



Truro Select Board
Tuesday, August 9, 2022
REMOTE MEETING VIA GOTOMEETING
Executive Session-4:00pm
Regular Meeting-5:00pm

EXECUTIVE SESSION

1-866-899-4679, Access Code: 790-244-637
<https://meet.goto.com/790244637>

This will be a remote meeting. The meeting will begin in open session solely for the purpose of moving, as set forth below, to enter into executive session. The meeting will be locked and closed to the public once the Board votes to enter into executive session.

Move that the Select Board enter into Executive Session for the following purposes:

- (1) in accordance with the provisions of Massachusetts General Law, Chapter 30A, §21 (a) 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel (Town Manager); and not to reconvene in open session.*

REGULAR MEETING

<https://meet.goto.com/717381237>
1-866-899-4679, Access Code: 717-381-237

This will be a remote meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website. Click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting please call in toll free at 1-866-899-4679 and enter the following access code when prompted: 717-381-237 or you may join the meeting from a computer, tablet or smartphone by entering the follow URL into your web browser:** <https://meet.goto.com/717381237> Please note that there may be a slight delay (15-30 seconds) between the meeting and the live-stream (and television broadcast). If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively.

1. PUBLIC COMMENT

2. PUBLIC HEARINGS – NONE

3. INTRODUCTION TO NEW EMPLOYEES

- A. Sarfaraz Mushtaque-Truro Police Officer

4. BOARD/COMMITTEE/COMMISSION APPOINTMENTS

- A. Lili Flanders-Climate Action Committee

5. SELECT BOARD ACTION

- A. Conservation Restriction for 15 Laura's Way
Presenter: Barbara Carboni, Town Planner and Land Use Counsel, and Emily Beebe, Health/Conservation Agent
- B. Review and Approve Charge Change to Increase Membership of Recreation Advisory Committee
Presenter: Stephanie Rein, Select Board Member and Liaison to Recreation Advisory Committee
- C. Review and Authorize Signature on Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal**

Presenter: Brian Boyle, Energy Committee Chair

**A quorum of the Energy Committee may be present for this agenda item.

6. STAFF/ COMMITTEE UPDATES

A. Staff Report: Briefing on Monkeypox

Presenter: Emily Beebe, Health/ Conservation Agent

B. Staff Report: Update on Eagle Neck Creek Culvert Replacement/Old County Road and Other Environmental Projects

Presenter: Jarrod Cabral, Director of Public Works

7. TABLED ITEMS – NONE

8. CONSENT AGENDA

A. Review/Approve and Authorize Signature: None

B. Review and Approve Appointment Renewals: None

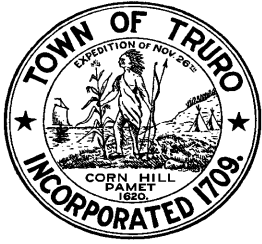
C. Review and Approve 2022 Seasonal Business License: None

D. Review and Approve Select Board Minutes: Select Board Regular Minutes of 5.17.2022, Select Board Work Session Minutes of 6.22.2022, Select Board Regular Minutes of 7.26.2022

9. Select Board Reports/Comments

10. Town Manager Report

11. Next Meeting Agenda: Work Session (Date TBD); Regular Meeting (August 23)



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Police

REQUESTOR: Jamie Calise, Police Chief

REQUESTED MEETING DATE: August 9, 2022

ITEM: Introduction to New Employee, Sarfaraz Mushtaque

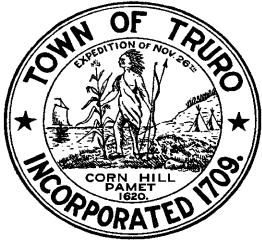
EXPLANATION: Chief Calise will introduce the Police Department's newest officer, Sarfaraz Mushtaque.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: N/A

SUGGESTED ACTION: *None.*

ATTACHMENTS: None



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Noelle Scoullar, Executive Assistant

REQUESTED MEETING DATE: August 9, 2022

ITEM: Interview and Possible Appointment of Lili Flanders to the Climate Action Committee

EXPLANATION: Lili Flanders has submitted an application to serve on the Climate Action Committee. Chair Harris has recommended this applicant.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Climate Action Committee recently lost a member. They currently have two full-memberships and 1 alternate, leaving three vacant full-membership seats. This addition will bolster the roster.

SUGGESTED ACTION: *Motion to Appoint Lili Flanders to the Climate Action Committee to an unexpired 3-year term that will end on June 30, 2025.*

ATTACHMENTS:

1. Application to Serve, along with Chair's comments

Truro

Application to Serve on a Board or Committee

Last Name

Flanders

First Name

Lili

Middle Initial

M

Email Address

[REDACTED]

Phone Number

[REDACTED]

Address (Street)

2 Dyer Rd.

Address (City)

Truro

Address (State)

MA

Address (Zip Code)

02666

Mailing Address (Please indicate box number and zip code)

PO Box 140

RCVD 2022 JUN 22 AM 11:35
ADMINISTRATIVE OFFICE
TOWN OF TRURO

Only full-time, registered Truro voters are able to serve on regulatory boards and commissions. All taxpayers/ residents are eligible to serve on non-regulatory boards and commissions.

Are you a full-time resident of Truro?

Yes

No

Are you registered to vote in Truro?

Yes

No

What Board/ Committee Are You Applying For?

Climate Action Committee

Briefly Describe Why You Wish to Serve on This Board or Committee:

I think the climate crisis is our most pressing global issue, and the fragile landscape of the Outer Cape is the place I love most. I want to protect what we can and prepare for inevitable environmental challenges by being involved in creating policies that are based in climate justice.

Have you attended a meeting of the committee listed above?

Yes

No

Have you read the charge of the committee?

Yes

No

Have you met with the chair of the committee?

Yes

No

Are there other Boards/ Committees in which you are interested? Note: To be appointed to a regulatory board or committee, you must be a full-time resident and registered voter in Truro. Please list the Boards/ Committees names:

Not at this time.

Briefly list your experience working on a committee or team. This can be professional, town, volunteer, charity, etc.

I've worked as a middle school English teacher, coordinating curriculum across disciplines. I volunteered for years at 826LA, an after school tutoring nonprofit, where I created and taught creative writing programs. I'm a member of White People for Black Lives and Third Act, where I've participated in racial and climate justice organizing.

Briefly list any other relevant experience such as professional work, training, education, etc. A resume is NOT required. If you choose to attach a resume, it will become a public document.

I've had no professional experience or formal education in climate studies, but I've been involved with the climate justice movement as a supporter and volunteer for several years. I'm an actor and writer by training (BFA, Juilliard) and education (MFA, Warren Wilson) and have used those skills to engage students in creative learning. I hope my energy and writing/editing skills can be of value to the Climate Action Committee.

Signature

Lili Michele Flanders

Date

Jun 17, 2022

Noelle Scoullar

From: carol_harris [REDACTED]
Sent: Wednesday, July 6, 2022 5:10 PM
To: Noelle Scoullar
Cc: Nicole Tudor
Subject: RE: Application to Serve-Lili Flanders

Hi, Noelle,

I apologize for my slow response.

I support Lili's application to the Climate Action Committee. I've met with her along with several members of the committee and she's attended several meetings: the committee agrees that she'd be a strong addition to the team. Lili has outreach, teaching, and writing skills that will compliment and enhance our work.

I look forward to having Lili join the CAC

Carol Harris, Chair
Truro Climate Action Committee

From: Noelle Scoullar <nscoullar@truro-ma.gov>
Sent: Wednesday, June 22, 2022 11:46 AM
To: Carol Harris <carol_harris [REDACTED]>
Cc: Nicole Tudor <ntudor@truro-ma.gov>
Subject: Application to Serve-Lili Flanders

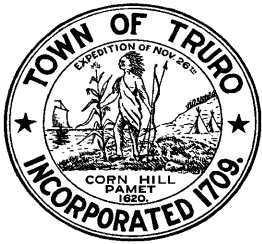
Good Morning Carol!

Lili Flanders has submitted an application to serve on the Climate Action Committee.
Please send me your comments/approval asap. We'd love to include her for an interview on the 28th!

Thank you,
Noelle

From: scans@smtp.truro-ma.gov <scans@smtp.truro-ma.gov>
Sent: Wednesday, June 22, 2022 11:23 AM
To: Noelle Scoullar <nscoullar@truro-ma.gov>
Subject: Message from Mail Room KM_C458

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate that to the sender and delete the copy you received. When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record. Please take notice: All e-mail communications sent or received by persons using the Town of Truro network may be subject to disclosure under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10) and the Federal Freedom of Information Act



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENTS: Conservation/Planning

REQUESTORS: Emily Beebe, Conservation Agent; Barbara Carboni, Town Planner and Land Use Counsel

REQUESTED MEETING DATE: August 9, 2022

ITEM: Select Board endorsement of Conservation Restriction, 15 Laura's Way

EXPLANATION: The Truro Conservation Trust (TCT) owns this 1.39 property, located within the watershed of the Village Pond and adjacent to another TCT-owned parcel. The TCT intends to grant a Conservation Restriction (CR) to the Compact of Cape Cod Conservation Trust ensuring that the property is maintained "in perpetuity in its natural, scenic or open condition" and to protect conservation values as defined in the CR. The property was acquired with the assistance of the Commonwealth's Conservation Partnership program, which requires the execution of a CR conforming to the requirements of G.L. c. 184, s. 32. Although the Town will not hold the CR, this statute requires that where – as here – the CR is to be held by a charitable corporation or trust, the CR must be approved by the "the selectmen or town meeting of the town in which the land is situated." G.L. c. 184, s. 32. The statute provides a standard for the Select Board to apply in considering approval of a CR (see attached memorandum of Town Planner and Land Use Counsel). On June 6, 2022, the Conservation Commission voted unanimously to recommend that the Select Board approve the CR (see attached memorandum of Conservation Agent). Town Counsel has reviewed and approved the CR as to form.

At a future meeting, the Board may wish to review its Policy on Conservation Restrictions (#6) to align this policy with the Select Board's Goals for creating housing opportunity. Further discussion might be had with the TCT regarding the process by which property is acquired by the Trust and becomes subject to CRs.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Conservation Restriction cannot be fully executed or recorded, and the purpose of the CR – preservation of the property in its natural state and protection of conservation values, in perpetuity – will not be accomplished.

SUGGESTED ACTION: *Motion to approve and endorse the Conservation Restriction relating to 15 Laura's Way pursuant to Massachusetts General Laws Chapter 184, Section 32.*

ATTACHMENTS:

1. Memorandum from Conservation Agent
2. Memorandum from Town Planner/Land Use Counsel
3. Conservation Restriction

Grantor: Truro Conservation Trust

Grantee: The Compact of Cape Cod Conservation Trusts, Inc.


Address of Premises: 15 Laura's Way, North Truro



**TOWN OF TRURO
CONSERVATION COMMISSION**

**P.O. Box 2030
Truro MA 02666-0630**

*Tel: 508-349-7004 Ext 119
Fax: 508-349-5508*

Memo to: Darrin Tangeman, Truro Town Manager
From: Emily Beebe, Conservation Agent 
Date: June 13, 2022
Re: Conservation Restriction for 15 Laura's Way (39/331)

On June 6, 2022, the Truro Conservation Commission unanimously voted in favor of sending the Select Board their recommendation to approve the proposed Conservation Restriction for 15 Laura's Way.

The purpose of the Restriction is to ensure that this piece of property will be maintained in perpetuity in its natural condition to preserve the Conservation values of open space, public access, wildlife habitat, biodiversity, and the protection of soils, water quality and wetlands.

This 1.39-acre property is located within the watershed of the Village pond and is adjacent to a 2.39-acre parcel also owned by the Trust Conservation Trust. It is BioMap2* Core Habitat for species of conservation concern and meets the natural resource protection goals shared by the Commonwealth, the Town of Truro, and the Trust: conservation of wildlife habitat, expansion of and connection to existing open space, and preservation of water resources.

**BioMap2 Core Habitat for species of concern identifies specific areas necessary to promote the long-term persistence of rare-species, other species of concern, exemplary natural communities, and intact ecosystems. BioMap2 is a statewide conservation prioritization tool created to help guide wildlife conservation in the coming decades.*



Truro, MA

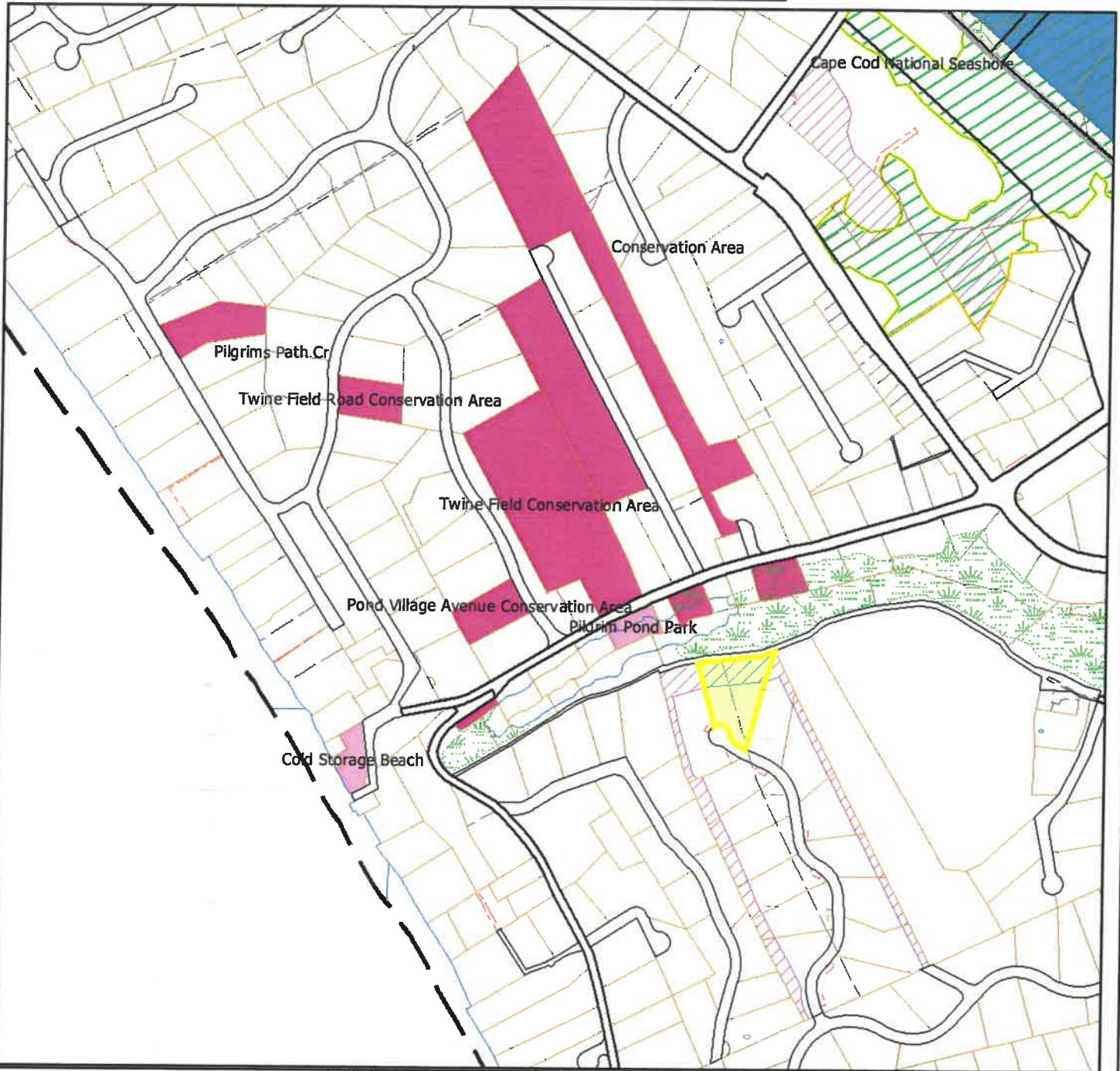


June 13, 2022

1 inch = 559 Feet



www.cai-tech.com



MASSGIS Town Line	Conservation Restriction	Swamp
PWater	Private Road ROW	Federal
Private Road	Utility	Land Trust
Property Line	Tract Line	Municipal
Public Road	RoadNotPar	NHESP Estimated Habitats of Rare Wildlife
Cape Cod National Seashore Boundary	Lake/Pond; River	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Planning Department

Town of Truro

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

MEMORANDUM

To: Select Board
From: Barbara Carboni, Town Planner/Land Use Counsel
Date: July 7, 2022
Re: Request for approval of Conservation Restriction, **15 Laura's Way**

The Truro Conservation Trust (TCT) owns this 1.39 property, located within the watershed of the Village Pond and adjacent to another TCT-owned parcel. The TCT intends to grant a Conservation Restriction (CR) to the Compact of Cape Cod Conservation Trust, ensuring that the property is maintained "in perpetuity in its natural, scenic or open condition" and to protect conservation values as defined in the CR.

The property was acquired with the assistance of the Commonwealth's Conservation Partnership Grant program, which requires the execution of a CR conforming to the requirements of G.L. c. 184, s. 32. Although the Town will not hold the CR, this statute requires that where – as here – the CR is to be held by a charitable corporation or trust, the CR must be approved by the "the selectmen or town meeting of the town in which the land is situated." G.L. c. 184, s. 32. The statute provides a standard for the Select Board to apply in considering approval of a CR:

"In determining whether the [conservation] restriction or its continuance is in the public interest, the governmental body acquiring, releasing or approving shall take into consideration the public interest in such conservation. . . and any national, state, regional and local program in furtherance thereof, and also any public state, regional or local comprehensive land use or development plan affecting the land, and any known proposal by a governmental body for use of the land."

G.L. c. 184, s. 32, para. 5 (statute attached).

Conservation Agent Emily Beebe advises that the property is BioMap2Core Habitat for species of conservation concern, and that it "meets the natural resource protection goals shared by the Commonwealth, the Town of Truro, and the Trust: conservation of wildlife habitat, expansion of and connection to existing open space, and preservation of water resources." Memorandum of Conservation Agent dated June 13, 2022, Conservation Restriction for 15 Laura's Way (39/331). The Commonwealth's Conservation Partnership Grant Program, which contributed to the acquisition of the parcel, may be considered a "state program in furtherance" of conservation, as referenced in the statute. This and other information provided at the Select Board's meeting may inform the Board's determination under the standard above.

Please let me know if any further information is required.

GRANTOR: Truro Conservation Trust

GRANTEE: The Compact of Cape Cod Conservation Trusts, Inc.

ADDRESS OF PREMISES: 15 Laura's Way, North Truro, MA 02666

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds Book _____, Page _____
(pending)

FOR PLAN OF RECORD SEE: Barnstable County Registry of Deeds Plan Book 637, Page 7

CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

Eric Bingham, Brian Boyle, Tom Bow, Robert Daglio, Alfred Gaechter, Ave Gaffney, , , Meg Royka, Irma Ruckstuhl, Andrienne Snow, Michael Kaelberer, Jean Krulic, Carl Brotman and Paul Wisotzky as Trustees and acting as such on behalf of the TRURO CONSERVATION TRUST, with a mailing address of P.O. Box 327, North Truro, Barnstable County, Massachusetts 02652, being the sole owner as defined herein, constituting all of the owners of the Premises as defined herein, and for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to **THE COMPACT OF CAPE COD CONSERVATION TRUSTS, INC.**, a Massachusetts charitable corporation, with an office at 36 Red Top Road, Brewster, Barnstable County, Massachusetts, 02631 and a mailing address at P.O. Box 443, Barnstable, Barnstable County, Massachusetts 02630, its permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the Town of Truro, County of Barnstable, Commonwealth of Massachusetts, containing the entirety of an approximately 1.39-acre parcel of land ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation

Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and to prevent any use or change that would materially impair the Conservation Values (as defined below).

Conservation Partnership Grant. The fee interest in the Premises was acquired utilizing, in part, assistance from the Conservation Partnership program which requires, pursuant to Section 2A of Chapter 286 of the Acts of 2014, the conveyance of this Conservation Restriction. See State contract number CT-ENV-10262100000000001272.

The Conservation Values protected by this Conservation Restriction include the following:

- **Open Space.** The Premises contributes to the protection of the scenic and natural character of the town of Truro, MA and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including 2.39 acres preserved by the Truro Conservation Trust (TCT) in 2020, and an additional 6.42 acres acquired by TCT in 2021.
- **Wildlife Habitat.** The Premises contains pitch pine/oak woods with a healthy understory of high- and low-bush blueberry, black huckleberry, winterberry, sheep laurel, and grasses that slope to the edge of a shrub swamp on the southern side of Village Pond. Pitch pine/oak upland forest is a State Wildlife Action Plan (“SWAP”) -recognized habitat that serves as primary habitat for populations of an extraordinary number of state-listed species (Chapter 4, p. 91, 165).
- **Soils.** The Premises contains Prime Forest Land of Local and Statewide Importance, as identified by the USDA Natural Resources Conservation Service, meaning the Premises contains soils with some of the highest potential forest productivity in the Commonwealth. Implementing this Conservation Restriction will ensure that these forest soils will remain relatively undisturbed in perpetuity.
- **Public Access.** Public access to the Premises will be available for passive outdoor recreation, education, and nature study, as permitted by the Grantor as set forth in Section IV. It will provide connectivity with abutting TCT-owned open space parcels and will add needed close-to-home open space access for Truro residents and visitors.
- **Water Quality Protection.** The Premises is bordered by a freshwater wetland along its northern boundary, surrounding Village Pond. Permanent protection of the Premises for conservation purposes, ensuring that the land will not be disturbed by human development, will assist in maintaining the water quality of this Pond. Over 75% of the Premises is within 300 feet of the wetland.
- **Biodiversity.** The Premises includes areas designated as Core Habitat for Species of Conservation Concern, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term

persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. BioMap2 is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan (“SWAP”).

- Wetlands. The freshwater shrub swamp, a SWAP habitat directly to the north adjacent to the Premises provides valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws).
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, 2018, and 2021 which provided, *inter alia* (references are to the 2018 RPP amended March 2021):
 - “To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers” (Wetland Resources Goal, p. 61);
 - “Protect wetlands and their buffers from vegetation and grade changes.”
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, p. 61);
 - “Maintain existing plant and wildlife populations and species diversity.”
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, p. 61);
 - “Protect and preserve natural, cultural, and recreational resources;”
 - “Maintain or increase the connectivity of open space;”
 - “Protect or provide open space appropriate to context.”
 - “To protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod.” (Cultural Heritage Goal, p. 63).

Granting this Conservation Restriction will advance each of these objectives. The Wetland Resources Goal will be served because the Premises is directly adjacent to freshwater wetlands that surround Village Pond (aka Pilgrim Pond). Additionally, the Premises contains important pine-oak woods that buffer Village Pond. The Open Space Goal will be served because the property is adjacent to 2.39 acres preserved by the Truro Conservation Trust, and that the Trust seeks to conserve an additional acreage (a 6.42-acre adjoining property) in 2021. The Premises is located within the historic Pond Village area (2015 Town of Truro Open Space Plan) in North Truro. The Massachusetts Historical Commission noted that the area in the vicinity of Pond Village was “favorable for ancient and historical period Native American and historic period agricultural land use and occupation.” (Massachusetts Historical Commission, MHC-#19-BN-150; MHC-#RC. 62473).

- Consistency with Clearly Delineated Town of Truro Conservation Policy. The Town’s 2015 Open Space and Recreation Plan (“OSRP”) outlines several goals that will be advanced by the permanent protection of the Premises. Relevant open space and recreation goals include:

Open Space and Recreation Goals

- **Goal 1:** Preserve and enhance the availability of open space in order to provide wildlife habitat, recreational opportunities, and protect the natural resources, scenery, and character of Truro;
- **Goal 2:** Maintain the town’s historic and rural character by reducing density...protecting wildlife and endangered species, and providing additional passive recreation areas.
- **Goal 3:** Ensure that continued residential development does not destroy key open lands that are important for ecosystems, view sheds, rural and historic character, or access ways for the general public; and,

Wetland/Wildlife Goals

- Goal 1: Preserve (leave as is) the quality and quantity of its inland and coastal wetlands insofar as natural forces allow.
- Goal 2: Prevent loss or degradation of critical wildlife and plant habitat, minimize the impact of development on wildlife and plant habitat, minimize the impact of development on wildlife and plant habitat, and maintain, insofar as possible, existing populations and species diversity. (2015 OSRP, pp 66-67.)

These goals will be supported by implementing this Conservation Restriction.

In 1991, the Town of Truro adopted a *Conservation Restriction Program*, consisting of policies and guidelines approved by the Board of Selectmen, which encourages the use of conservation restrictions to protect, among other things, natural habitats and rare species, to preserve a trail or scenic view and to limit or prevent construction on land of natural resource value. Preservation of the Premises satisfies these objectives because of the many important habitats contained therein, including BioMap2 Core Habitat. Moreover, the permanent protections of this Conservation Restriction will ensure that the Premises remains undeveloped and that it remains a buffer to Village Pond, a scenic and natural resource.

The Town of Truro has in recent years come under increasing pressure for development, and such development can destroy or otherwise severely impact the open character, natural resources, and scenic beauty of the area. Protecting the Premises with this Conservation Restriction will serve to protect Truro’s Village Pond area in North Truro from overdevelopment and will assist in maintaining its rural character.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: protect the land for outdoor recreation by the

general public; reserve the land for education regarding the natural world; protect wildlife and wetland habitats; and it would contribute to the preservation of open space because it is located in proximity to several other parcels already conserved, 2.39 acres of conservation land owned by the Grantor, located adjacent to the Premises and additional acreage to be added in 2021;

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

III. PROHIBITED AND PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled areas, roads, and utilities, wind turbine, sign, fence, gate, billboard, or other advertising, wind turbine, antenna, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging withdrawing, or removing soil, loam, peat, gravel, sand, rock surface water, ground water, or other mineral resource or natural deposit or otherwise making topographical changes to the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing or otherwise destroying trees, grasses or other vegetation

5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have the legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of the Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
11. Inconsistent Uses. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction, or which would impair its conservation values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairments thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting and mowing and removing brush, all to prevent, control or manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-Native, Nuisance or Invasive Species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.

3. Trails. With prior written approval of the Grantee, the creation, maintenance and use of trails as reasonably necessary for the current and permitted public uses thereof, and relocation or construction of new trails, provided that all applicable federal, state, regional and local approvals are obtained in advance, and the relocation or construction of such trails is consistent with the protection of the conservation values of the Premises;
4. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values (including scenic values) of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. All exercise of this reserved right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
5. Natural Habitat and Ecosystem Improvement. With the prior written approval of Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, and other vegetation;
6. Indigenous Cultural Practices. With prior approval of the Grantee, allowing Indigenous peoples to:
 - a. Conduct cultural land ceremonial uses. Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming; and
 - b. Harvest plant-life using sustainable methods, including regrowth and replanting to ensure sustainable populations for traditional cultural practices and non-commercial purposes;
7. Archaeological Investigations. Conducting archaeological activities, including research, surveys, excavation and artifact retrieval, but only (a) after written notification to the Grantee, and (b) in accordance with an archaeological field investigation plan prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) as required by Massachusetts General Laws. A copy of the results of any scientific investigation on the Premises is to be provided to the Grantee.
8. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity, and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
9. Fences. With prior approval by Grantee, erecting and maintaining open-faced (i.e., sight-pervious) fences, such as wooden split rail, for property boundary delineation, safety

reasons, and trail demarcation, so long as the dimensions and design of said fences do not impede free wildlife passage;

10. Resting Benches. Installation and maintenance of resting benches for enjoyment by the public, provided such installation and maintenance causes no more than minimal disturbance on the Premises and does not negatively impact its conservation values;
11. Outdoor Passive Recreational Activities. Non-commercial, passive recreational uses of the Premises during daylight hours, subject to reasonable regulation by the Grantor. Passive outdoor recreation activities may include walking, bird watching, hiking, wildlife observation, photography, sketching, painting, and other similar activities that do not alter the landscape, do not degrade the environmental quality, and do not involve more than minimal use for commercial recreational activities;
12. Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph II.B. shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
13. Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II.B. shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval.

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief.

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to

the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor

under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

The Grantor grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.11. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.11. The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to

the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right will be determined as of the date of termination, release, or extinguishment.

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Any transfers shall receive prior approval by Grantee to assure that the Premises is transferred to a qualified conservation organization. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Truro and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Truro Conservation Trust
P.O. Box 327
North Truro, MA 02652

To Grantee: The Compact of Cape Cod Conservation Trusts, Inc.
P.O. Box 443
Barnstable, MA 02630

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the Purposes of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. MISCELLANEOUS

A. Pre-Existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. No Surety Interest. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. This Conservation Restriction is subject to all existing easements of record that are in force and as may be applicable to the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

E. The following signature pages are included in this Grant:

Grantor – Truro Conservation Trust
Grantee Acceptance – The Compact of Cape Cod Conservation Trusts, Inc.
Approval by the Town of Truro Select Board
Approval of the Secretary of Energy and Environmental Affairs

F. The following exhibits are attached and incorporated herein:

Exhibit A: Description of the Premises
Exhibit B: Reduced Copy of Plan of Premises

At a meeting duly held on _____ 2022, the Truro Conservation Trust voted to grant the foregoing Conservation Restriction to The Compact of Cape Cod Conservation Trusts, Inc.

Grantor:
TRUSTEES OF THE
TRURO CONSERVATION TRUST

Alfred Gaechter, President/Trustee

Carl Brotman

Eric Bingham, Trustee

Brian Boyle, Trustee

Tom Bow, Trustee

Robert Daglio, Trustee

Michal Kaelberer, Trustee

Ave Gaffney, Trustee

Jean Krulic, Trustee

Meg Royka, Trustee

Irma Ruckstuhl, Trustee

Andrienne Snow, Trustee

Paul Wisotzky, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

_____ 2022

Then personally appeared the above named Alfred Gaechter, Trustee/President of the Truro Conservation Trust, the Trust named in the forgoing instrument, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the document and acknowledged he is duly authorized to act on behalf of said Trust, and forgoing instrument to be the free act and deed of the Trust, before me.

Mark H. Robinson, Notary Public
My commission expires: 8 July 2027

ACCEPTANCE OF GRANT

This Conservation Restriction from the Truro Conservation Trust was accepted by The Compact of Cape Cod Conservation Trusts, Inc. this _____ day of _____, 2022.

By: _____
Leonard W. Johnson

Its: President, duly authorized

By: _____
Henry Lind

Its: Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Leonard Johnson, President, The Compact of Cape Cod Conservation Trusts, Inc., and Henry Lind, Treasurer, The Compact of Cape Cod Conservation Trusts, Inc., and proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public: Mark H. Robinson
My Commission Expires: 8 July 2027

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Truro, hereby certify that at a public meeting duly held on _____, 2022, the Select Board voted to approve the foregoing Conservation Restriction from the Truro Conservation Trust to The Compact of Cape Cod Conservation Trusts, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF TRURO
SELECT BOARD:

Robert Weinstein, Chair

Susan Areson, Clerk Member

John Dundas, Member

Kristen Reed, Vice-Chair

Stephanie Rein, Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared Robert Weinstein, Chair of the Truro Select Board, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Truro Conservation Trust to The Compact of Cape Cod Conservation Trusts, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2022

BETHANY A. CARD
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared BETHANY A. CARD, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT A

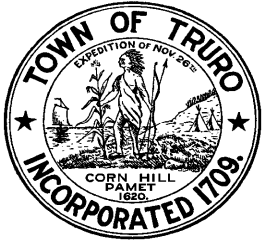
Description of the Premises

The Premises subject to this Conservation Restriction is located in the Town of Truro, County of Barnstable, Commonwealth of Massachusetts, and comprises all of 1.39 acres of land, and is shown as Lot 8 on a plan of land entitled, "Subdivision of Land in Truro made for the Czyoski Family Trust, Scale: 1" = 50', June 10, 2005, Slade Associates, Inc., Reg. Land Surveyors, Rt. 6 & Pine Point Road, Wellfleet, MA 02667" (the "Plan"), which Plan was recorded with the Barnstable County Registry of Deeds in Plan Book 637, Page 7, a reduced copy of which is attached hereto as Exhibit B.

For Grantor's title, see deed recorded with the Barnstable County Registry of Deeds in Book _____, Page _____.

Town of Truro Assessors Map ID No: 39, Lot No. 331.

Street Address: 15 Laura's Way, North Truro, MA 02666.



TOWN OF TRURO

Select Board Agenda Item

BOARD/COMMITTEE/COMMISSION: Recreation Advisory Committee

REQUESTOR: Stephanie Rein, Select Board Member and Liaison to the Recreation Advisory Committee

REQUESTED MEETING DATE: August 9, 2022

ITEM: Recreation Advisory Committee Membership Change

EXPLANATION: The Recreation Advisory Committee (then the Recreation Commission) was increased from 5 members to 7 in July 2006. It was then decreased from 7 members to 5 members in November 2016 when membership declined to the point of no longer having a quorum of the seats filled and ultimately the Committee became dormant in recent years when there were no remaining members.

Six new applicants have been appointed since spring of 2022 (5 full members and 1 alternate member). Due to the growing interest in the Committee, Select Board Member Rein recommends increasing the membership to 7 full members and 1 alternate member. A revised charge reflecting this change is included for consideration.

By increasing the number of members to seven, the Committee would have more membership to conduct outreach and advocacy, make recommendations, and provide input. If the revised charge reflecting the increased membership is adopted, the current alternate (Krista Edwards) may wish to be considered for a full membership seat on the Committee. Staff would reach out to Ms. Edwards to determine her interest and would bring back the appointment as a Consent Agenda item. The remaining seats would be advertised.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Continued Committee size of five full-memberships and one alternate.

SUGGESTED ACTION: *Motion to adopt the revised charge for the Recreation Advisory Committee increasing membership to seven full-members plus one alternate.*

ATTACHMENTS:

1. Recreation Advisory Committee Charge- Current
2. Draft Revised Recreation Advisory Committee



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

MEMORANDUM

Date: July 25, 2006; Revised November 15, 2016, July 13, 2021

From: Select Board

To: Recreation Advisory Committee

Re: Recreation Advisory Committee Charge, Revised

In accordance with the Truro Town Charter, Chapter 6-4-4, the Select Board has unanimously voted to revise the Charge to the Recreation Advisory Committee, originally established on April 22, 2003, as follows:

RECREATION ADVISORY COMMITTEE

The Recreation Committee shall be comprised of five (5) members appointed by the Select Board to serve staggered terms of three years, plus one alternate who shall be appointed annually.

Guided by the Town's interest in the health, wellness and welfare of all its citizens, regardless of age, the Committee's primary purpose will be to investigate in cooperation with the Recreation Director, recommend to the Select Board, and support innovative programs for young people and senior citizens alike; some programs will involve young people (from preschool through teens), some will be designed for adults and/or senior citizens, and some will be planned to appeal to and be engaged in by citizens of all ages.

The Committee's efforts will include, but not be limited to, the following:

1. Assist the Recreation Director (RD) in efforts to broaden the scope of the Recreation Department to serve people of all ages, including special projects. Identify and advocate for active and passive recreation opportunities, capital projects, and programs.
2. Make recommendations to the Recreation Director for programs and special events. Work with the RD to develop innovative programs that might be considered for Truro townspeople. Provide documentation (when and if available) on how these proposed programs have worked and their cost.
3. Annually review program fee structures for non-revolving fund programs, hold public hearings as necessary, and recommend non-revolving fund program fees to the Select Board for approval.

Recreation Advisory Committee Charge

July 13, 2021

Page 1

4. Work with the RD, Town Manager and Select Board in the search for filling vacancies on the Recreation Committee. This may include suggesting names of possible interested people and providing feedback concerning applicants and interviewees.
5. Work with the RD to develop and submit the annual status report to the Select Board and Town Manager on all current programs and accomplishments, as well as a statement of goals for the upcoming year.
6. Work with the RD to review and make annual recommendations for capital projects and associated funding lines for the annual budget to the Select Board and Town Manager. Provide budget requests as needed for Committee projects to the Select Board and Town Manager.
7. Hear complaints received by the Committee and/or forwarded by the Select Board pertaining to programs and review said complaints with the Recreation Director to devise solutions. If a complaint cannot be resolved at this level, it will be forwarded to the Select Board and/or the Town Manager. Complaints should be handled in accordance with Select Board Policy 31: Written Complaints and Communications.



Robert Weinstein, Chairman



Kristen Reed, Vice-Chairman



Sue Areson, Clerk



Stephanie Rein



John Dundas
Select Board
Town of Truro



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

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

MEMORANDUM

Date: July 25, 2006; Revised November 15, 2016, July 13, 2021, August 9, 2022

From: Select Board

To: Recreation Advisory Committee

Re: Recreation Advisory Committee Charge, Revised

In accordance with the Truro Town Charter, Chapter 6-4-4, the Select Board has unanimously voted to revise the Charge to the Recreation Advisory Committee, originally established on April 22, 2003, as follows:

RECREATION ADVISORY COMMITTEE

The Recreation Committee shall be comprised of seven (7) members appointed by the Select Board to serve staggered terms of three years, plus one alternate who shall be appointed annually.

Guided by the Town's interest in the health, wellness and welfare of all its citizens, regardless of age, the Committee's primary purpose will be to investigate in cooperation with the Recreation Director, recommend to the Select Board, and support innovative programs for young people and senior citizens alike; some programs will involve young people (from preschool through teens), some will be designed for adults and/or senior citizens, and some will be planned to appeal to and be engaged in by citizens of all ages.

The Committee's efforts will include, but not be limited to, the following:

1. Assist the Recreation Director (RD) in efforts to broaden the scope of the Recreation Department to serve people of all ages, including special projects. Identify and advocate for active and passive recreation opportunities, capital projects, and programs.
2. Make recommendations to the Recreation Director for programs and special events. Work with the RD to develop innovative programs that might be considered for Truro townspeople. Provide documentation (when and if available) on how these proposed programs have worked and their cost.
3. Annually review program fee structures for non-revolving fund programs, hold public hearings as necessary, and recommend non-revolving fund program fees to the Select Board for approval.

Recreation Advisory Committee Charge

August 9, 2022

Page 1

4. Work with the RD, Town Manager and Select Board in the search for filling vacancies on the Recreation Committee. This may include suggesting names of possible interested people and providing feedback concerning applicants and interviewees.

5. Work with the RD to develop and submit the annual status report to the Select Board and Town Manager on all current programs and accomplishments, as well as a statement of goals for the upcoming year.

6. Work with the RD to review and make annual recommendations for capital projects and associated funding lines for the annual budget to the Select Board and Town Manager. Provide budget requests as needed for Committee projects to the Select Board and Town Manager.

7. Hear complaints received by the Committee and/or forwarded by the Select Board pertaining to programs and review said complaints with the Recreation Director to devise solutions. If a complaint cannot be resolved at this level, it will be forwarded to the Select Board and/or the Town Manager. Complaints should be handled in accordance with Select Board Policy 31: Written Complaints and Communications.

Kristen Reed, Chair

Robert Weinstein, Vice-Chair

John Dundas, Clerk

Sue Areson

Stephanie Rein
Select Board
Town of Truro



TOWN OF TRURO

Select Board Agenda Item

BOARD/COMMITTEE/COMMISSION: Energy Committee

REQUESTOR: Brian Boyle, Energy Committee Chair

REQUESTED MEETING DATE: August 9, 2022

ITEM: Review and Authorize Signature on Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal

EXPLANATION: The Energy Committee prepared the attached comments on the Draft Energy Code and Specialized Stretch Energy Code Proposal to be sent to the Department of Energy Resources (DOER). The Truro Climate Action Committee will determine if they wish to be a joint signatory on the comments at their August 4, 2022 meeting. The Energy Committee requests that the Select Board consider being a joint signatory as well.

All comments are due to DOER before the end of the week of August 8th so this is a time-sensitive request. Members of the Energy Committee will be present at the Board's meeting to answer questions.

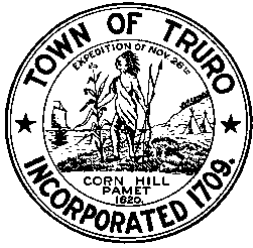
FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Energy Committee will send the letter without including the Select Board as a signatory.

SUGGESTED ACTION: *Motion to authorize the Energy Committee to include the Truro Select Board as a signatory on the Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal to the Department of Energy Resources.*

ATTACHMENTS:

1. Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

August 10, 2022

Mr. Ian Finlayson
Department of Energy Resources (DOER)
100 Cambridge Street, Suite 1020
Boston, MA 02114

Building Code Comments

RE: Town of Truro Comments on the Draft Stretch Energy Code and Specialized Stretch Energy Code Proposal

On behalf of the Town of Truro, the Select Board, Town Manager, Energy Committee and Climate Action Committee are collectively responding to DOER's public comment period for the proposed updates to the Stretch Energy Code and the new Specialized Stretch Code. Our town has been a Green Community since 2011 and we're committed to taking the steps necessary to preserve and enhance the resiliency of our coastal town. Our community is eager to energetically advance the building code and adopt a Net Zero Carbon Emissions standard, starting with new construction.

At our 2022 annual town meeting, the residents of Truro adopted a warrant article to define a standard for carbon net zero new construction buildings. To meet this requirement initiated by the public, the Town of Truro must rely on the Commonwealth to promulgate a carbon net zero code that will satisfy the residents of Truro. In our opinion, the current NZE definition and pathways in the specialized stretch code are insufficient for us to comply with this article. Specifically, allowing for the use of fossil fuels is not in any reputable organization's net zero energy definition.

While we commend DOER on taking progressive steps in adding a zero-energy pathway to the Specialized Stretch Code and excluding homes over 4,000 sf from being able to follow the mixed fuel pathway, allowing a HERS 42 fossil fuel pathway still opens the door for carbon production in the building sector and does not meet a true definition of net zero buildings. We also feel that the proposed Specialized Stretch Code does not differ significantly enough from the proposed Stretch Code updates and needs improvement, such as adding prescriptive requirements to avoid thermal bridging in residential (i.e., require minimum R-5 continuous insulation at renovated walls (interior or exterior) and R-10 at roofs), and requiring weather sealing of renovated envelope components using materials, techniques, and processes that would achieve ACH 2.0 @ 50 Pascals in an entire building.

If HERS 42 is the rating that must be achieved to allow fossil fuel use in buildings, yet ratings at or under HERS 42 are more cost effective to achieve with electrification, why allow a fossil fuel option at all? **Is there another mechanism to primarily drive building electrification while allowing fossil fuel use in special need cases only?** Such as, requiring a comparative cost analysis of all-electric vs. fossil fuel building and providing other evidence of hardships that would prevent an all-electric pathway from being achievable.

Additionally, according to your analysis from the Residential Stretch Code Costs and Benefits Case Studies, not only are large single-family homes (4,000 sf) more cost-effective to build at HERS 42 all-electric vs. HERS 42 using natural gas, small single-family homes (2,100 sf), townhouses, 6-unit multifamily buildings, and 4-story multifamily buildings are as well. For this reason, **we request that the mixed fuel pathway be restricted across the board under both the Stretch and the Specialized Stretch Codes (for new construction, additions, or alterations) to evidence-based as-needed cases only.**

It would be our strong preference that there be no exceptions for additions or alterations of any size. However, should exemptions remain that allow additions under 1,000 sf or under 100% of the total conditioned square footage of an existing building and Level 1 or Level 2 alterations to follow the base energy code, **we request a mechanism to limit homeowners from serially building small additions or Level 1 or Level 2 alterations in lieu of Level 3 alterations or Substantial Improvements to avoid compliance with HERS requirements** (i.e., a homeowner incrementally builds multiple additions under 1,000 sf in a relatively close timeframe). At the very least, **we request that the Stretch Energy Code Technical Advisory Committee model the emissions impact of small additions state-wide. We also request that end-of-service-life triggers be incorporated into the requirement of complying with the HERS rating in the Stretch Code -- such improvements as roof, side wall, window, HVAC, and DHW replacements, regardless of size.**

While cost-effectiveness and encouraging buy-in from the building community are important, achieving Net Zero Greenhouse gas emissions by 2050 is paramount as evidenced by the science and modeling efforts conducted as part of the MA 2050 Decarbonization Roadmap. Per the Roadmap, “the adoption of a net-zero on-site new construction code, however, would reduce 2050 emissions from residential and commercial new construction by 54% if implemented in 2030 and by 87% reduction if implemented in 2023, highlighting the benefit of early action in avoiding the lock-in of fossil fuel technologies.” The building community survived and has thrived under the original Stretch Code and subsequent updates. Educational and workforce development efforts could remedy the hesitation of the building community to move in a progressive direction. Truro is ready to undertake these efforts as soon as we have a definitive code to work from.

On the topic of the proposed code updates satisfying the Commonwealth’s ability to meet net zero carbon emissions by 2050, if the net zero definition is not based on a building’s site energy use but instead on the cumulative achievement of net zero greenhouse gas emissions statewide, **what assumptions were used to conclude that the options presented in the updated stretch code and Specialized Stretch Energy Code, particularly enabling the use of fossil fuels in buildings, would allow the Commonwealth to meet net zero carbon emissions by 2050?** Additionally, was analysis conducted to determine that HERS 42 combined with potential on-site renewables will enable DOER building typologies to become ZNE? E.g., will the roof area of a 2,000 sf home (small residential in DOER models)

generate enough power to zero out emissions? **We request that such modeling for large and small residential as well as small commercial (municipal) buildings be furnished before finalizing the code.**

Lastly, on the topic of adoption timeframes, if there is a phase-in period for adopting the Specialized Stretch Energy Code, **please clarify this statement from slide 25 of the informational webinar on July 7, 2022: “All requirements in effect without phase-in, except for Passive House mandate for multi-family buildings 12,000 square feet or more (see slide 19).” Ideally, we encourage a revision to the effective date language in the draft to allow for a 6-month concurrency period after town adoption enabling the code to become effective at the end of the concurrency period** instead of limiting the effective date to either January or July subsequent to the 6-month concurrency period.

In closing, **we urge DOER to adopt a net zero definition and associated pathways under the Specialized Stretch Energy Code that comprises energy efficiency strategies to minimize energy loads as practical, mandate all-electric HVAC and appliances, on-site renewable energy production to the extent possible and supplant any additional energy use with regionally generated renewable energy.**

Thank you for your consideration of our comments.

Sincerely,

Truro Select Board

Truro Energy Committee

Truro Climate Action Committee

DRAFT



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Health & Conservation

REQUESTOR: Emily Beebe, Health & Conservation Agent

REQUESTED MEETING DATE: August 9, 2022

ITEM: Briefing on Monkeypox

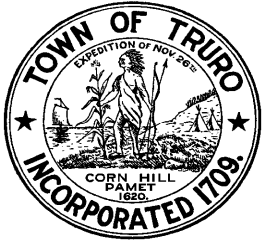
EXPLANATION: Health & Conservation Agent Emily Beebe will provide an update on the Monkeypox virus, its impact locally, isolation protocols and cleaning/disinfecting guidance.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: N/A

SUGGESTED ACTION: None. Report only.

ATTACHMENTS:



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Public Works

REQUESTOR: Jarrod Cabral, Public Works Director

REQUESTED MEETING DATE: August 9, 2022

ITEM: Update on Eagle Neck Creek Culvert Replacement/Old County Road and Other Environmental Projects

EXPLANATION: Public Works Director Jarrod Cabral will provide an update to the Board and the community on the Eagle Neck Creek Culvert Replacement and Old County Road impacts, as well as updates on the Truro Center Road culvert, Mill Pond culvert, Little Pamet and East Harbor projects.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: N/A

SUGGESTED ACTION: None. Report only.

ATTACHMENTS:



TOWN OF TRURO

SELECT BOARD

Meeting Minutes

May 17, 2022 – 6:00 pm

REMOTE SELECT BOARD MEETING

Via GoToMeeting Platform

Members Present (Quorum): Kristen Reed (Chair); Robert Weinstein (Vice Chair); John Dundas (Clerk); Sue Areson; Stephanie Rein

Members Absent:

Other Participants: Darrin Tangeman – Town Manager; Kelly Sullivan Clark – Assistant Town Manager; Alex Lessin – Finance Director/Treasurer/Collector of Taxes; Chief Jamie Calise – Truro Police Chief; Tim Collins – Fire and Rescue Chief

The remote meeting convened at 6:01 pm, Tuesday, May 17, 2022, by Select Board Chair Weinstein who announced that this was a remote meeting which is being broadcast live on Truro TV Channel 18 and is being recorded. Chair Weinstein also provided information as to how the public may call into the meeting or provide written comment.

Chair Weinstein introduced the Members of the Select Board and Town staff present.

Public Comment

Chair Weinstein opened the public comment portion of the meeting to the members of the public and Chair Weinstein recognized the following individuals:

Jan Worthington, a Truro resident, commented about the need for firefighter/paramedics in Truro and inquired as to what the staffing plan will be once Lower Cape Ambulance Association (LCAA) no longer exists in 2023.

Susan Howe, a Truro resident, commented that she hoped that Town leadership would understand the need for a fulltime Director for the Council on Aging.

Anne Greenbaum, a Truro resident, and Chair of the Planning Board, commented on behalf of the Planning Board to reiterate the invitation to reset the working relationship with the Select Board.

Public Hearings

None

Introduction to New Employees

None

Board/Committee/Commission Appointments

Interview and Appoint: Lindsey White – Recreation Advisory Committee

Chair Weinstein welcomed Ms. White and Ms. White introduced herself. Ms. White provided her professional background experience and her purpose to serve on the Recreation Advisory Committee. Members stated their support for Ms. White's appointment.

Member Rein made a motion to appoint Ms. White to the Recreation Advisory Committee for a 2-year term expiring on June 30, 2024.

Member Areson seconded the motion.

So voted, 5-0, motion carries.

Staff/Committee Updates

Town Manager Update: Vacancies on Boards/Committees

Town Manager Tangeman provided a recommendation as to get incumbents serving on Boards/Committees more engaged and to obtain their paperwork in advance of the expiration of their terms. Town Manager Tangeman added that expiring positions will be posted publicly so interested individuals may apply. Several Members commented on the need to schedule a work session so the Board/Committee appointment process may be discussed. Several members of the public also offered comments as to how to make the appointment process more welcoming and inclusive. Chair Weinstein said the Members will schedule a work session to further discuss.

Tabled Items

None

Select Board Action

A. Election of Select Board Officers (Chair, Vice-Chair and Clerk); Presenter: Bob Weinstein, Chair

Chair Weinstein thanked everyone for their support but stated that he had made the decision not to be considered for Chair of the Select Board. Chair Weinstein announced his support and nomination for Vice Chair Reed to serve as Chair. Several of the Members stated their support as well as their opposition to Chair Weinstein's nominee. Members then discussed the necessity for the Select Board to be more inclusive to reduce the divisiveness that exists in Truro as well as treat everyone with courtesy, civility, and respect. Members collectively agreed that the Select Board must exude better leadership and be a governing body that sets the example for the entire community. Several members of the community expressed their concerns about several Members of the Select Board.

**Chair Weinstein made a motion to appoint Vice Chair Reed as Chair of the Select Board.
Member Rein seconded the motion.
So voted, 3-2, the motion carries.**

**Chair Reed nominated Member Weinstein to serve as the Vice Chair of the Select Board.
Member Rein seconded the motion.
So voted, 3-2, the motion carries.**

**Vice Chair Weinstein nominated Member Dundas to as serve as Clerk of the Select Board.
Member Areson seconded the motion.
So voted, 5-0, motion carries.**

B. Review and Approve Select Board Liaison List; Presenter: Chair, Select Board

Chair Reed suggested that due to the late start of tonight's meeting that the Members only discuss the liaison roles which they wish to relinquish or switch with another Member. A brief discussion occurred, and Members agreed to voluntarily retain the liaison roles which they currently hold. A brief review of the List of Liaison Assignments occurred, led by Chair Reed, and there were several Members who replaced other Members in specific liaison roles to help another Member.

**Member Rein made a motion to approve the revised List of Liaison Assignments.
Vice Chair Weinstein seconded the motion.
So voted, 5-0, motion carries.**

C. Proposal for Goals & Objectives Process; Presenter: Chair, Select Board

Chair Reed suggested that the goals and objectives not achieved last year be retained for this year. Members briefly discussed the process for goals and objectives to include a more detailed discussion that would occur at a work session on June 21, 2022.

**Vice Chair Weinstein made a motion to hold a Select Board work session for June 21st to finalize the draft of Select Board FY2023 goals and objectives in advance of a public hearing.
Member Rein seconded the motion.
So voted, 5-0, motion carries.**

D. Review and Adopt Select Board Policy 67: Surplus Policy; Presenter: Alex Lessin, Finance Director/Treasurer/Collector of Taxes

Finance Director Lessin provided a review to the Members as this policy is a requirement under Massachusetts General Law in addressing tangible supplies and rolling stock vehicles less than \$10,000 in value. Members discussed the policy and Town Manager Tangeman confirmed that Town Planner/Land Use Counsel Barbara Carboni, Police Chief Jamie Calise, and Town staff (to include Truro Central School) had also vetted this policy as it is a "best practice."

**Vice Chair Weinstein made a motion to adopt an electronically signed Select Board Policy 67: Surplus Policy.
Member Dundas seconded the motion.
So voted, 5-0, motion carries.**

E. Request to Declare Police Vehicle as Surplus; Presenter: Jamie Calise; Police Chief

Chief Calise presented a request to declare a police vehicle, a 2017 Dodge Durango, as surplus. A brief discussion ensued among Members and Chief Calise regarding the scheduling of replacement vehicles and the impact of supply chain delays due to the global pandemic.

Member Rein made a motion to declare the police department's 2017 Dodge Durango (#735) be declared as surplus and authorize the Town Manager to dispose of the vehicle in accordance with Select Board Policy 67: Surplus Policy.

Member Dundas seconded the motion.

So voted, 5-0, motion carries.

F. Letter to Holtec International Regarding Pilgrim Nuclear Power Station Decommissioning; Presenter: Stephanie Rein, Select Board

Member Rein read aloud the letter written in opposition to any release of radioactive water into Cape Cod Bay as part of the decommissioning plan of the Pilgrim Nuclear Power Station (PNPS) that was shut down permanently on May 31, 2019. Members thanked Member Rein for her efforts in the preparation of the letter.

Vice Chair Weinstein made a motion to approve the Letter to Holtec International regarding its plan to release radioactive water into Cape Cod Bay as part of the PNPS' decommissioning plan.

Member Dundas seconded the motion.

So voted, 5-0, the motion carries.

G. Select Board Approval of Burn Permit Fees; Presenter: Tim Collins, Fire & Rescue Chief

Chief Collins provided background information and the factors considered in recommending a \$25 burn permit fee. Response costs to nuisance fires and the cost of additional overtime for personnel over the last year were the deciding factors to implement the \$25 burn permit fee. This will be an online process. Members supported Chief Collins in his efforts as it may result in nearly \$7,000 of additional revenue for the Town. Chief Collins added that this would be an annual one-time fee for the open burning season that runs from January 15 – May 1.

Member Rein made a motion to approve the \$25 burn permit fee.

Member Dundas seconded the motion.

So voted, 5-0, motion carries.

H. Jams Market – New Transient Vendor and Common Victualer License; Presenter: Scott Cloud, Owner/Manager

Chair Reed recused herself from this license consideration and Vice Chair Weinstein led the discussion. Vice Chair Weinstein noted that Mr. Cloud's paperwork was in order, and he was supportive of the license approval. Assistant Town Manager Clark confirmed that the paperwork was in order and all fees were collected.

Member Dundas made a motion to approve the 2022 New Transient Vendor and Common Victualer License for Jams, Inc. upon compliance and collection of all associated fees.

Member Rein seconded the motion.

So voted, 4-0, motion carries.

Consent Agenda

Chair Reed rejoined the meeting and recognized Member Rein who announced that she would recuse herself from the Truro Educational Farmers Market and High Dunes Craft Cooperative actions. Member Rein also noted that she was not in attendance at the work session on 3/18/22 so she will not vote on those minutes.

Chair Reed recognized Member Dundas who said that he did not attend the regular meeting on 3/29/22 in its entirety so he would not vote on those minutes.

A. Review/Approve and Authorize Signature:

Application for Entertainment License: 20 Summers at Truro Vineyards

Event Notification Form for MassDOT – New England Endurance Events

Application for Entertainment License: Truro Educational Farmers Market

Application for Entertainment License: Payomet, Inc.

Host Community Agreement Extension for High Dunes Craft Cooperative

B. Review and Approve Appointment Renewals:

None

C. Review and Approve 2022 Seasonal Business Licenses:

Hillside Farmstand and Accent on Design – Transient Vendor

Blackfish Restaurant – Common Victualer

D. Review and Approve Select Board Minutes

3/8/22 Regular Meeting Minutes

3/18/22 Work Session Minutes

3/29/22 Regular Meeting Minutes

Member Dundas made a motion to approve the consent agenda as printed with the noted recusals and the noted minute edits.

Member Rein seconded the motion.

So voted, 5-0, motion carries.

Select Board Reports/Comments

Member Rein said that she wanted to encourage the public to visit Puma Park and use the newly installed multi-generational equipment. Member Rein thanked the DPW staff for its efforts. Member Rein also thanked the Town staff for their hard work during the Town meeting as they made everyone as comfortable as possible in cold temperatures and strong winds.

Member Areson said that the Local Comprehensive Planning Committee (LCPC) is working on several upcoming events to obtain community input. There will be several outreach events/community forums starting during the 2nd to 3rd week of June 2022 to start this process.

Member Dundas announced that the Provincetown Water & Sewer Board met this past week and is scheduling a joint meeting with the Provincetown and Truro Select Boards in the fall. The topic will be how to recycle all the treated water back into Truro in a more efficient way. Member Dundas thanked the Law Enforcement Safety Office (LESO) for their quick actions yesterday responding to a medical emergency at a neighbor's home. According to the neighbor's doctor and nurse, the LESO's response time saved this individual's life. The teams work hard and train hard to serve the community.

Vice Chair Weinstein commented on the civility and public behavior that was mentioned earlier in tonight's meeting. On a positive note, Vice Chair Weinstein thanked the Town's staff for their hard work in the preparation and execution of the Town meeting. Vice Chair Weinstein said that he was appalled at the booing directed towards the district's state representative and that he was alarmed at the "fake news" that appeared in the Provincetown Banner regarding the issues surrounding the Cloverleaf Project.

Chair Reed reiterated all the positive comments regarding Town meeting and expressed gratefulness for the Town staff. Chair Reed thanked all who ran for elected office in Truro and voted in the elections.

Town Manager Report

Town Manager Tangeman covered the following items: the Lower Cape Ambulance Association (LCAA) ceasing operations on July 1, 2023, and the process for the way forward to ensure a deliberate transition; his commitment to fill the vacancy at the Council of Aging (COA) and noted that he will provide an update at a later meeting; and finally, the Summer Recreation Program issues and noted that he will provide an update at the next meeting. Town Manager Tangeman reviewed the agenda for the next Select Board meeting with input from the Members.

Vice Chair Weinstein made a motion to adjourn at 8:26 pm.

Member Dundas seconded the motion.

Chair Reed adjourned the meeting without a roll call vote.

Respectfully submitted,



Alexander O. Powers
Board/Committee/Commission Support Staff

Select Board Work Session Minutes
June 22, 2022
Via GoToMeeting Platform

Select Board Present: Kristen Reed-Chair, Robert Weinstein-Vice Chair, John Dundas-Clerk, Susan Areson-Member, Stephanie Rein-Member

Others Present: Darrin Tangeman-Town Manager, Kelly Clark-Assistant Town Manager, Alex Marini-Lessin-Finance Director

Chair Reed called the work session to order at 4:00pm.

Chair Reed noted that a constituent reached out to her wanting to give public comment. While policy does not allow for public comment during work sessions, Chair Reed suggested citizens take notes and bring them up at public comment at their next regularly scheduled meeting or they can email comments to the entire Board or an individual member.

Finance Director Marini-Lessin began his presentation on an economic update for the Town which included:

- Preliminary Financial Metrics Heading into FY23
 - ❖ Rainy day (stabilization fund + free cash) balance = \$2.68M
 - ❖ FY23 Appropriated Reserve Fund = \$225,000
 - ❖ Walsh bonding – avoided at least 100 basis points
- Action Steps for FY23
 - ❖ Monitor cost of energy
 - ❖ Monitor summer tourism indicators, including rental registration, tonnage
 - ❖ Factor in rising costs for borrowing, construction, goods and services

According to Truro Payroll records, 29 employees are at or within two years of retirement age.

- ❖ Focus on recruitment and retention will be critical over the next few years

Finance Director Marini-Lessin then went over the FY23 revenue sources. Tax levy is the largest source of revenue for the Town. Estimated local receipts is another big source and will have the most sensitivity because of the economy.

- Major Indicators for Fiscal Year 2023
 - ❖ Valuation – 10-20% increase in value projected for FY23 recap
 - ❖ Revenue Collection -Real Estate Property Tax collection at 96.5%, comparable to 96.8% at the same time in 2021
 - ❖ Room Excise Tax – FY22 revenue on pace; monitoring FY23 closely
 - ❖ Fuel Costs – County wide contracts will lead to lower costs, but Town-wide fuel budget deficit of \$58,000+ is possible

Member Areson asked the Finance Director to speak to valuation in relation to property tax bills. Finance Director Marini-Lessin explained that tax bills are based on the tax rate and the valuation. If the value goes up, the tax rate goes down but overall the bill does not change. Finance Director Marini-Lessin summarized the overall picture.

Member Rein made a motion to adjourn the work session at 4:28pm.

Member Dundas seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Areson-Aye

Member Dundas-Aye

Member Rein-Aye

Chair Reed-Aye

So voted; 5-0-0, motion carries.

The Select Board adjourned to attend an Executive Session and then continued their work session immediately after.

Chair Reed reopened the work session at 6:30pm.

FY2023 Select Board Goals & Objectives Discussion

Assistant Town Manager Clark read through each objective. Board members discussed the status of each objective, whether the assigned member still wanted to be the Ambassador to the objective, and next steps.

At the end of the review, Chair Reed asked members of the Board if anyone had new business to consider before prioritizing the goals.

- Provincetown has a Housing Playbook, which Chair Reed had displayed on the screen. She would like to add a new goal of creating Truro's version of a Housing Playbook and ask that the Truro Housing Authority and the Needs Assessment cultivate the contents. Consensus among the Board was to add this as a Goal/Objective.

Chair Reed then wished to discuss which objectives should be prioritized this summer. She added that Member Areson had a good suggestion of adding completion/reporting dates. Town Manager Tangeman stated that they could do a poll and then bring the results back at a meeting held the same day as the public hearing on the goals and objectives (with approval from Legal Counsel to honor OML).

Member Dundas made a motion to adjourn at 7:35pm

Member Areson seconded.

So voted; 5-0-0, motion carries.

Respectfully submitted, Noelle Scoullar

Darrin K. Tangeman
Under Authority of the Truro Select Board

Select Board Meeting Minutes
July 26, 2022
Via GoToMeeting Platform

Select Board Present: Kristin Reed-Chair, Robert Weinstein-Vice Chair, John Dundas-Clerk, Susan Areson-Member

Select Board Absent: Stephanie Rein-Member

Others Present: Darrin Tangeman-Town Manager, Kelly Clark-Assistant Town Manager, Jarrod Cabral-DPW Director, Jon Nahas-Principal Assessor, Emily Beebe-Health and Conservation Agent, Robert Panessiti-Vice Chair Charter Review Committee, Clinton Kershaw, David Spencer, Tracey Rose-Chair, Board of Health

Public Comment

-Mr. Panessiti spoke about being the target of a small group of people who question his character and morals, demonize his profession and employer, and lie about statements he has made. There should be an expectation among elected and appointed officials that they will be criticized but attacks on a person's character and questioning values is not acceptable. He has asked, as the Select Board considers revising Policy #54, that they include language concerning the behavior of all individuals: elected, appointed and citizenry.

-Mr. Dundas spoke as a Truro voter on the passing of Sebastian (Sibby) Davis. He read three short stories and submitted a written version which he asked to be included with the minutes of this meeting for public record.

-DPW Director Cabral gave a quick update on Eagle Neck Creek. The opening of the roadway at Old County will be delayed until approximately the week of August 15th.

-Town Manager Tangeman announced that on July 16th the Lieutenant Governor, Karen Polito, as the Acting Governor signed legislation to extend the Covid pandemic accommodations. This includes remote local meeting authorizations which will be extended to March 31, 2023.

Public Hearings-None

Introduction to New Employees-None

Board/Committee/Commission Appointments

Interview and possible appointment of applicant to the Conservation Commission: Clinton Kershaw

Chair Reed explained that Mr. Kershaw was reapplying to the Conservation Commission. Circumstances at the last meeting were unusual, with the Chair from another committee weighing in. Vice Chair Weinstein had suggested placing the possible appointment back on the agenda. Mr. Kershaw introduced himself and gave some background on his interest in serving on the Conservation Commission.

Member Areson made a motion to appoint Clinton Kershaw to the Conservation Commission for a three-year term, expiring June 30, 2025.

Member Weinstein seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Dundas-Aye

Member Areson-Aye

Chair Reed-Aye

So voted; 4-0-0, motion carries.

Interview and possible appointment of applicant to the Energy Committee: David Spencer
Mr. Spencer introduced himself and gave a summary of why he's interested in serving on the Energy Committee.

Member Weinstein made a motion to appoint David Spencer to the Energy Committee for a three-year term, expiring June 30, 2025.

Member Dundas seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Dundas-Aye

Member Areson-Aye

Chair Reed-Aye

So voted; 4-0-0, motion carries.

Staff/Committee Updates

Briefing on Request of ARPA Funds for Wastewater Planning: Emily Beebe, Health & Conservation Agent

Health/Conservation Agent Beebe gave a brief update on the Town's ARPA (American Rescue Plan Act) request. She spoke about monies available to the Town through the County portal.

-We'll need to apply for the ARPA money as a sub-award from the County.

-The intent is to apply to fund the first phase of our comprehensive wastewater management plan.

-They are also looking to fund a preliminary study for broadband.

Health/Conservation Agent Beebe answered questions asked by the Select Board.

Board of Health Chair Tracey Rose added some comments.

Member Dundas wants the residents to know that the Town is working directly with the Provincetown Water and Sewer Board. Member Areson noted that the State is upgrading Title V at some point and thinks it would be good for Health Agent Beebe and members of the Board of Health to come to another Select Board meeting to give an explanation of what that means.

COVID-19 Update

Health Agent Beebe explained that they've shifted the method for tracking of Covid cases. She's working with Wellfleet and Provincetown to understand the local number of cases. There is a self-reporting COVID-19 form at: <https://www.truro-ma.gov/ReportCovidResults> .

Member Reed asked the Health Agent to discuss behavior after being infectious (regarding how long to isolate, when not to report to work, how long to wear a mask, and how long you should stay isolated after infection). Agent Beebe provided guidance.

Tabled Items-None

Select Board Action

Review and Approval of Grant Agreement with Natural Resources Conservation Service/USDA for Truro Center Road Salt Marsh Project

DPW Director Cabral stated that NRCS/USDA has obtained \$630,000 in funding to design the Truro Center Road salt marsh restoration project and culvert replacement. He continued, detailing other items which will be covered by this funding. He reminded the Board that the Cape Cod Conservation District funded a supplemental analysis of the tides and salinity. The Cape Cod Conservation District funded \$130,000 which will be incorporated into the funding from NRCS/USDA once received. DPW Director Cabral answered a question from Member Weinstein.

Member Dundas made a motion to approve the application agreement for federal assistance with the National Resources Conservation Service/USDA and authorize the Town Manager to sign with attachments; Certification Regarding Lobbying, Assurances-Construction Programs and Application Agreement for Federal Assistance SF-424.

Member Weinstein seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Dundas-Aye

Member Areson-Aye

Chair Reed-10:00-4:00 pm

Review and Discussion of Select Board Policy 13: Appointment Policy

Member Areson noted that the existing Policy 13 has not been updated since 2017. She gave a summary of what the existing Policy contains. She then touched upon different points of a rewrite of the policy. Select Board members gave suggestions, which Member Areson will record and integrate into the new policy.

Review and Discussion of Town-Owned Property and Potential Uses

Town Manager Tangeman stated that one of the Select Board's goals/objectives is to assess the possibilities of municipal use housing and economic development/open space and possible disposition of Town-owned property for the future. A presentation was given by Principal Assessor Nahas which documented where each Town-owned property is located. Member Weinstein would like to have a work session to move forward with discussion. Members Dundas and Areson agree. Chair Reed would like to consider which boards, committees and commissions should be included in the work session.

Discussion and Potential Action to Address CCRTA Bus Stop #73 at Truro Central Village Complex

Town Manager Tangeman stated that on the 7th of July he received a letter from Ms. Claire Perry, owner of the Truro Central Village Complex, to express concern about the bus stop directly across the street from that business location. Ms. Perry conveyed concerns about the heavy amount of pedestrian traffic that has been in front of that bus stop. She went to the

CCRTA, who in turn told her she should address the issue with the CCRTA representative from Truro and Truro's representative of the MPO (Town Manager Tangeman and Select Board Member Weinstein respectively). One recommendation Ms. Perry has given is to move bus stop #73 to the front of the Walsh property. Town Manager Tangeman thinks that could be a temporary location.

Member Weinstein stated that this bus stop location has been problematic. He has volunteered, with staff's help, to put a letter forward to the CCRTA to extend Ms. Perry's concerns and to suggest temporarily (perhaps seasonally) moving the bus stop to where the Walsh property is.

Member Dundas made a motion to designate Member Areson and Member Weinstein to work with Town staff to craft a letter to the Cape Cod Regional Transit Authority requesting that the CCRTA conduct a feasibility review of alternative locations and safety measures for bus stop #73.

Member Weinstein seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Areson-Aye

Member Dundas-Aye

Chair Reed-Aye

So voted; 4-0-0, motion carries.

Consent Agenda

Member Areson made a motion to approve the Consent Agenda as printed in the packet with minor corrections to the minutes.

Member Dundas seconded.

Roll Call Vote:

Member Weinstein-Aye

Member Areson-Aye

Member Dundas-Aye

Chair Reed-Aye

So voted; 4-0-0, motion carries.

Select Board Reports/Comments

Member Weinstein thanked Shellfish Constable/Harbormaster Jackett's efforts (and staff) in the distribution of hard-shelled clams and their hard work during the busy summer season at the Harbor. He is also troubled by members of the public throwing trash adjacent to walking trails. He asked people to refrain from throwing away trash off Old Kings Highway or the walking trails.

Member Dundas commended the Beach Office for its efficiency. He met with the Cemetery Commission on the 20th of July. There is going to be a September Cemetery tour organized by the Truro Public Library. The Provincetown Water and Sewer Board has a meeting scheduled for August 11th and he'll have an update then. He visited the culvert on Old County Road and is impressed with the engineering and architecture.

Member Areson stated that the Local Comprehensive Planning Committee will be meeting August 9th to begin crafting a Vision Statement. It will be held at the library and interested people can attend. People are concerned about the North Jetty, with the high tides, separating from the beach. The Harbor Commission is working on obtaining a grant to design/figure out what can be done there.

Chair Reed thanked the Town for setting up the cooling station and all the communication and alerts that provided options for people.

Town Manager Report

Town Manager Tangeman wished to touch upon the cooling station comment to give people some numbers. Approximately 500 people visited the Library on Saturday. On Sunday, the Library reopened from 10-4pm and 30 residents took advantage of the cooling station that day. He thanked the Library for staffing it. Assistant Town Manager Clark and Harbormaster Jackett received an award from Executive Office of Economic Development in the amount of \$25,000 for the dredging program.

Next Meeting Agenda: Regular Meeting August 9

Town Manager Tangeman went over items currently on the August 9th agenda.

Chair Reed suggested doing a Doodle Poll to determine the best date for a Select Board work session. She would also like to bump up the Civility Pledge work for a meeting during the next few months. The Conservation Restriction policy update will need to be discussed as well.

Member Weinstein made a motion to adjourn at 7:28pm.

Member Dundas seconded.

So voted; 4-0-0, motion carries.

Respectfully submitted,

Noelle L. Scoullar

Darrin K. Tangeman, Town Manager
Under the Authority of the Truro Select Board

Public Records material of 07.26.2022

1. Application to Serve-Clinton Kershaw/Chair's comments
2. Application to Serve-David Spencer/Chair's comments
3. Certification regarding lobbying/Assurances-Construction programs/Application Agreement for Federal Assistance SF-424
4. Select Board Policy #13/Draft Revised Select Board Policy #13
5. Powerpoint presentation on Town owned properties
6. Letter from Claire Perry
7. Applications for weekday Entertainment License-Friends of the Truro Meeting House
8. Application for weekday Entertainment License-20 Summers

9. Recommendation to award package
10. Highland Road stormwater management agreement with Dig It Construction
11. State Primary Election warrant
12. Posting of warrant for the State Primary Election
13. Early voting hours and police detail for election day memorandum
14. Application for Entertainment License-Truro Center for the Arts
15. Application to Serve-Timothy Rose, and memo from BOH Chair
16. Select Board Regular Meeting Minutes of April 12, 2022
17. Select Board Regular Meeting Minutes of May 24, 2022
18. Select Board Dundas' Sibby Davis address for Select Board Meeting for the minutes/public record