SIGNATURE: [Signature] DATE: \_\_\_\_\_

COMMENT/RECOMENDATION OF CHAIRPERSON OF MULTI-MEMBER BODY (OPTIONAL) \_\_\_\_\_

Reappoint Angela to the CAIAC

SIGNATURE: [Signature] DATE: 8/25/17

INTERVIEW DATE: \_\_\_\_\_  
APPLICABLE): \_\_\_\_\_

APPOINTMENT DATE (IF

RCVD 2017 JUN 22 PM 3:11

ADMINISTRATIVE OFFICE  
TOWN OF TRURO



# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

**Office of the Board of Selectmen**

Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

## Committees/Commissions/Board Members Seeking Reappointment

Committee/Commission/Board Name: **Conservation Commission**

Committee/Commission/Board Member Name: **Linda Noons-Rose**

Length of term: **3 Year Term**

Chair's endorsement of reappointment

Standards of Professional Conduct signed

On-Line Ethics Training Completed *Certificates good for 2 years*

Signed Acknowledgment/Summary of Conflict of Interest Law

Committee/Commission/Board Name: **Cable and Internet Advisory Committee**

Committee/Commission/Board Member Name: **Angela Gaimari**

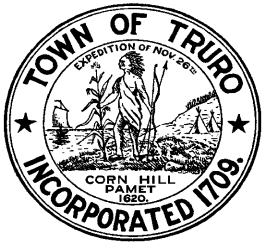
Length of term: **3 Year Term**

Chair's endorsement of reappointment

Standards of Professional Conduct signed

On-Line Ethics Training Completed *Certificates good for 2 years*

Signed Acknowledgment/Summary of Conflict of Interest Law



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administrative

**REQUESTOR:** Nicole Tudor, Executive Assistant

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Review and Approve Appointment of Town Staff Emily Beebe, Interim Health and Conservation Agent as Truro's Representative to the Cape Cod Water Protection Collaborative

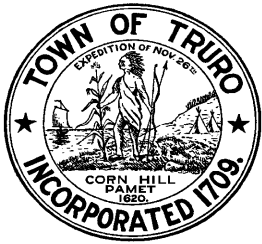
**EXPLANATION:** With the Pat Pajaron's recent retirement, Emily Beebe, Interim Health and Conservation Agent, has assumed the roles of the Health and Conservation Agent. One of these roles is to serve as the representative from the Town of Truro to the Cape Cod Protection Collaborative with Barnstable County for a two year term. Ms. Beebe will need to be appointed to the Cape Cod Protection Collaborative.

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

**IMPACT IF NOT APPROVED:** Truro will not have representation at the Cape Cod Water Protection Collaborative Meetings.

**SUGGESTED ACTION:** *MOTION TO approve the appointment of Emily Beebe as the Town's Representative to the Cape Cod Water Protection Collaborative for a two year term.*

**ATTACHMENTS:** None



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Licensing Department

**REQUESTOR:** Nicole Tudor, Executive Assistant on behalf of Peter Fasano of Vinegrass

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Approval of a Sunday Entertainment License October 1, 2017 Vinegrass Music Festival at Truro Vineyards of Cape Cod, 11 Shore Road.

**EXPLANATION:** MGL Chapter 140 § 181 provides local authority to license performance events. Peter Fasano, Executive Director of Vinegrass has submitted a Sunday Entertainment Application. This will be their 4<sup>th</sup> Annual Vinegrass Music Festival held at Truro Vineyards, on Sunday, October 1, 2017 from 11:00-6:00pm.

Vinegrass is a non-profit music production company whose mission is to “produce concerts and an annual festival in order to raise money for scholarships, grants, and instruments for the young musicians and artists on Cape Cod and the Islands.” <http://www.vinegrass.org/shows>

The Entertainment application has been reviewed by the Chief of Police. A completed License for Public Entertainment on Sunday has been provided and will be mailed to the State with the required fee upon local approval.

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

**IMPACT IF NOT APPROVED:** Vinegrass will not be able to have a fundraiser event at Truro Vineyards, 11 Shore Road on Sunday October 1<sup>st</sup>.

**SUGGESTED ACTION:** *MOTION TO approve the Sunday Entertainment License and Commonwealth of Massachusetts License for Public Entertainment on a Sunday for Vinegrass, October 1, 2017 from 11:00am-6:00pm at 11 Shore Road in Truro and to authorize the Chair to sign the applications.*



**ATTACHMENTS:**

1. One Day Entertainment Application approved by Chief of Police
2. The Commonwealth of Massachusetts License for Public Entertainment on a Sunday



If the event is catered please return Caterer Food Service Form to Health Agent at Fax # 508.349.5508

Will an admission fee be collected?  Yes  No

Will there be a One Day Alcohol License  Yes  No **If yes; you must also apply for a One Day Alcohol License**

Will there be Police Traffic Control?  Yes  No

**ENTERTAINMENT INFORMATION**

Type of Entertainment: Please check the appropriate boxes.

Dancing:  By Patron  By Entertainers  No Dancing

Music:  Recorded  Juke Box  Live  No Music

Number of Musicians & Instruments (Type) 3-5 Guitar, bass, fiddle, banjo etc

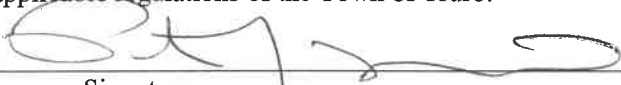
Amplified System:  Yes  No

Shows:  Theater  Movies  Floor Show  Light Show  
 No Show

Other:  Video Games  Pool/Billiard Tables (Please indicate quantity) \_\_\_\_\_

**Applicant's Signature**

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable regulations of the Town of Truro.



8-25-17

Signature

Date

- A valid entertainment license must be on the premises before the entertainment is commenced.
- No entertainment shall be offered, conducted, or otherwise provided by any establishment licensed under MGL Chapter 140 without first obtaining an entertainment license from the Board of Selectmen.
- Sunday entertainment must be specifically requested and addressed in the permitting process.
- These regulations are intended to allow the Board of Selectmen to determine the appropriate parameters to limit impacts to the neighbors of the establishment and to the community by the establishment and the entertainment provided therein.
- A copy of the required Fire Safety Inspection Certificate of the facility must be provided, if applicable.
- The Local Licensing Authority may impose restrictions and/or conditions.

**Office Use Only**

**APPROVAL**

License No 2017-19

Board of Selectmen \_\_\_\_\_ Meeting Date \_\_\_\_\_

Police Department  \_\_\_\_\_ Date 8/31/2017

Restrictions/Conditions attached to the license by the Board of Selectmen or its Delegate: \_\_\_\_\_



THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF TRURO



State Fee, \$ 2.00  
Municipal Fee, \$ 25.00

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Vinegrass @ Truro Vineyards in or on the property at No. 11 Shore Road North Truro, MA (address)

The Licensee or Authorized representative, PETER FASANO in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
10.1.17	11-6	ENTERTAINMENT - MUSIC FESTIVAL

Hon. \_\_\_\_\_ Mayor/ Chairman of Board of Selectman, \_\_\_\_\_ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

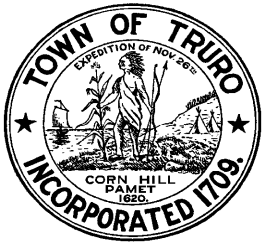
This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES





THE MAMMALS .... SAY DARLING  
CHARLIE PARR • LOCUST HONEY  
[WWW.VINEGRASS.ORG](http://WWW.VINEGRASS.ORG)



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Department of Public Works

**REQUESTOR:** DPW Director Jarrod J. Cabral

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Authorize volunteers to remove returnable bottles and cans from the Transfer Station to benefit The Friends of the Council on Aging. The volunteers are as follows: Sibby Davis, Malcolm Rose, Brian Trainer, Richard Courtney, Jack Bessemer, and Bill Worthington. The list of names was provided by the C.O.A. Director Susan Travers.

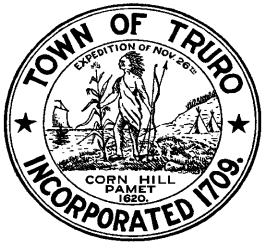
**EXPLANATION:** As stated in Section V, Article 2 Ownership, of The Board of Health Regulation, returnable bottles and cans may be removed from the collection site only by volunteers who have the permission of the Board of Selectman. The cans and bottles are collected, redeemed and then the redemption funds go to the Friends of the Council on Aging.

**FINANCIAL SOURCE (IF APPLICABLE):** None

**IMPACT IF NOT APPROVED:** Volunteers will not be compliant with Board of Health Regulation.

**SUGGESTED ACTION:** *Motion to authorize the volunteers (as listed by COA Director Travers) at the Transfer Station to remove returnable bottles and cans from the recycling area and redeem to benefit The Friends of the Council on Aging.*

**ATTACHMENTS:** None



# TOWN OF TRURO

## Board of Selectmen Agenda Item

**DEPARTMENT:** Administration

**REQUESTOR:** Nicole Tudor, Executive Assistant

**REQUESTED MEETING DATE:** September 12, 2017

**ITEM:** Review and approve One Day Pouring License for Truro Center for the Arts at Castle Hill

**EXPLANATION:** MGL Chapter 138 § 14 provides local authority to license pouring licenses. Truro Center for the Arts at Castle Hill, 10 Meeting House Rd, has applied for a One Day Pouring License (Wine and Beer) for Saturday, September 23, 2017 from 12:00pm-4:00pm.

They have provided their Certificate of Liability Insurance, TIPS certification, and the Certificate of Inspection is current for 10 Meeting House Rd.

The Chief of Police has reviewed and signed the application.

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

**IMPACT IF NOT APPROVED:** Truro Center for the Arts at Castle Hill will not be able to serve alcohol at their event.

**SUGGESTED ACTION:** *MOTION TO approve a Special One Day Alcohol license for Truro Center for the Arts at Castle Hill at 10 Meeting House Rd for September 23, 2017 from 12pm-4pm and to authorize the Chair to sign the application.*

**ATTACHMENTS:**

1. One Day Alcohol License Application from Truro Center for the Arts at Castle Hill





# TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

**Licensing Department**

PH: 508-349-7004, Ext. 110 or 124 Fax: 508-349-5505

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

## Application for a One Day Pouring License MGL Chapter 138, Section 14 Special Licenses

The Local Licensing Authorities of TRURO pursuant to the provisions of Chapter 138 § 14 issuance of a **special one-day pouring license** as described herein.

### BUSINESS/ORGANIZATION INFORMATION

Alicia Moretti Souza Truro Center for the Arts at Castle Hill  
Name of Applicant Business/Organization Name

P.O. Box 756 Truro, MA 02666  
Mailing Address of Business/Organization

Non-profit or For-profit Entity  Yes  No  
If yes, proof of Non-Profit Status **must** accompany this application

Alicia Moretti Souza 508-349-7511 alicia@castlehill.org  
Contact Person Phone Number Email

### INDIVIDUAL APPLICANT INFORMATION

\_\_\_\_\_  
Individual's Name Mailing Address

\_\_\_\_\_  
Phone Number Email Address

### EVENT INFORMATION

September 23, 2017 Auction  
Date(s) of Event for License to be issued Purpose of Event (example: fundraiser, etc.)

Hours of Alcoholic Beverages sales, service and/or Consumption (from - to) 10-4

10 Meetinghouse Road Truro, MA 02666  
Event Location (Must provide facility name, if any, street number and name)

Truro Center for the Arts at Castle Hill 508-349-7511  
Property Owner Name and Address Phone number

\_\_\_\_\_  
Name of Caterer (if applicable) Approximate number of people attending 150

Is the event open to the general public  Yes  No



Will there be Entertainment \_\_\_ Yes X No If Yes, Type of Entertainment \_\_\_\_\_

Will there be Police Detail \_\_\_ Yes X No

**Purchase & Service**

License is for the Sale of:

All Alcohol Beverages (\$50.00)

Wines & Malt beverages Only (\$25.00)

Wines Only (\$25.00)

Malt Beverages Only (\$25.00)

What is the source of the alcohol for the event (where is it being purchased\*?) Luke's Super Liquors

\*If Wine is being donated see ABCC - Charity Wine Fundraising Application at <http://www.mass.gov/abcc/spec-lic-terms.htm>

Who will be serving the Alcohol? Emma Kate Metcalf

*TIPS CERTIFIED REQUIRED-SUBMIT COPY OF CERTIFICATION WITH APPLICATION*

*Massachusetts Alcohol Beverage Control Commission (ABCC) has a 3-page list of "authorized sources" for the purchase of Alcohol used in conjunction with a temporary pouring license. The list includes alcohol wholesalers, farm brewers, manufacturers and direct shippers only. At this time, package stores and liquor stores are not considered "authorized sources" for use with a temporary pouring license.*

**Applicant's Signature**

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the Town of Truro.

Alicia Marotti Souza

8/25/17

Signature

Date

- Licenses are issued to persons who are at least 21 years of age.
- All Massachusetts Municipalities are required to send copies of temporary pouring licenses issued by the Town to the ABCC in Boston.
- Liquor Liability Insurance Certificate may be required and must list the Town of Truro as the "certificate holder" in the lower left corner of the certificate form.
- A copy of the required Fire Safety Inspection Certificate of the facility must be provided, if applicable.
- The Local Licensing Authority may impose restrictions and/or conditions.

**Office Use Only**

**APPROVAL**

Board of Selectmen \_\_\_\_\_ Meeting Date \_\_\_\_\_

Police Department CD Date 8/31/2017

Restrictions/Conditions attached to the license by the Board of Selectmen or its Delegate: \_\_\_\_\_



University

SSN: XXX-XX-XXXX

Issued:

9/28/2016

Expires: 9/18/2019

ID#:

4364075

D.O.B.: XXXXXXXX

EMMA K METSKER  
26 E Main St  
Norton, MA 02766-2322

For service visit us online at [www.gettips.com](http://www.gettips.com)  
Michael Marcantonio, 64



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/27/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HART INSURANCE AGENCY, INC. 243 MAIN STREET PO BOX 700 BUZZARDS BAY, MA 025320700	CONTACT NAME: Laura J. Murphy	PHONE: 508-759-7326 X207	FAX: 508-759-7366
	E-MAIL ADDRESS: lmurphy@hartinsuranceagency.com		
INSURED Truro Center for the Arts at Castle Hills, Inc. PO Box 756 Truro, MA 02666	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Hudson Specialty Insurance		
	INSURER B: ACA Assurance		
	INSURER C:		
	INSURER D:		
	INSURER E:		

### COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			[REDACTED]	05/16/2017	05/16/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ 0						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			[REDACTED]	12/13/2016	12/13/2017	\$250,000 Occurrence/\$500,000 Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Event Date: September 23, 2017 noon - 4:00pm  
Location: 10 Meetinghouse Rd, Truro

RCUD 20170629 PM3:14  
ADMINISTRATIVE OFFICE  
TOWN OF TRURO

### CERTIFICATE HOLDER

### CANCELLATION

Town of Truro  
PO Box 2030  
Truro, Ma. 02666

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



# The Commonwealth of Massachusetts

## Town of Truro



### *New and Renewal Certificate of Inspection*

In accordance with 780 CMR, Chapter 1 (*The Eighth Edition of the Massachusetts State Building Code*) and Chapter 304 of the Acts of 2004 (*an Act to further enhance fire and life safety*), this certificate of inspection is issued to the premise or structure or part thereof as herein identified.

Issued to	<i>Identify Name of Establishment</i>					<i>Certificate No.</i>
	Truro Center for the Arts at Castle Hill, Inc.					17-034
Located at	<i>Identify property address including street number, name, city or town and county</i>					<i>Certificate Expiration</i>
	10 Meeting House Rd Map 50 Parcel 53					6/15/2018
Use Group Classification	<i>Basement</i>	<i>First Floor</i>	<i>Second Floor</i>	<i>Third Floor</i>	<i>Fourth Floor</i>	<i>Other</i>
	Educational	Educational	Educational	Educational	Educational	
Allowable Occupant Load	Ceramics Studio 16	Sculpture and Painting Studio, Lecture Room 108	Drawing/ Children's Room 21	Gallery 17	Weaving Room 20 Photography Room 20	

This *certificate of inspection* is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. *Failure to post or tampering with the contents of the certificate is strictly prohibited.*

Name of Municipal Fire Chief	BRIAN DAVIS	Name of Municipal Building Inspector	RUSSELL BRAUN	Date of Inspection	6/15/2017
Signature of Municipal Fire Chief		Signature of Municipal Building Inspector		Date of Issuance	6/15/2017

# DRAFT

**Truro Board of Selectmen Meeting  
Selectmen's Room, Town Hall / Community Center  
Tuesday, August 22, 2017**

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

**Present:** Town Manager Rae Ann Palmer; Assistant; Principal Assessor Cathy Fryxell; Town Accountant Trudi Brazil; Town Counsel John Giorgio

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

## **PUBLIC COMMENT**

Gary Palmer spoke in favor of the residential tax exemption.

## **COMMITTEE APPOINTMENT**

Jay Coburn moved to take the appointment of Chris Clark as the next agenda item. Maureen Burgess seconded, and the motion carried 5-0.

Chris Clark introduced himself and explained his interest in becoming a member of the Local Comprehensive Plan Committee. Selectmen answered his questions about choosing him and about the purpose of the committee. He answered questions from the Selectmen.

Jay Coburn moved to approve the appointment of Chris Clark to the Local Comprehensive Plan Committee. Robert Weinstein seconded, and the motion carried 5-0.

## **CONSENT AGENDA**

Jay Coburn moved to consider the Consent Agenda as the next item of business. Maureen Burgess seconded, and the motion carried 5-0.

The following items were on the Consent Agenda:

- A. Review/Approve and Authorize Signature: Application for a Curb Cut permit-20 Whitmanville Road;
- B. Review and Approve Eversource Rate Increase Letter;
- C. Review and Approve National Suicide Prevention Week Proclamation;
- D. Review and Approve Samaritans on Cape Cod and Islands Day in the Town of Truro, Massachusetts Proclamation;
- E. Review and Approve Reappointments of David Krieger-Dewitt for Agricultural Commission; Jennifer Shannon for Taxation Aid Committee;
- F. Review and Approve One Day Entertainment License for Protect Our Cape Cod Aquifer (POCCA) August 31st 6pm-9pm at 11 Shore Rd, Truro Vineyards; and
- G. Review and Approve Board of Selectmen Minutes: August 8, 2017, and August 9, 2017 (Part-Time Resident Meeting).

Jay Coburn moved to approve the Consent Agenda. Robert Weinstein seconded, and the motion carried 5-0.

## **PUBLIC HEARING**

Chair Wisotzky opened the Public Hearing for the Fiscal Year 2018 Tax Classification and Review and Approval.

## **RECESS**

Maureen Burgess moved to recess and reconvene at the Community Center in order to accommodate the anticipated audience. Jay Coburn seconded, and the motion carried 5-0.

*The hearing was recessed at 5:15 p.m.*

## **HEARING RESUMED**

Chair Paul Wisotzky reopened the meeting in the new location and explained why the hearing was moved to the Community Center.

Jay Coburn moved to reconvene the meeting. Maureen Burgess seconded. The motion carried 5-0.

Paul Wisotzky explained procedure for the public hearing, the public hearing portion and the final deliberations by the Selectmen. He set ground rules and time limits for speakers.

Principal Assessor Cathy Fryxell and Town Accountant Trudi Brazil presented the information for the hearing: classification of tax rate, open space discount, residential exemption, and small commercial exemption.

## **PUBLIC TESTIMONY**

Ann Greenbaum said the Truro Part-time Residents Association had received over 150 communications from individuals. Ninety-eight percent the responses opposed the residential tax exemption proposal, she said. She asked that Selectmen postpone the vote. Amy Philbin for Robert Blake; Ellen Freeman; Sam Kafrisen; and Mike Parsonis expressed their questions and their reasons for opposing to the proposed residential tax exemption.

Town Manager Rae Ann Palmer and Town Counsel John Giorgio addressed a complaint about compliance with Open Meeting Law by the Board of Assessors.

Further testimony continued with John Marksbury, Michael Tierney, Jennifer Cohen, Peter Weiler reading e-mails from three part-time residents, Fred Bolton, William Forman, Dan Katz, Regan McCarthy, a man with inaudible identification, Kathleen Holme, Lawrence Fisher, Chris Lucy, Bonnie Sollog, Victoria Petersen, Gloria Cater, Kevin O'Flaherty, David Kelly, Carol O'Flaherty, a woman with inaudible identification, Muriel Dempsey, and Alan Francis, all against the proposal moving forward at this time.

Mark Peters commented on the right to express opinion freely. Regan McCarthy responded to Mark Peters perception of the business list on the Part-time Homeowners' website. Keith Althaus expressed reservations about the proposed residential tax exemption, but commented on the difficulty of buying and keeping a home in Truro.

Marjorie Childs, Jane Walsh, Finance Committee Chair Bob Panessiti, an unidentified woman, Fred Todd, Gary Palmer, Glen Parson, Elaine Reynolds, Jo Johnson, and a resident on Cranberry Lane spoke on behalf of the plan.

With the Chair's permission, Regan McCarthy returned to state the opposition of the Part-time Residents.

Chair Wisotzky closed the public comment portion of the hearing.

Town Counsel John Giorgio discussed the process to convert condominiums to year-round. Ms. Palmer said it was possible for condominium owners to become year-round residents. Cathy Fryxell reported on other exemptions that are used by Truro tax payers. She said 302 applications have been made for the residential tax exemption. Attorney Giorgio said the proposal would not affect taxes on businesses. Cathy Fryxell and the Town Manager explained this further.

Jay Coburn moved to close the public hearing. Janet Worthington seconded. The motion carried 5-0.

Chair Wisotzky closed the public hearing.

### **DELIBERATIONS BY THE SELECTMEN**

Chair Paul Wisotzky commented on the hearing and the history of the process used to present the residential tax exemption proposal. He explained Town Counsel's advice to the Selectmen for protection against law suits. He questioned the advance involvement by the Part-time Residents' Association before this summer. He stated his reasons for supporting the residential tax exemption.

Jay Coburn added his support for the residential tax exemption with additional information on housing and spoke on services that are provided to part-time residents by the Town. The Selectmen adhere to Open Meeting Law, he said. He said he considers the exemption best for the Town.

Jan Worthington gave some personal history and commented on the degree of divisiveness that arose over the proposed tax exemption. She discussed the plan's benefit for many people. She said it is the right thing to do for Truro.

Robert Weinstein thanked his colleagues for their observations. He discussed his expectation that Selectmen's decisions are not received well by everyone. He said the residential tax exemption was worth trying to help year-round residents.

Maureen Burgess explained her position, which is to serve all the taxpayers of Truro, both full time and part time. She said she had read all the communications that the Selectmen had received. She stated that she did not see how the residential tax exemption (RTE) would create a vibrant community; therefore, she does not support implementing the proposal. She urged the other Selectmen to table the decision. She ended with a quote by a part-time resident who is feeling disrespected by the plan.

### **VOTING**

Robert Weinstein moved to approve a Residential factor of one (1) on the matter of setting a tax rate. Janet Worthington seconded, and the motion carried 5-0.

On the matter of an Open Space discount, Robert Weinstein moved to not grant an Open Space discount. Maureen Burgess seconded, and the motion carried 5-0.

On the matter of a residential exemption, Robert Weinstein moved to grant a residential exemption at an option of 20 percent. Janet Worthington seconded, and the motion carried 4-1.

On the matter of small commercial exemption, Robert Weinstein moved to not grant a small business exemption. Jay Coburn seconded, and the motion carried 5-0.

Robert Weinstein moved to approve to authorize Principal Assessor Cathy Fryxell to sign the LA-5 Form on behalf of the Selectmen. Jay Coburn seconded, and the motion carried 5-0.

#### **SELECTMEN REPORTS AND TOWN MANAGER REPORT**

Robert Weinstein said at his Selectmen's Hour at the Farmer's Market he discussed the residential tax exemption (RTE) with several individuals. There were opinions for and against, he said. He commended the other members of the Board for their efforts on the RTE proposal. Janet Worthington and Jay Coburn also thanked the Town staff and their colleagues on the Board of Selectmen for the work on the RTE.

#### **NEXT MEETING AGENDA**

Rae Ann Palmer reviewed Agenda items for the September 12, 2017 meeting: a public hearing for use at Babe's Bakery, Matrix Consulting for shared services with Provincetown, the review of ten Selectmen Policies, the deed for Cloverleaf Property, a request from Housing Authority, and reappointments.

#### **SELECTMEN COMMENTS**

Paul Wisotzky extended his gratitude to the work that staff does every day all year round.

#### **ADJOURNMENT**

Jan Worthington moved to adjourn. Jay Coburn seconded, and the motion carried 5-0. The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Mary Rogers, Secretary



---

Paul Wisotzky, Chair

---

Maureen Burgess Vice-chair

---

Jay Coburn

---

Janet Worthington,

---

Robert Weinstein, Clerk

**Public Records Material of 8/22/17**

1. Chris Clark's application papers for the Local Comprehensive Plan Committee
2. Application for a Curb Cut permit-20 Whitmanville Road
3. Eversource Rate Increase Letter
4. National Suicide Prevention Week Proclamation
5. Samaritans on Cape Cod and Islands Day in the Town of Truro, Massachusetts Proclamation
6. Reappointment papers for David Krieger-Dewitt for Agricultural Commission and Jennifer Shannon for Taxation Aid Committee
7. Application for One Day Entertainment License for Protect Our Cape Cod Aquifer (POCCA) August 31st 6pm-9pm at 11 Shore Rd, Truro Vineyards
8. Tax Classification Hearing documents
9. Emails and Letters from TPRTA