



Truro Select Board Remote Meeting

Tuesday, May 23, 2023

Executive Session-4:00pm

Regular Meeting-5:00pm

Truro Town Hall, Select Board Chambers, 24 Town Hall Road, Truro
and Remote via Zoom

EXECUTIVE SESSION—4:00 pm

Join Zoom Meeting

<https://zoom.us/j/98503123792>

1-309-205-3325 Meeting ID: 985 0312 3792

This will be a hybrid (in-person *and* 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) 6, to consider the purchase, exchange, lease or value of real property where an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declares;*
- (2) in accordance with the provisions of Massachusetts General Law, Chapter 30A, §21 (a) 7 to comply with, or act under the authority of, any general or special law (Massachusetts General Law, Chapter 30A, §22 (f)(g)(Open Meeting Law), specifically, to review and approve and determine whether continued nondisclosure of the following executive session meeting minutes is warranted: March 17, 2023 and April 11, 2023; and not to reconvene in open session.*

REGULAR MEETING

Join Zoom Meeting

<https://zoom.us/j/97697313082>

1-309-205-3325 Meeting ID: 976 9731 3082

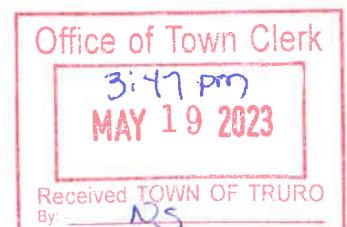
This will be a hybrid (in-person *and* remote) meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website. Click on the green "Watch" button in the upper right of the page. **To provide comment remotely during the meeting please call-in at 1-309-205-3325 and enter the following access code when prompted: 976-9731-3082 or you may join the meeting from a computer, tablet or smartphone by entering the follow URL into your web browser: <https://zoom.us/j/97697313082>** 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 comments 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. Patrol Officer Anthony Camilo, Police Department



4. BOARD/COMMITTEE/COMMISSION APPOINTMENTS

- A. Interview and Possible Appointment: Deborah Smulian to the Council on Aging Board
- B. Interview and Possible Appointment: Deborah Smulian to the Commission on Disabilities

5. STAFF/ COMMITTEE UPDATES

- A. Board of Health Regulation Updates Related to Title V
Presenter: Emily Beebe, Health & Conservation Agent
- B. Board of Health Regulation Update on Transfer Station Fees
Presenter: Jarrod Cabral, Public Works Director
- C. Presentation of Public Works Facility Site Cost Comparison and Potential Next/Future Steps
Presenter: Jarrod Cabral, DPW Director

6. TABLED ITEMS — NONE

7. SELECT BOARD ACTION

- A. Cape and Islands District Attorney Robert Galibois Presentation on District Attorney’s Office and New Initiatives
Presenter: District Attorney Robert Galibois
- B. Proclamation of Mental Health Awareness Month (May 2023)
Presenter: Stephanie Rein, Select Board
A quorum of Commission on Disabilities may be present for this agenda item.
- C. Transfer Request and Authorization for Town Manager to Enter into Contract for Ambulance Purchase
Presenter: Tim Collins, Fire Chief, and Alex Lessin, Finance Director
- D. Acceptance of Massachusetts’ Underutilized Properties Grant and Authorization for Town Manager Execute Associated Grant Contract
Presenter: Darrin Tangeman, Town Manager
- E. Discussion, Call for, and Possible Approval of Date for Special Town Meeting (Fall 2023)
Presenter: Darrin Tangeman, Town Manager
- F. Discussion on Cape Cod National Seashore Request for Proposal Process regarding Truro Dune Shacks
Presenter: Kristen Reed, Chair
- G. Appointment of Select Board Representative to Stormwater Bylaw Article Working Group
Presenter: Darrin Tangeman, Town Manager

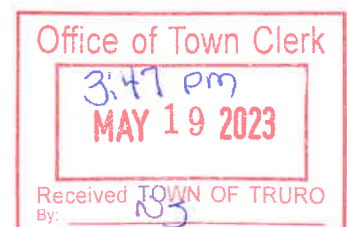
8. CONSENT AGENDA

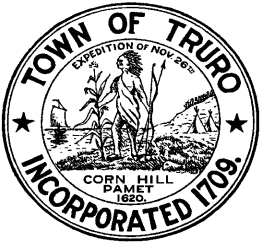
- A. Review/Approve and Authorize Signature: NONE
- B. Review and Approve Reappointment Renewals: Mary Rose-Community Preservation Committee
- C. Review and Approve Reappointment Renewals for Staff: Deputy Director of Community Services (Council on Aging) Michelle Peterson-Cape Cod Regional Transit Authority Alternate Representative; Police Chief Jamie Calise-Keeper of the Lock-up; Conservation and Health Agent Emily Beebe-Representative to the Cape Cod Water Protection Collaborative
- D. Review and Approve 2023 Seasonal Licenses: Accent on Design-Transient Vendor
- E. Review and Approve Select Board Minutes: NONE

9. Select Board Reports/Comments

10. Town Manager Report

11. Next Meeting Agenda: June 13, 2023





TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Noelle Scoullar, Executive Assistant

REQUESTED MEETING DATE: May 23, 2023

ITEM: Introduction to New Employee

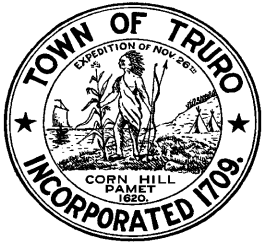
EXPLANATION: Anthony Camilo is the newest employee to join the Truro Police Department. Chief Calise will introduce Patrol Officer Anthony Camilo to the Select Board and the citizens of Truro during this agenda item.

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: May 23, 2023

ITEM: Interview and Possible Appointment of Deborah Smulian to Council on Aging Board

EXPLANATION: Deborah Smulian has applied to serve on the Council on Aging Board. There is a one-year, alternate seat vacancy on the Board.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Council on Aging Board will continue to have the alternate vacancy unfilled.

SUGGESTED ACTION: *Motion to appoint Deborah Smulian to the one-year, alternate seat on the Council on Aging Board which will expire on June 30, 2024.*

ATTACHMENTS:

1. Application to Serve

Truro

Application to Serve on a Board or Committee

Last Name

smulian

First Name

deborah

Middle Initial

Email Address

Phone Number

Address (Street)

19 Stephens Way

Address (City)

Truro

Address (State)

MA

Address (Zip Code)

02666

Mailing Address (Please indicate box number and zip code)

POBox 22 Truro MA 02666

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.

RCVD 2023FEB08 PM047
ADMINISTRATIVE OFFICE
TOWN OF TRURO

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?

COA

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

I'm a clinician specializing in Gerontology.

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

Have you read the Select Board's current Goals and Objectives?

Yes

No

Do you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve?

Yes

No

If you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve, please elaborate.

I look forward to learning about criteria for this volunteer position

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:

Commision on Disability

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

I have served on boards & committees throughout my professional life. including research

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.

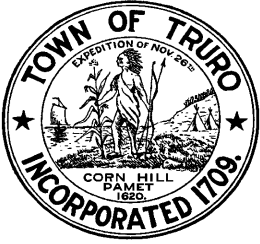
I'm a licensed mental health Professional in SW & Psychology & rehab

Signature

D. SmulianSiegel

Date

Feb 08, 2023



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Noelle Scoullar, Executive Assistant

REQUESTED MEETING DATE: May 23, 2023

ITEM: Interview and Possible Appointment of Deborah Smulian to the Commission on Disabilities

EXPLANATION: Deborah Smulian has submitted an application to serve on the Commission on Disabilities. The Commission currently has one vacant full-member seat with a 3-year term which will expire June 30, 2026, and one unexpired full-member seat which will expire June 30, 2025.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Commission on Disabilities will continue to have two vacancies.

SUGGESTED ACTION: *Motion to appoint Deborah Smulian to the Commission on Disabilities to fill a full member seat with an unexpired three-year term which will end June 30, 2025.*

ATTACHMENTS:

1. Application to Serve

Truro

Application to Serve on a Board or Committee

Last Name

smulian

First Name

deborah

Middle Initial

Email Address

Phone Number

Address (Street)

19 Stephens Way

Address (City)

Truro

Address (State)

MA

Address (Zip Code)

02666

Mailing Address (Please indicate box number and zip code)

POBox 22 Truro MA 02666

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RCVD 2023FEB08 PM047
ADMINISTRATIVE OFFICE
TOWN OF TRURO

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?

Commission on Disabilities

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

I'm a clinician specializing in Gerontology.

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

Have you read the Select Board's current Goals and Objectives?

Yes

No

Do you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve?

Yes

No

If you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve, please elaborate.

I look forward to learning about criteria for this volunteer position

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:

Council on Aging Board

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

I have served on boards & committees throughout my professional life. including research

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.

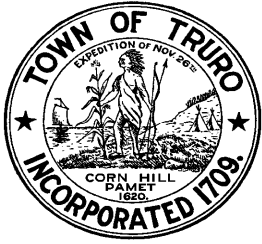
I'm a licensed mental health Professional in SW & Psychology & rehab

Signature

D. SmulianSiegel

Date

Feb 08, 2023



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Health and Conservation

REQUESTOR: Emily Beebe, Health and Conservation Agent

REQUESTED MEETING DATE: May 23, 2023

ITEM: Board of Health Regulation Updates Related to Title V

EXPLANATION: The Board of Health will be considering proposed amendments to the Board of Health Regulations at its meeting on June 6, 2023. Health & Conservation Agent Beebe will be present to update the Select Board on the proposed amendments to Section VI Local Septic Regulations to Supplement Title V and to encourage public comments and questions related to the proposed amendments. She will also be present for the next agenda item on changes to the Board of Health Regulations on transfer station permits. The Board of Health is scheduled to vote on the proposed amendments at its June 6, 2023 public meeting.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: N/A

SUGGESTED ACTION: None. Presentation only.

ATTACHMENTS:

1. Proposed amendments to Board of Health Regulations Section VI- Local Septic Regulations to Supplement Title 5
2. 4-24-23 Memo regarding proposed amendments

**SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT
TITLE 5, STATE ENVIRONMENTAL CODE**

Amended February 2, 2010; June 5, 2012; October 2, 2018, December 4, 2018, May 18, 2021

Commented [EB1]: For discussion at 4-18-2023 BoH meeting

Article 1 - General Provisions

- 1) **Authority.** In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Truro Board of Health hereby adopts the following regulations to supplement the provisions of the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage (hereinafter, "Title 5"), and shall take effect upon passage.
- 2) **Purpose.** The purpose of this article is to ~~provide a greater degree of~~ provide protection to the environmental and public health, prevent the spread of disease, and provide greater clarification of the definitions used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems. Of specific concern is the need to protect the groundwater, which is the sole source of drinking water for Truro, Wellfleet and Provincetown.
- 3) **Enforcement.** Enforcement of the provisions contained in this Section VI will be carried out in accordance with the provisions of Title 5 of the State Environmental Code set forth at 310 C.M.R. 15.000, et seq. and all enforcement methods outlined in Section I of these Board of Health Regulations.
- 4) **Definitions.** With the exceptions listed below, the definitions provided in the State Building and Sanitary Codes, Title 5 and the Wetland Protection regulations shall apply. All time frames referenced herein shall be counted as calendar days. The following terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

Accessory Dwelling Unit (ADU): A complete, separate housekeeping unit containing both a kitchen and sanitary facilities, as defined by the Truro Zoning Bylaws section 40.2.

Alter or Alteration: To make different by changing, adding and/or subtracting components, piping or location.

Bedroom

- a) Any room that meets the definition of a bedroom under Title 5 or any room or enclosed addition with at least 70 square feet of floor area and a building code conforming egress window, that provides minimum isolation necessary for use as a sleeping area. Rooms such as a finished basement with building code conforming egress may be considered a bedroom if it meets the definition. The definition does not apply to a bathroom, kitchen, hall, unfinished cellar, unfinished basement, unfinished attic, garage, unfinished area above a garage, unheated porch and open deck.

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- b) Notwithstanding the foregoing, any existing dwelling with six (6) rooms shall be construed to have at least three (3) bedrooms. Any dwelling with seven (7) rooms shall be construed to have at least four (4) bedrooms. Any dwelling with eight (8) or nine (9) rooms shall be construed to have at least five (5) bedrooms. Any dwelling with ten (10) or eleven (11) rooms shall be construed to have at least six (6) bedrooms. Each additional room beyond eleven (11) shall be construed as an additional bedroom and the number of bedrooms for the purpose of sizing a subsurface sewage disposal system (proposed and existing) shall be adjusted accordingly.
- c) All lofts that do not meet the criteria above, finished basements that do not have a building code conforming egress, and rooms and with cased openings at least 60 inches wide shall be considered rooms for the purposes of this definition.
- d) Dwellings built before the 1978 Building Code will have their bedrooms determined on a case- by- case basis.

Buildable Upland: The area of contiguous upland on a lot exclusive of Wetland as defined herein.

Change of Use: With respect to properties with existing systems, a change in use will result when the use of the structure or the land is changed from one use group to another use groups as described in the Table of Uses in the Town's Zoning Bylaws, as may be amended from time-to-time; an alteration of the structure or the land within the same use group that changes the intensity of the use, i.e. a business use changing from retail to office space or a residential use changing from single-family or multi-family; or any change or alteration to the land or structure that results in an increase in actual or design flow to the system.

Design Flow: The quantity of sanitary sewage, expressed in gallons per day (gpd), for which a system shall be designed in accordance with 310 CMR 15.203.

Failed System: Any Septic System which fails to protect the public health, safety and environment as determined by the Truro Board of Health, including but not limited to:

- a) any system which must be pumped in excess of two (2) times in a twelve-month period;
- b) any system which includes a component that the Board of Health determines is structurally unsound;
- c) any system which discharges effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a wetland;
- d) any system which meets any of the failure criteria itemized on the Title 5 Official Inspection form as described in 310 CMR 15.303 or 310 CMR 15.304;
- e) any system with a leaching area with less than 4-feet (for 1978-code systems) or 5-feet (for 1995-code systems) of vertical separation to ground water; this distance shall be measured in the field (not "per plan") by the inspector.
- f) any cesspool as defined in title 5 shall be deemed failed and shall be replaced with a title 5 compliant system no later than December 31, 2023.
- g) any system with leaching areas/pits that are essentially at capacity, as defined in this section 6 article 3.1.i;
- h) any systems that were not designed to accommodate the present existing use of the facility served;
- i) any system deemed as failing to protect public health, safety and the environment.

To the extent such a waiver would be consistent with the provisions of Title 5, the Board of Health may waive a finding that any of the foregoing systems have failed if the Board

Commented [GJC2]: should this be "Title 5 Compliant System"?

Commented [EB3]: there is a typo in the title 5 compliant system. From art...

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determines, at its sole discretion, that the system will continue to protect the public health, safety and environment.

Innovative/Alternative (I/A) Technology: Technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the Massachusetts Department of Environmental Protection pursuant to 310 CMR 15.280 through 15.289.

Living Usable space: all spaces within a building that may be used for the intended and/or approved use of the facility and which affect the design or actual flow to a septic system. For residential dwellings, usable space includes all finished areas intended for human habitation, including bedrooms, living rooms, offices, bathrooms and kitchens, but does not include unfinished storage areas (such as attics or unfinished basements) and screened in porches or sunrooms that do not have heat. ~~excludes screened in porches and sunrooms~~

Commented [EB4]: ... (needs more work)

Remedial Use: ~~Undefined as the use of an I/A systems for the upgrade of a failed or Nonconforming~~ Septic System when there is ~~and there shall be~~ no increase in the design flow served by the proposed I/A systems and no increase in habitable space or change in use that ~~may, in the Board's judgement has the potential to~~ increase sewage flow. ~~The Board may consider a variance to this provision to allow the increase in flow from an "accessory dwelling unit" as defined herein and compliant with the Town of Truro conditions for the unit.~~

Nitrogen Credit : is the use of I/A technology for development of a property beyond the standard of 110 gpd of wastewater flow per 10,000 sf of area. Nitrogen credit shall not be allowed for new construction, unless an Accessory Dwelling Unit is being created.

Nitrogen Loading limitations: The 440 gpd per acre of land requirement for septic system design as described in title 5.

Non-conforming Septic System: Any system which, when installed did not comply with provisions of either the 1978 or 1995 iterations of Title 5, including cesspools and all similar systems in use prior to the adoption of the 1978 Code.

Title 5: Refers to Title 5 of the Massachusetts State Environmental Code, 310 CMR 15.000, et seq.

Title 5 Septic System: Includes any system installed in compliance with the 1978 or 1995 iterations of Title 5 but shall not mean cesspools or any similar system in use prior to the adoption of the 1978 Code.

TN: Means Total Nitrogen

Watersheds of Special Concern: Mapped watersheds designated by the Truro Board of Health and the Zone I and Zone II of public water supplies.

Wetlands: Any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayment's, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes, or any other area subject to the jurisdiction of the Conservation Commission as defined in G.L. c. 131, §40, 310 CMR 10.00, the Town of Truro Conservation Bylaw and/or regulations of the Conservation Commission, but not including buffer zones abutting such resources.

Article 2 - Variances

1. In addition to the variance criteria set forth in Section I of the Board of Health Regulations, an applicant may apply, and the Board of Health may grant a variance from

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this Section VI provided all of the following minimum criteria for said variance are also met:

- a) A satisfactory inspection by a licensed system inspector of all system components if the variance sought pertains to an existing system.
- b) The proposed or existing leaching facility has a minimum of five (5) feet of separation between the bottom of the leaching facility and the highest groundwater level as determined in 310 CMR 15.103(3); ~~and,~~
- c) The proposed or existing leaching facility meets the minimum Title 5 requirements regarding setback distances for Soil Absorption Systems (SAS) as set forth in 310 C.M.R. 15.211; ~~and,~~
- d) The existing system does not allow~~ing~~ surface breakout of the wastewater; ~~and,~~
- e) The existing system ~~does is~~ not requir~~ing~~e pump-outs in excess of two (2) times in a twelve-month period; ~~and,~~
- f) The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, ~~further,~~ meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.

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2. All applications for variance must be accompanied by plans prepared by a qualified Professional Engineer or Registered Sanitarian and include all information required under 310 C.M.R. 15.220.

3. All application for variance shall include ~~current routine water quality analysis results from the on-site well at the locus property taken within one year of the date of application.~~

Commented [GJC5]: Or any period of time you think is reasonable.

~~2.4. Expiration of All variances shall expire occur after if the system is not installed within 24 months of approval, or such shorter time as may be if the approved septic design has not been installed, or, at such time as determined by the Board of Health.~~

Article 3 - Triggers for upgrading septic systems

1. **Required Upgrades:** In order to improve the quality of water for the Town of Truro by elimination of septic systems which do not comply with Title 5 and the more protective regulations adopted by the Truro Board of Health, ~~persons who own property with non-conforming septic systems shall bring these systems into compliance by upgrading them to meet the standards of this Section VI and/or Title 5 in the following situations trigger an upgrade: all non-conforming and/or failed systems, as defined in this regulation, shall be upgraded to comply with the requirements of Title 5 and/or regulations of the Truro Board of Health which are in effect on the date of the triggering event:~~

- a) ~~Any system inspected p~~~~Prior~~ At or within two years prior to any sale or transfer of title to the facility served by the system in all circumstances described in 310 CMR 15.301.
- a)b) Notwithstanding any exceptions set forth in 310 CMR 15.301(2), ~~inspection prior to transfer of deed and upgrade of n~~Nonconforming or failed sSystems shall occur at or within two years prior to: transfers by inheritance, ~~transfers~~ between parents and

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their children, between full siblings, and where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor; and **transfer shall include** creation of an LLC;

- c) Prior to any change of use or increase in design flow of the facility served by a system;
- b)d) Prior to the subdivision or partitioning of a parcel on which a nonconforming **or failed** septic system is located;
- e)e) ~~If the~~Any system demonstrat**ing**es any of the characteristics of a failed system as defined in this Section VI;
- f) ~~If the~~Any septic system ~~that~~ was not constructed according to the approved plan;
- d)g) ~~Any system with~~ ~~or if the~~ soil absorption system ~~is not designed to meet the design flow of the facility it serves; or, with inadequate design capacity to serve the facility as it exists at the time of inspection;~~
- e)h) ~~If a~~~~When a facility~~ ~~served by a 1978 code system the non conforming or failed system~~ **is replaced**, relocated, ~~added to~~ or demolished, except when ~~the building was the facility was~~ destroyed by fire. A ~~nonconforming-compliant~~ system serving a facility destroyed by fire does not need to be upgraded to serve a new facility if the new facility is built in the same footprint as the original, **and** provided that there is no change in use or increase in design flow of the facility and the system is not a failed system; ~~or~~
- f)i) The **liquid depth** in a leach pit is less than six inches from the inlet pipe invert or the remaining available volume within a leach pit above the liquid depth is less than 1/2 of one day's design flow.
- g)j) **All non-conforming** septic systems in the Beach Point and Pamet River Protection District or located within two hundred (200') feet of any Wetland or within the floodplain as mapped by FEMA shall be considered failing to protect public health, safety, welfare and the environment and shall be upgraded to meet the requirements of this Section VI and/or Title 5 **by [date]**.
- h)k) **Cesspools** in Truro are herein defined as failed systems and shall be upgraded to meet the requirements of Title 5 prior to December 31, 2023. All new systems replacing cesspools shall be installed and certified by that date.

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Commented [GJC6]: The purpose of this change is not clear.

Commented [EB7]: This change allows a compliant system to remain in case of fire, meaning that it passes inspection. Otherwise there would be an automatic upgrade to at least the 1995 code.

Commented [EB8]: The Board should discuss whether they see value in retaining this section, as we do require an upgrade with a tear-down.

Commented [EB9]: Need date

2. Multiple Systems on One Lot.

- a) ~~In the event of the failure of one septic system on a lot that has~~ ~~On a parcel with more than one non-conforming septic system,~~ ~~In the event of the failure of one septic system on a lot that has~~ **with more than one system and a total design flow on the parcel of less than 2,000 gallons per day**, the failing system shall be **immediately** upgraded and the remaining **non-conforming** septic systems shall be inspected by a ~~Department of Environmental Protection system~~ **licensed Inspector**, pursuant to Section 15.340 of Title 5 (hereinafter, "DEP System Inspector"), ~~except where the total cumulative flow is over 2000 gallons per day, then all systems shall be upgraded with pressure distribution in accordance with Title 5.~~ If any of the remaining **non-conforming** septic systems ~~shall is non-conforming or~~ fail inspection as defined in the Title 5 **Official** Inspection Form,

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and the Truro "addendum to MA title 5 inspection form" or if the inspection shall reveal that the system is a "Failed System" as defined in Article (3) set forth above, ~~the non-conforming septic system shall be immediately that system must~~ **also be upgraded to a fully conforming Title 5 septic system.**

- a)b) ~~If the design flow on a parcel is over 2,000 gallons per day, then all systems shall be upgraded- according to Title 5 and local Truro Board of Health regulations. with pressure distribution in accordance with Title 5.~~

3. Time for Upgrades and Administrative Consent Orders

PURPOSE: ~~To allow the Town to execute an agreement with private property owners who need to upgrade, or repair or replace their cesspools or septic systems during the Municipal wastewater planning process, which may include the availability of public sewer at a later date.~~

DEFINITIONS:

ADMINISTRATIVE CONSENT ORDER (ACO) is a duly executed and recorded document that affords a property owner in Truro an opportunity to defer major repair, replacement and /or upgrade of a non-conforming or failed on-site wastewater treatment system until a municipal plan is available to direct the course of action for that owner, subject to certain conditions including but not limited to establishment of an escrow account to fund work required to achieve compliance. or until a time frame specified and requires funds for a septic upgrade be placed in an escrow account.

SYSTEM INSPECTION REPORTS: Inspections of septic systems shall report on the functioning and condition of the system, and a description of the components. This report will be the basis to determine whether a property is eligible for an Administrative Consent Order (ACO) or will be required to upgrade immediately. If an inspection is required by Order of the Board of Health, or by the Truro Board of Health regulations, those properties with a cesspool system will not be required to submit a title 5 inspection form; however, a licensed inspector must provide the Board of Health with a letter describing the condition of the cesspool system and a description of its components.

TIME FOR UPGRADES

All onsite septic systems shall be upgraded within one hundred and eighty (180) days from completion of an inspection of the system, unless another time frame is specified in these regulations or order of the Board of Health, whenever an inspection determines that the system requires upgrade due to a condition identified in Section VI, Article 3 of the Truro Board of Health Regulation or Title 5.

The Board of Health may grant a variance extending the time for completing the required upgrade, subject to the property owner entering into an Administrative Consent Order approved by the Board within thirty (30) days from completion of the inspection.

Administrative Consent Orders shall be at the sole discretion of the Board whenever the Board

Proposed amendments to Truro BoH regulations

determines that an extension of time to complete required work will avoid undue hardship or manifest injustice to the owner of the facility and will not jeopardize public health, safety or the environment. Without limiting the generality, the Board may but is not required to issue Administrative Consent Orders in the following circumstances listed below.

Applications for Administrative Consent Order shall be in writing and must be received by the Board of Health within thirty (30) days of the completion of system inspection. Requests for Administrative Consent Order not received within said thirty days will be rejected unless the Board extends the deadline for good cause shown.

ADMINISTRATIVE CONSENT ORDER

Administrative Consent Orders shall be on such terms and conditions as the Board determines are in the best interests of protecting public health and the environment until such time as the system is upgraded.

Examples of possible scenarios include:

- When an upgrade can be delayed until Best available technology (BAT) is available;
- When circumstances dictate that a solution cannot be implemented until a future date;
- When a property is a candidate for future sewer connection that may become available;
- When the size or location of the property dictates it be part of a shared system with another property;

All Administrative Consent Orders shall include the following minimum terms:

1. The Board of Health agrees to extend the time for upgrading the system for a specified period of time, provided that there is compliance with the terms of the ACO;
2. The Property owner agrees to deposit a predetermined sum of money* into an interest-bearing escrow account in an amount sufficient to either pay a betterment fee or complete the installation; said sum may be paid in installments.
*(This sum will be based on estimated costs for plans, estimated costs for I/A system installation or cost to connect to a wastewater sewer- example \$48/gallon of title 5 design flow for installing a standard title 5; \$65/gallon of title 5 design flow for connection to the Provincetown sewer; \$97/gallon of title 5 design flow for installing an I/A or enhanced I/A title 5.)
3. The Property owner agrees to upgrade the system or connect to a public sewer upon expiration of the stay;
4. The Property owner agrees to periodic inspections and pumping of the system as needed;
5. The Property owner agrees to abate any imminent health hazards arising prior to upgrade of the system, which may require earlier repairs or upgrade;
6. Stipulated penalties for failing to comply with the ACO; and
7. The Property owner agrees to record the ACO in the chain of title to the property and that the ACO will be binding on any successors in interest.

Commented [EB10]: The specified period of time shall be agreed upon by the BoH and the owner of the facility

Notwithstanding the terms of this Regulation or an ACO issued pursuant thereto, the Board

Proposed amendments to Truro BoH regulations

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reserves the right to issue any such order as may be deemed necessary to protect public health and the environment from an imminent hazard caused by any onsite septic system, including requiring pumping, repairs, or immediate upgrades.

All requests for an ACO shall be processed in accordance with Section I, Article 2f of the Truro Board of Health Regulations and Title 5 and shall be within the sole discretion of the Board.

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Article 4– Required Septic System Inspections

1. A current Inspection Report completed by a MA licensed Septic System Inspector shall be filed in the following circumstances:

- a. At or within two years prior to the time of sale or transfer of title to the facility as defined in Article 4 of this Section VI and title 5, 310 CMR 15.301;
- b. With an application for a building permit that proposes an increase in living-useable space as determined by the Truro Health Agent; ~~if an applicant or a direct abutter is aggrieved by the determination of “increase of usable living-space” by the Health Agent, the applicant may appeal this determination to the Truro Board of Health within ten (10) days of receipt of the Agent’s determination;~~
- c. With an application for a special permit that allows uses not otherwise permitted by the Truro Zoning Bylaw;
- d. With an application for a new license or transfer of an existing license relating to the use of the facility served by the system.;
- ~~e. or Every three years at the renewal of the annual operating permit for the operation of a motel, cottage colony, cabin, campgrounds, lodging house or restaurant. (see also 2-h in this article)~~
- ~~c.~~
- ~~d-f.~~ Prior to renewal of permits for a facility served by a shared system. Inspections for all shared systems are required once every 3 years. Shared systems include condominiums, motels and camps and cabins.
- ~~e-g.~~ Prior to any change in use as defined in these regulations.
- ~~f-h.~~ At such time as a property owner/business owner is so ordered by the Board of Health.

Commented [EB11]: it was suggested that the Board consider setting a threshold value for the building permit, such as greater than \$10,000.

2. Inspection Criteria:

All system inspections shall be documented in an official Title 5 inspection form and a ~~Town of Truro Septic “addendum to MA title 5 inspection form”~~. An inspection shall not be considered complete unless all information required on both forms is provided. In addition to the inspection criteria set forth in Title 5, the following criteria shall be observed in conducting system inspections:

- a) An open inspection of all components of the system is required. If a component cannot be found or uncovered after a reasonable search, the inspector must provide evidence for the system’s success or failure. Replacement or installation of the component is required in this instance.
- b) The septic tank shall be pumped at the time of inspection if it has not been pumped

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within the past 3 years.

- c) Leach pits must have **at least 6 inches** of leaching capacity below the outlet invert in order to pass the inspection. The 6 inches of leaching capacity is determined by clean sidewall absent of staining or evidence of high water. The Inspector must clearly indicate on the inspection form the height of standing liquid in any leaching component, the level of staining in any leaching component, and the description of both sanitary tees in any inspected tank. In the case of missing sanitary tees, no passing report shall be issued unless there is proof (copy of permit) of the correction of the deficiency.
- d) Any work for the correction of component failures, such as, but not limited to, eroded distribution-boxes, new piping, **sealing a tank** or **installing** new tees will require a valid disposal works construction permit, inspection and issuance **of** a certificate of compliance.
- e) If the inspector finds that the access port covers of the septic tank inlet and outlet, distribution box and soil absorption system are not within 6 inches to grade, risers shall be provided as needed and the installation of risers shall be indicated in the septic system report.

~~3. Failed systems shall include: cesspools; non-conforming systems as defined in Article 2; systems without adequate separation to groundwater; systems with leaching areas/pits that are essentially at capacity, as defined herein; systems that were not designed to accommodate the use; any system deemed as failing to protect public health, safety and the environment.~~

Commented [EB12]: Gregg Corbo suggests to shorten this and reference "as defined in article 1"

~~4.3 All Inspections~~ shall be conducted by a MA licensed Title 5 inspector, using both the local and state inspection forms; the local form and required water test results shall be attached to the State form when filed in accordance with, and addition to, the requirements of Title 5 for septic inspection reporting.

~~5.4 The septic inspector~~ must verify that the use of the facility (ie; # of bedrooms) matches the design flow of the system (ie; a 4 bedroom dwelling should have at least 440 gpd design flow). Design flow shall be based on the records on file at the office of the Board of Health and **the actual** use of the facility, including the number of bedrooms, shall be based on a visual inspection at the time of inspection.

~~6.5 Difficulty in Locating Components:~~ If a complete inspection cannot be performed, the inspector must provide adequate documentation of the specific conditions which prevented a complete inspection and should indicate on the inspection form how the inspector attempted to locate components; in this instance the report shall indicate that the system "Needs Further Evaluation from the Local Approving Authority." The Local Approving Authority shall evaluate all "Needs Further Evaluation" entries on the inspection form and determine whether further investigation is required to adequately evaluate the system.

Article 5- Subdivision Plans

- 1) All new subdivision plans shall have the proposed well location and septic system on each lot. These locations shall meet all sideline and other setback and distance requirements.

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- 2) The Plan shall be on file with the Building Commissioner and Health Agent.
- 3) Applications for septic and well permits shall adhere to the plan unless sufficient data ~~is~~are presented to the Board of Health to justify the change.

Article 6 - Bedroom Count

(1) Bedroom Count Determination. Notwithstanding the general provisions of Section 15.002 of Chapter 310 of the Code of Massachusetts Regulations, there shall be no presumption that single-family dwellings have at least three bedrooms in the Town of Truro. In each instance, a specific determination relative to bedroom count must be made without reliance upon any presumptions. The Health Agent shall have the authority to make the initial bedroom count determination. If the Health Agent finds the determination in a specific instance should be made by the Board of Health, the Agent may, in their sole discretion, refer the matter to the Board of Health for a final determination. The Agent may also, in their sole discretion, refer the bedroom count determination to the Board of Health upon request of the applicant.

(2) Deed Restriction. A deed restriction may be required by the Board of Health to ensure that use of the septic system as proposed will not negatively impact the public health, safety, welfare or the environment.

(3) Building Permits. No building permit, ~~foundation permit, plumbing permit, special permit or variance~~ shall be issued until a Disposal Works Construction Permit has been issued for installation of a subsurface sewage disposal system designed to accommodate the bedroom count or the Board of Health has issued a written determination that the existing system is adequate for what is proposed.

(4) Floor Plans and Inspections. For existing facilities, in order to determine compliance with any provision of the foregoing regulations, a floor plan ~~prepared by a registered architect or engineer must be filed with the Truro Board of Health at the time of submission of an inspection report form~~ may be required ~~by the Health Agent to make a determination as to the design flow of the facility served by a system (i.e. the number of bedrooms). bedroom count.~~ If the Health Agent deems it necessary, they may refer the determination of ~~design flow the bedroom count~~ to the Board of Health for a vote. ~~If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence is necessary to confirm the bedroom count, the Health Agent, with the applicant's permission, shall inspect the premises and report their findings to the Board.~~

~~(4)~~**(5) Assessors' records, and old unstamped plans and the like** will not be considered ~~as~~ sufficient evidence of the size of the facility for purposes of determining design flow. In the event of a discrepancy between the results of the visual inspection and existing records, an in-person inspection by the Health Agent will be required and the Health Agent's determination of the size of the facility will be final.

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Article 7 - Regulation of Separate Site Systems

- 1) Septic systems shall be constructed on the same lot as the facility to be served unless the use of a shared or cluster system is approved by the Board of Health.
- 2) Variances from this Article may be granted by the Truro Board of Health for structures in existence prior to March 31, 1995, provided all of the following conditions are met:
 - a. The system can be installed on a contiguous property owned by the same person and title to the lots is merged by virtue of a deed recorded at the Barnstable County Registry of Deeds;
 - b. The system is not being installed for the purpose of increasing the size or use of the existing structure; and,
 - c. The system will replace or repair a pre-existing, non-conforming septic system or components.
- 3) Any grant of variance pursuant to this Article must also be made in accordance with Article 2 of this Section VI and Section I of the Truro Board of Health Regulations.

Commented [EB13]: This would be in conflict with a future where shared-cluster systems may be prescribed

Article 8- Innovative/Alternative Technology

Preamble: In considering the permitting and use of various alternative septic treatment technologies in the Town of Truro, the Board of Health of the Town of Truro recognizes that there may be specific local circumstances which warrant the Board to require more stringent conditions for the installation and monitoring of these alternative systems than may be required by the Massachusetts Department of Environmental Protection. As allowed under Massachusetts General Laws Chapter 111, Section 31 and as required by the revised 310 CMR Section 15.285 (2d), 15.286 (5) and 15.288 (4), the Board of Health of the Town of Truro hereby reserves the right to impose any additional conditions or monitoring requirements it views as necessary to ensure the safe performance of any alternative onsite septic system which the Board agrees to permit in the Town of Truro.

- 1). **Applicability:** The use of I/A technology is required in the following circumstances:
 - a) for flows greater than 600 GPD;
 - b) for nitrogen credit applications (these are only allowed by request in limited circumstances in Truro);
 - c) for upgrade of certain non-conforming systems as determined by the Board of Health;
 - d) for upgrades of previously approved systems that exceed current nitrogen loading standards of 110 gpd/10,000sf of lot area;
 - e) in certain cases where a variance is required and circumstances support the use of I/A to mitigate the environmental impact of the proposed system, as determined by the Board of Health.

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2. Standards:

- a) In all of the circumstances described above, the I/A System shall be designed to achieve/produce no greater than 19 mg/l total nitrogen (TN) concentration in the effluent by using the secondary treatment achieved with an approved innovative/alternative (I/A) septic system. ~~At least 1 lab test showing TN shall be submitted annually to the Health department.~~
- ~~b) Any existing facility with a design flow greater than 600 gpd shall be designed to achieve/produce no greater than 19 mg/l total nitrogen concentration in the effluent by using secondary treatment achieved with an approved innovative/alternative (I/A) septic system that complies with the requirements of this Section VI. At least 1 lab test showing TN shall be submitted annually to the Health department.~~
- ~~b)~~
c) I/A Systems shall be tested and reported on a quarterly basis, unless approved for reduced testing in accordance with O&M requirements, by means of obtaining an effluent sample from the distribution box or pump chamber to determine if the system meets the post-treatment standard of less than 19 mg/l total nitrogen. The results of such evaluations shall be submitted to the Board of Health within forty-eight hours of receipt thereof.

3) Non-Performance.

- a) Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, ~~or~~ an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health.
- b) Non-performance requires written notification by the operator to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.
- c) Corrective actions must be taken ~~immediately~~ (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein, or specific to the approval by the Truro Board of Health.
- d) Lab tests showing exceedance of TN triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.
- e) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.

4) Applications and Hearings.

- ~~a) Any application for a system proposing the use of I/A technology shall be submitted to the Truro Board of Health which shall hold a public hearing to consider its approval.~~
- ~~b)~~ a) All applications shall include a copy of the Massachusetts Department of Environmental Protection approval letter appropriate to the I/A technology being used and the level of approval (i.e., General Use, Provisional Use, Remedial Use, Piloting Use, or site-specific Pilot Approval).

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- e)b) All applications for Pilot Approval shall include performance data from piloting sites where the I/A technology has been similarly configured and utilized.
- d)c) Notice of the public hearing of the Board of Health for the consideration of applications ~~requiring for~~ I/A approval shall be in accordance with the provisions of the Open Meeting Laws in Massachusetts. Abutter notification will not be required unless mandated by Title 5.

5)Monitoring and Reporting.

- a) If an I/A system is approved, the applicant will be required to submit a proposed monitoring and reporting plan to evaluate the performance of the system to the Board of Health for approval. ~~T~~his plan shall include a description of any long-term operational or maintenance requirements needed to keep the system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.
- b) Owners and operators of all I/A systems shall report the results of all operation, maintenance, and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Truro Board of Health and to the Barnstable County Department of Health and Environment. ~~Such r~~eporting must be performed in the manner specified by the Board of Health or in the form approved by the Barnstable County Department of Health and Environment and must occur within forty-eight hours after each maintenance or monitoring event.
- c) The Board of Health ~~hereby further~~ requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, including a proposed deadline for said corrective action, to the Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.
- d) If at any time a monitoring or maintenance report indicates that an I/A system needs corrective action, the Truro Board of Health may hold a hearing to ~~inquire as to whether~~ ~~determine~~ corrective action is needed. If at such hearing, the Truro Board of Health determines that such system needs corrective action, it may take enforcement action, including but not limited to, an order to cease operation of said system or any other action otherwise necessary to protect public health, safety, welfare, and the environment.
- e) I/A Systems that do not perform are required to be immediately evaluated by the licensed operator for the purpose of the inspector forming a diagnostic opinion of what corrective actions would address the non-performance.
- ~~f) Non-performance includes any I/A system that has been determined to be failing to protect public health and safety, and the environment, or an I/A system with equipment failure or an unresolved alarm event, or components that are not functioning as designed, or components that are not functioning in accordance with the manufacturers specifications, or a system that is in violation of the terms of its approval by the Truro Board of Health; or a system that is not achieving the total nitrogen standard in these regulations.~~

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- ~~g) Non-performance requires written notification to the Truro Health Department within 48 hours receipt of lab test, along with a statement describing what corrective actions will be taken.~~
- ~~h) Corrective actions must be taken immediately (within 48 hours of a lab report or field test) to address performance that does not meet the standards as defined herein.~~
- ~~i) Lab tests showing exceedance of TN standard triggers a re-test immediately following corrective actions taken to address the exceedance, until the corrective measures are shown to have improved performance to meet the standards.~~
- ~~j) Failure to comply with the process as described may result in a written warning from the Truro Health Department, followed by possible fines, and a hearing with the Truro Board of Health that must be attended by the property owner and the licensed inspector.~~

6) Record Notice at Barnstable Registry of Deeds.

- a) All applicants gaining Board of Health approval for the installation of any I/A systems shall be required to record at the Barnstable County Registry of Deeds a Notice that the property is served by an I/A system, ~~together with an explanation of the Inspection, Monitoring and Reporting requirements, including the requirement of a service contract for the life of the system.~~
- b) **No Certificate of Compliance** for the installation of an I/A system will be issued until proof of recording is filed with the Health Department.

Article 9 - Required Setbacks for System Components

Notwithstanding the provisions of Title 5, 310 C.M.R. 2.11, all systems shall conform to the following minimum setback distances for septic tanks and soil absorption systems (SAS), including reserve areas, as measured in feet and set forth below:

	<u>Septic Tank or Pump Chamber</u>	<u>SAS</u>
Surface Water (except Wetlands)	50'	100'
Wetlands	100'	150'

Article 10 - Existing Systems Serving New Construction

For **all** systems designed and approved prior to ~~March 31, 1995~~**2001**, the size of the existing installed system shall ~~no longer~~ be considered and all previous approvals for "future use" are hereby expired. ~~in determining whether a change in use or new construction in the facility served by the system will result in an increase in design flow, i.e. an increase in the number of bedrooms, restaurant seats, retail space, office space etc. for facilities listed in 310-CMR 15.203(2) through (5), rather review of the existing use of the facility (i.e., existing bedroom count; existing restaurant seats; existing retail space, etc.) at the time of the change, as determined by the Truro Health Agent, will be used to make such determination.~~

No increase in design flow to any system shall be allowed unless the lot meets the requirements of 15.214, Nitrogen Loading Limitations, and Article 11 and Article 13 below. Should an increase in design flow be allowed, the system shall be upgraded in full compliance with Title 5 and the regulations of the Truro Board of Health for new construction.

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Article 11 - Buildable Upland Calculations for Nitrogen Loading Limitations

When applying the nitrogen loading limitations set forth in Title 5 and this Section VI of the Truro Board of Health Regulations (see Article 14), only Buildable Uplands shall be included in the lot area calculations.

Article 12 - Deed Restrictions

- 1) Any deed restrictions required under this Section VI or under Title 5 shall be submitted to the Health Agent for review before they are finalized and executed.
- 2) Each deed restriction shall **adequately** describe the property and all restrictions placed thereon (i.e., bedroom count limitations shall include the number and location of approved bedrooms; monitoring agreements shall describe the specific monitoring and maintenance requirements, etc.).
- 3) All deed restrictions ~~may shall~~ contain a provision permitting the Truro Health Agent to inspect the premises to ensure compliance with the provisions of the deed restriction at reasonable intervals and upon reasonable prior notice.
- 4) ~~All deed restrictions~~ A deed restriction required by the Board of Health, or their Agent shall be recorded at the Barnstable County Registry of Deeds, ~~and~~ proof of recording shall be submitted to the Health Department prior to the issuance of the Certificate of Compliance for the system.
- 5) A deed restriction required by the Board of Health, or ~~its~~ their Agent shall be recorded prior to the ~~issuance of the Disposal Works Construction permit, or approval/sign-off on~~ any building permit, as ~~determined to be~~ required for compliance with these local regulations and Title 5 by the Board of Health or its Agent.
- 5)6) A deed restriction is required by the Board of Health or their Agent prior to sign-off on all Accessory Dwelling Units specifying the terms of approval including the requirement for year-round rental in perpetuity.

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Article 13 - Nitrogen Loading Limitations

- 1) The Truro Board of Health ~~hereby~~ requires that all properties within the Town of Truro meet the nitrogen loading requirements~~restrictions~~ set forth in 310 CMR 15.214 and ~~contains~~shall have at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) for every 110 gallons per day of title 5 design flow, ~~and that a~~ All systems designed to serve said facilities must meet the same restrictions and requirements contained in ~~the~~ Title 5 as the "Nitrogen Sensitive Areas" defined in 310

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CMR 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.

- 2) Upgrades for systems that exceed current nitrogen loading shall include the use of I/A technology; ~~the use of pressure distribution may be required when indicated and determined by the Board, to mitigate as a need for~~ certain variances such as depth to groundwater, lateral separation to marine water bodies or private wells.

Article 14 - Septage Haulers and Septic Installers Licenses

1. A **Septic Installers license** is required in the Town of Truro for any work done to alter a septic system or its **components such as replacement of or connection to a building sewer, piping, tee replacement, tank and d-box replacement and tank sealing.**
2. **Septage Haulers License Application:** The Board of Health will issue Septage Haulers Licenses only upon written application that includes the following information:
 - a) name and address of applicant and business name under which applicant will operate.
 - b) written description of all equipment utilized in the business, including the capacity of any tanks; and an emergency contact name and number of a person available for contact 24 hours a day in cases of emergency.

~~3. **Inspection:** Prior to the issuance of the Septage Haulers License and annually thereafter, all equipment of the business must be inspected by the Health Agent. All equipment must be clearly marked and identified with markings indicating the capacity of the tank. Truck tanks must be cleaned and made free of sand and sludge for every inspection. Gauges must be cleaned and calibrated so that exact volume is easily determined.~~

~~3. **Septage Coupons:** Septage coupons must be ~~completely and~~ properly filled out. The name, date, location and volume for each system serviced must be provided. The signature of the hauler and the customer must be executed on each coupon in order to validate the origin of the waste in the Town of Truro. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~

4. **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.

5. **Failing Systems.** As a condition of their License, all Licensees shall accurately report all malfunctioning systems to the Board of Health, including but not limited to, the address of the malfunctioning system, the nature of the problem and the repairs,

~~6.1. Septage haulers are required to supply accurate/legible information to the Board of Health as a condition of their License.~~

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7.6 Licenses. Licenses go into effect January 1st of each year. The annual fee for Licenses shall be determined by the Board of Health each year.

8.7 Violations. Failure to comply with any of these regulations shall constitute a violation which may result in a show cause hearing before the Board of Health to determine whether the License should be revoked. Violations may also result in the imposition of fines and/or any necessary legal action to be undertaken by the Board.

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Article 15- Maintenance requirements

All septic systems shall be maintained in proper working order and free from defects at all times and the owner of the facility shall be responsible for ensuring correction of any defective conditions upon discovery of same. Notwithstanding the foregoing, septic system repairs shall be conducted only by licensed septic installers.

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Without limiting the generality of the foregoing, the following maintenance requirements apply to all systems :

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1. Each area with pressure distribution must be inspected annually, by a professional engineer as required by PE per Title 5;
2. Maintenance Pumping of a septic tank must be completed when ordered by the Board of Health. If a septic system inspection indicates that the septic tank has not been pumped within 3 years, system inspection the tank must be pumped as part of the septic inspection.
3. Maintenance by pumping septic tanks is recommended every 3- 5 years for residential systems, depending on the amount of use, or within such intervals required by the Board.
4. Maintenance of Grease traps includes quarterly pumping as required by Title 5.

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Article 165- Miscellaneous Provisions

1. **As-Built Cards.** The measured location of all components of each septic system shall be recorded on a septic "As Built" card and filed with the Health Agent prior to the issuance of a Certificate of Compliance. The installer shall verify on said "As Built" card that the components are installed in accordance with the locations shown on the approved septic plan.
2. **Severability.** If any Article, section, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such declaration shall not affect the remainder of these regulations which shall remain in full force and effect.

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TOWN OF TRURO



HEALTH & CONSERVATION DEPARTMENT

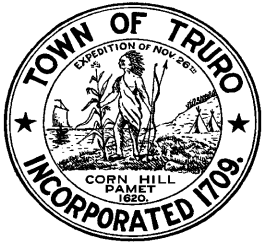
Memo to: Darrin Tangeman, Truro Town Manager
Truro Board of Health
From: Emily Beebe, Truro Health & Conservation Agent
Date: April 24, 2023
Re: Board of Health Regulation Changes

The Board of Health is amending two sections of their local regulations, specifically Section V: Transfer Station rules and regulations, articles 2 & 7, and Section VI: Local Septic Regulations to Supplement Title 5 State Environmental Code.

1. The changes to the Transfer Station regulations are limited to removal of 2 permit-types from the fee schedule, the 6-month permit, and the swap shop permit.
2. The changes proposed to the local Title 5 regulations will include some housekeeping to make the regulations more understandable but more importantly, will introduce the Administrative Consent (ACO) order process. These ACOs are legal agreements between property owners and the Board of Health to address special circumstances surrounding septic system upgrades. Examples might include Shore Road properties that might be eligible for a future sewer connection or a property with extenuating circumstances concerning their property configuration or legal issues. Providing there is no imminent health hazard, these agreements extend the time for an upgrade to occur, and the property owner must pay into an escrow account to be used to pay for the upgrade. This valuable tool will help the Board of Health protect the groundwater in town while allowing for the best possible solution for individual situations.

These draft regulations will be discussed at a Public Hearing scheduled for May 2, 2023. A copy of the proposed text for both section has been posted to our website.

I welcome the opportunity to answer any questions you may have, and to present these proposed changes to the Select Board.



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Department of Public Works

REQUESTOR: Jarrod J. Cabral, Director of Public Works

REQUESTED MEETING DATE: May 23, 2023

ITEM: Board of Health Update on Transfer Station Fees

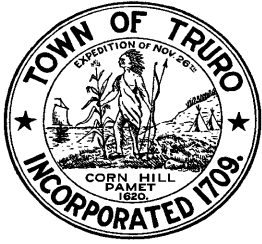
EXPLANATION: Starting June 1, 2023, the Truro Transfer Station's six-month permit and Swap Shop permit will no longer be sold. (Please note: the Swap Shop will remain open and weekly and monthly permits are available with proof of stay in Truro.) Existing permits will be honored until they expire. With the rising tonnage costs for solid waste and recycling, I have recommended, and the Board of Health approved, the elimination of these two permits which will result in approximately \$8,000 increase permit sales, as well as an added \$3,000 in grant funding from the state Department of Environmental Protection (DEP). Fee increases associated with the Transfer Station will not be adjusted at this time but are under consideration for Fiscal Year 2024. The annual permit fee schedule was last adjusted in 2015 and the White Goods/Commercial Tipping fee schedule was adjusted in 2020. Truro's annual permitting fees are the lowest offered when compared to other towns within Barnstable County operating with the same permitting parameters.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED:

SUGGESTED ACTION: None. Update Only.

ATTACHMENTS: None



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: DPW

REQUESTOR: Jarrod J. Cabral

REQUESTED MEETING DATE: May 23, 2023

ITEM: Presentation of Public Works Facility Site Cost Comparison and Potential Next/Future Steps

EXPLANATION: The Public Works Facility cost analysis review on March 8th generated a few additional questions regarding line items in the cost analysis. Since then, we have asked our consultants from Weston & Sampson to break out the line items to give us a clearer idea of what some of the larger line items consisted of. Additionally, the Town has identified another potential site located at 2 Sand Pit Road and requested a fit test and a cost analysis for this location. It should be noted that 2 Sand Pit Road is residentially zoned. In order to locate a commercial facility, an overlay district would need to be developed and voted on at Town Meeting for approval.

Recommended next steps:

- Peer review of Weston & Sampson's deliverables;
- Review and discuss regional DPW facility with Provincetown;
- Select Board final review of proposed sites;
- Select Board final site selection;
- Form Ad hoc Building Committee to work with design team;
- Internal discussion of funding mechanisms and timing to determine the best path forward.

Note: The construction of a new facility would go through the invitation for bid process for construction only. This would not be a design and build process. Weston & Sampson would provide final engineering design, permitting, develop bid documents, and provide construction administrative services.

Background: To date we have had five study updates over a four-year period. The initial needs assessment resulted in a 36,689sf facility which was subsequently reduced down 19.3% or 29,608sf facility with a total cost of 29.6M.

FINANCIAL SOURCE (IF APPLICABLE): To be determined.

IMPACT IF NOT APPROVED: No approval sought at this time.

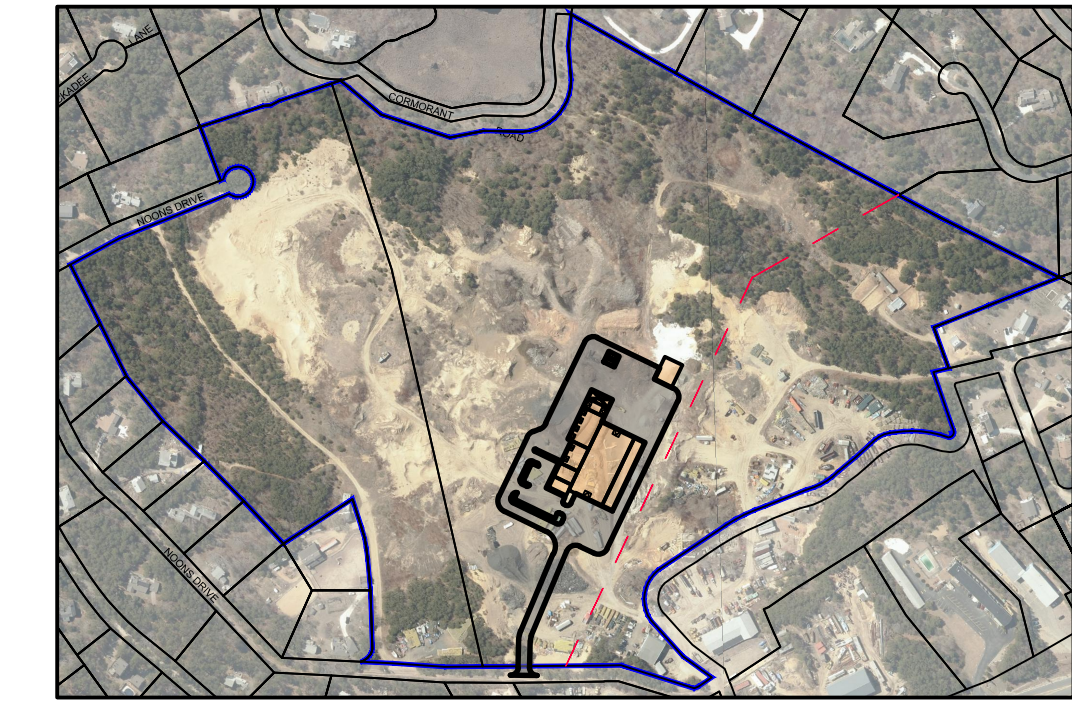
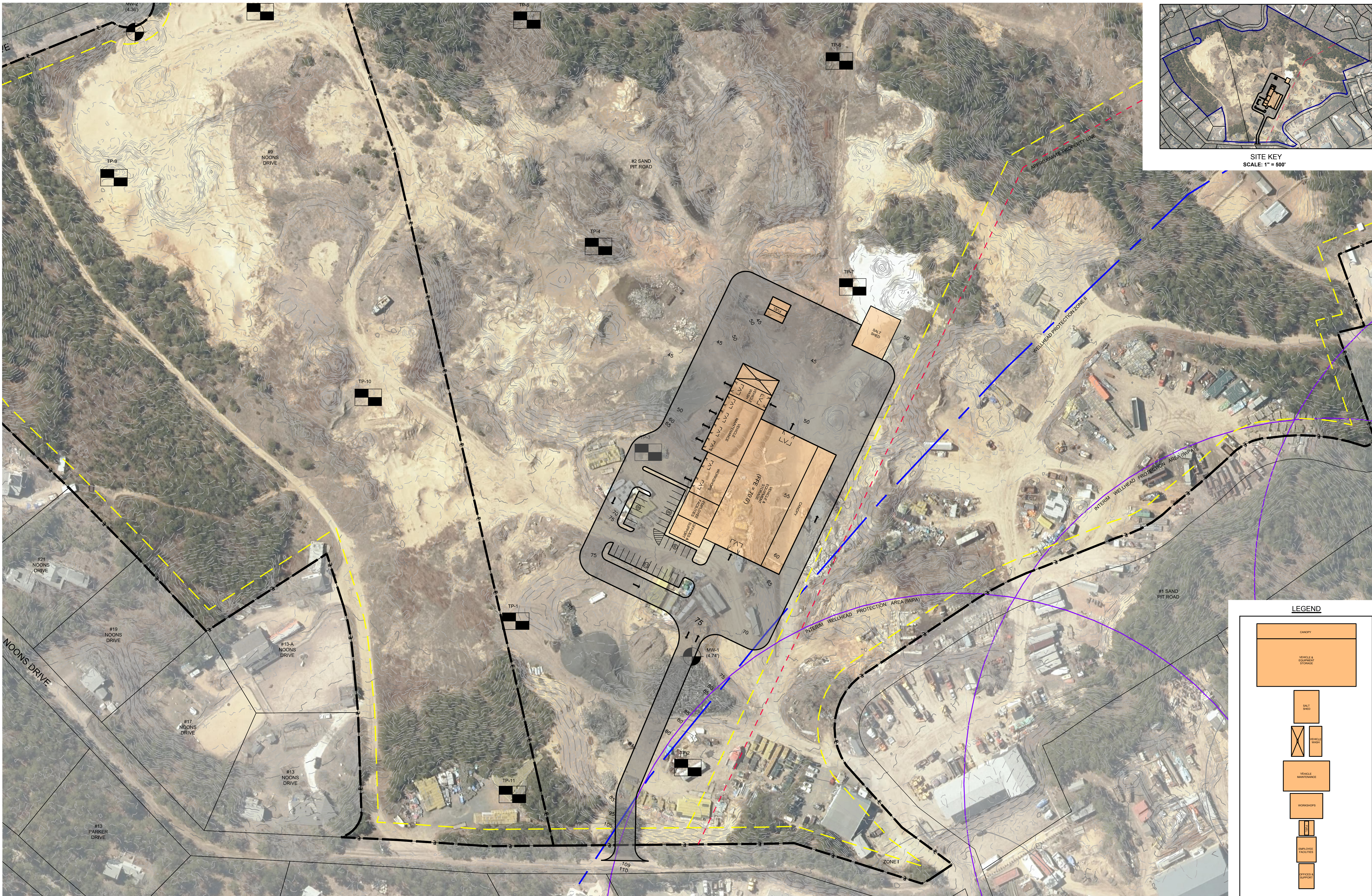
SUGGESTED ACTION: None. Presentation and discussion only.

ATTACHMENTS:

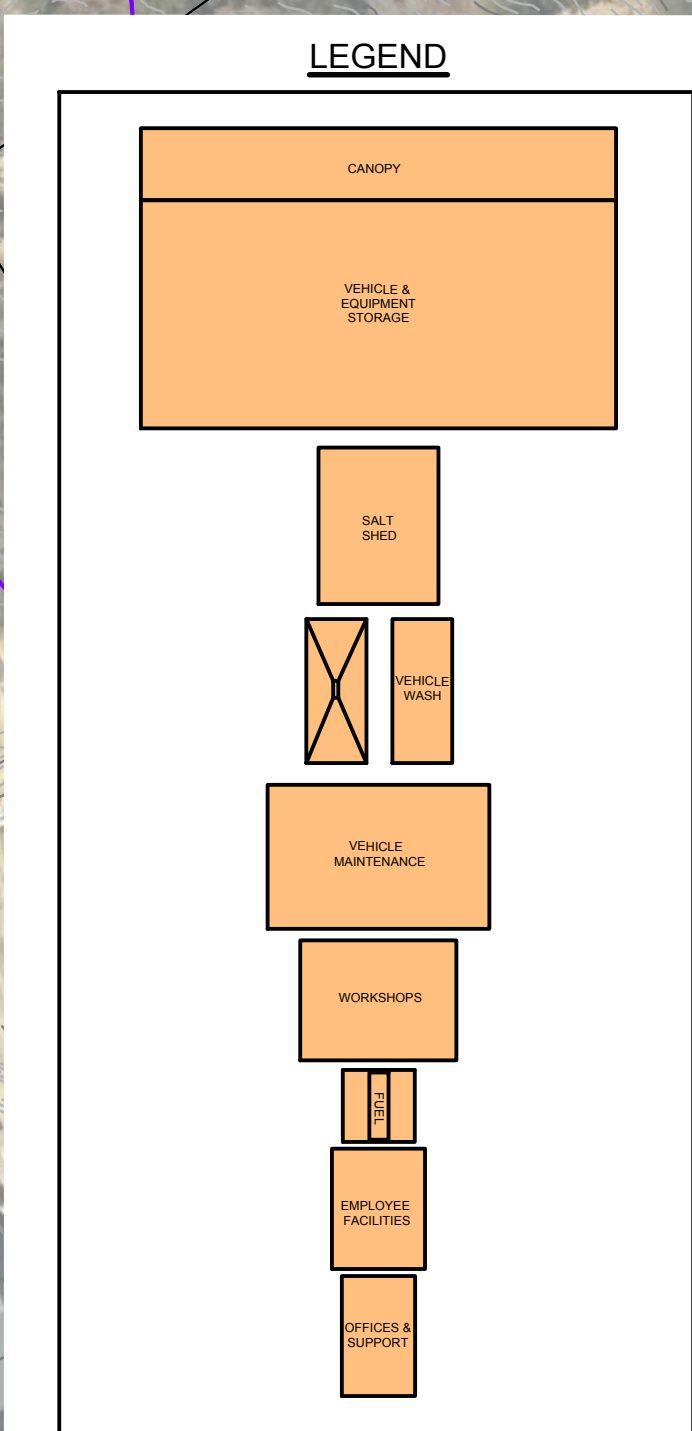
1. Updated Cost analysis
2. Fit test for 2 Sand Pit Road
3. Phase 1 & 2 Environmental map locations of test pits and monitoring wells.
4. Stretch code opinions from Cape Light Compact and Westin & Sampson
5. Specialized Stretch Code Opinions from Cape Light Compact and Weston & Sampson

TOWN OF TRURO
NEW DPW FACILITY COMPARISON OF SITE COSTS

Item Description	340 Rt 6 Property	Town Hall Rd Property	Town Hall Rd Property	Walsh Property	Sandpit Road
		Well @ Snows Field	Well @ Conservation Trust		
Site Preparation (site specific)	\$ 1,264,000	\$ 346,000	\$ 346,000	\$ 314,000	\$ 1,078,000
<i>Clear and Grub Site</i>					
<i>Strip & Stockpile Top Layer Surface</i>					
<i>Screen Top Layer</i>					
<i>Respread/Reuse Top Layer</i>					
<i>Topsoil import and spread</i>					
<i>Site Cuts to Fill</i>					
<i>Import & Place Fill</i>					
<i>Tree Removal</i>					
<i>Stump Removal</i>					
<i>Finish Grading</i>					
Retaining Wall	\$ 271,000	\$ 485,000	\$ 485,000	\$ 155,000	\$ -
Site Access	\$ 14,000	\$ -	\$ -	\$ 97,000	\$ 67,000
<i>HMA Berm-Driveway</i>					
<i>Gravel Pavement Subbase-Driveway</i>					
<i>Bituminous Concrete (Hot Mix Asphalt)-Driveway</i>					
Stormwater Improvements	\$ 278,000	\$ 243,000	\$ 243,000	\$ 333,000	\$ 263,000
<i>Drainage System - Manhole</i>					
<i>Drainage System - Catchbasin</i>					
<i>Storm Piping</i>					
<i>OCS</i>					
<i>SWTU</i>					
<i>Precast Flared End and Riprap Level Spreader</i>					
Water Distribution	\$ 74,000	\$ 74,000	\$ 74,000	\$ 633,000	\$ 583,000
<i>Water Distribution System - Domestic Tap</i>					
<i>Water Distribution System - Fire Service Tap</i>					
<i>Water Distribution System - 4" Copper</i>					
<i>Water Distribution System - 6" DI Fire Service</i>					
<i>12" Ductile Iron Water Piping</i>					
<i>8" Ductile Iron Water Piping</i>					
<i>Misc Water Pipe Fittings</i>					
<i>Water Distribution System - Hydrant</i>					
<i>Water Distribution System - Valves</i>					
<i>Water Distribution System - Misc. Accessories</i>					
Additional Fire Suppression Pump System	\$ 43,000	\$ -	\$ -	\$ -	\$ -
New Well and Water Line Construction	\$ -	\$ 400,000	\$ 210,000	\$ -	\$ -
Cistern (20,000 gal tank and piping)	\$ -	\$ 120,000	\$ 120,000	\$ 120,000	\$ 120,000
Fire Pump and Vault	\$ -	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000
Snow's Field Modifications and Fencing for Well Relocation	\$ -	\$ 905,000	\$ -		\$ -
<i>New Little League Field with Fence</i>					
<i>Refurbished existing Natural Grass Rectangular Fields</i>					
<i>New Parking and Asphalt Perimeter Walks</i>					
<i>Misc. Site Ammenities Allowance (i.e.benches, bleachers, signs, etc.)</i>					
<i>Irrigation</i>					
Temporary Operations/Conditions	\$ -	\$ 250,000	\$ 250,000	\$ -	\$ -
Subtotal Site Specific Cost Difference:	\$ 1,944,000	\$ 2,893,000	\$ 1,798,000	\$ 1,722,000	\$ 2,181,000
<i>Design Contingency (4%):</i>	\$ 77,760	\$ 115,720	\$ 71,920	\$ 68,880	\$ 87,240
<i>Escalation - Yr 1 (11% per year):</i>	\$ 222,394	\$ 330,959	\$ 205,691	\$ 196,997	\$ 249,506
<i>Escalation - Yr 2 (6% per year):</i>	\$ 134,649	\$ 200,381	\$ 124,537	\$ 119,273	\$ 151,065
<i>Location Factor (4%):</i>	\$ 95,152	\$ 141,602	\$ 88,006	\$ 84,286	\$ 106,752
<i>Site Specific Escalation & Design Contingency:</i>	\$ 529,955	\$ 788,662	\$ 490,154	\$ 469,435	\$ 594,564
Site Specific Construction Cost Difference:	\$ 2,473,955	\$ 3,681,662	\$ 2,288,154	\$ 2,191,435	\$ 2,775,564
<i>A&E Fees (design, bid, const.); Assume 10% of Const. Value</i>	\$ 247,395	\$ 368,166	\$ 228,815	\$ 219,144	\$ 277,556
<i>Construction Contingency (6%)</i>	\$ 148,437	\$ 220,900	\$ 137,289	\$ 131,486	\$ 166,534
Rounded Total	\$ 2,870,000	\$ 4,271,000	\$ 2,654,000	\$ 2,542,000	\$ 3,220,000
<i>Cost Difference:</i>	\$ 328,000	\$ 1,729,000	\$ 112,000	\$ -	\$ 678,000



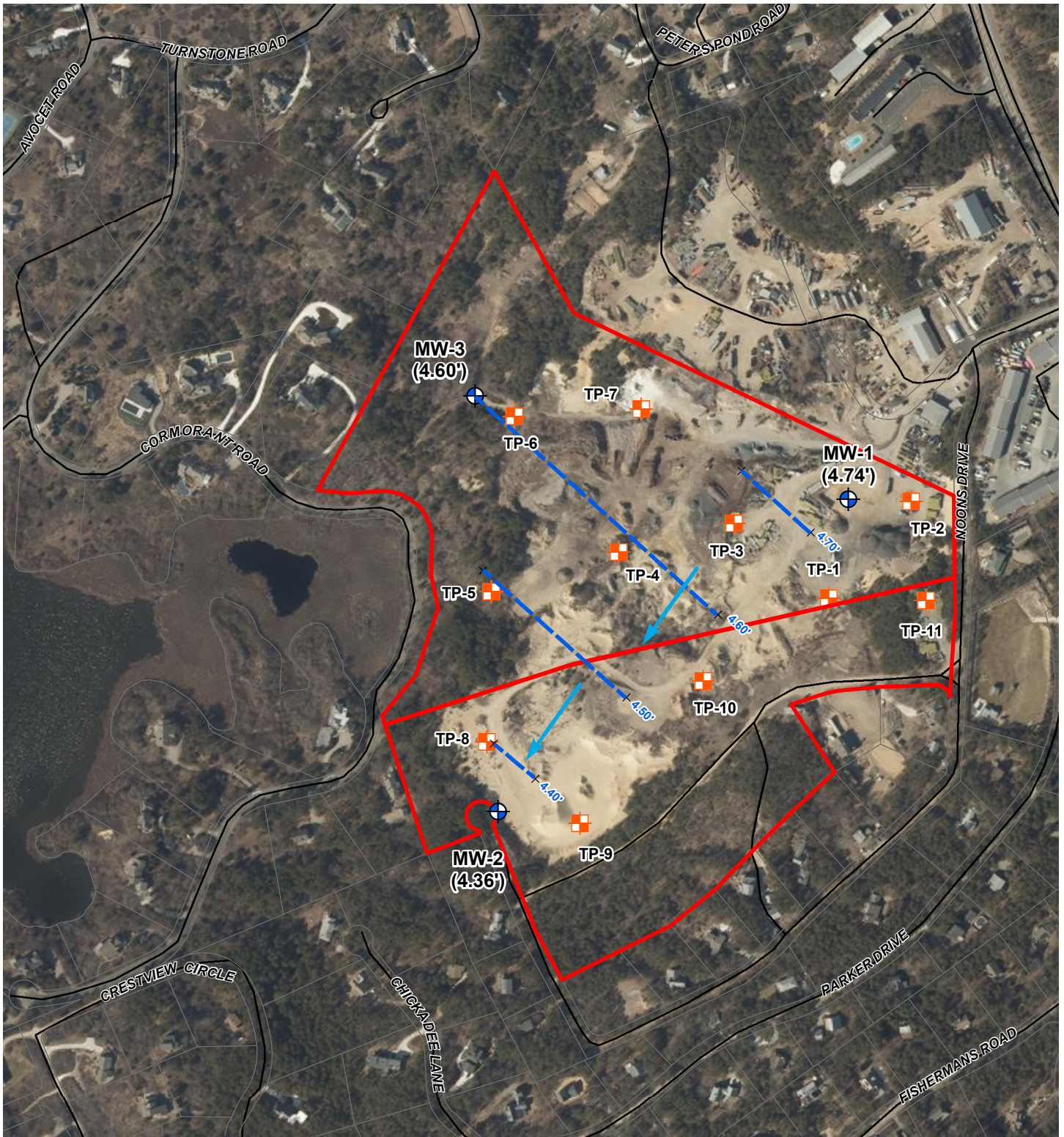
SITE KEY
SCALE: 1" = 500'



CONCEPTUAL SITE LAYOUT - 2 SAND PIT ROAD

NEW PUBLIC WORKS FACILITY
TRURO, MA











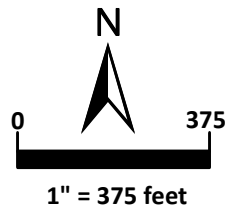
Document Path: H:\Projects\2022\22129 Sand Pit Road Truro\GIS\Maps\Sample Locations_GW.mxd

Legend

*2021 NAIP imagery service

-  Subject Property
-  Parcels
-  Test Pits
-  Groundwater Monitoring Wells
-  4.40' Groundwater Contour
-  (4.36') Groundwater Elevation Based on a Level Survey and Depth to Groundwater Gauging Completed on 3/22/2023

 Groundwater Flow Direction



Horsley Witten Group
 Sustainable Environmental Solutions
 90 Route 6A • Unit 1 • Sandwich, MA 02563
 508-833-6600 • horsleywitten.com



Sample Locations and
 Groundwater Contour Map
 2 Sand Pit Road and
 9 Noons Drive
 Truro, MA

Date: 4/4/2023

Figure 2

*Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services

MEMORANDUM

TO: Jarrod J. Cabral
FROM: Michael Richard
DATE: May 4, 2023
SUBJECT: Truro DPW New Facility and Updated Energy Code

We are currently anticipating an increased project cost of 3%-6% between construction and design costs as a result of the new stretch energy code. The new code is expected to increase energy efficiency and require additional electrification. Some examples of the cost drivers include:

- Increased design & construction administration fees due to enhanced design standards and design/modeling iterations to meet the new code. In addition, there will be increased commissioning and documentation of the new systems. Of note is the requirement for commissioning (i.e. testing) for air leakage from the building/thermal envelope (windows, doors, storefronts, etc.). This will be a difficult performance standard to meet and may require re-assembly of constructed pieces, and contractors are not expected to bear the risk. This will be reflected in their bid pricing.
- The new code has enhanced building envelope performance standards. These enhanced standards will require more efficient building envelope systems such triple pane glass, additional insulation, and tighter construction standards such as detailing around outlets and junction boxes; thereby increasing the construction costs.
- More costly equipment and systems to reduce or eliminate the need for fossil fuels. This will include items such more efficient appliances, heating electrification, water heating electrification, heat pumps, energy recovery systems, etc.
- The increase in building electrification systems will have a ripple effect on the facilities infrastructure, increasing costs for:
 - Larger utility service
 - Larger generator
 - Larger wire and conduit
 - More and/or bigger electric panels

Note: The service upgrades may pose an issue with current Cape utilities.

In addition, there is a lot of uncertainty now given materials supply shortages that can impact pricing and schedule. For instance, the specialty occupancy electric outlets that will be required are in short supply and are difficult to find now.

Jarrold Cabral

Subject: FW: Stretch Code

From: Margaret Song <msong@capelightcompact.org>
Sent: Thursday, April 27, 2023 12:40 PM
To: Jarrod Cabral <jcabral@truro-ma.gov>; Maggie Downey <mdowney@capelightcompact.org>; Laura Selmer <laura.selmer@capelightcompact.org>
Subject: RE: Stretch Code

Hi Jarrod

Congrats on passing the specialized code.

From the timeline, here's what I see from the summary, "When a municipality votes to adopt the Specialized Code, DOER recommends that the requirements take effect for new building permit applications beginning on the next January 1st or July 1st, whichever is a minimum of 6 months after the municipal vote. This phase-in period, also utilized by new Stretch Code municipalities, allows an orderly transition for developers, designers and builders as well as additional training time for municipal code officials." Here's the source: <https://www.mass.gov/doc/summary-document-explaining-stretch-energy-code-and-specialized-opt-in-code-language/download>

I am thinking that this means that the Town of Truro will have this in place on 1/1/2024.

For ongoing or upcoming projects, if the permit is pulled prior to this date, then I would guess that you should not need to worry about the specialized code that you just adopted, but I am not clear if the comment on 3-6% is based on stretch code (which you already have in place) or the upcoming adoption of the specialized code.

As for the amount, I have heard (though I am not intimately familiar with it) that the adherence to code really depends on what was already imbedded in the original design and how you plan to meet the requirements, but I have heard initial estimates (assuming other increases for labor or materials is already included) are around that range...

Margaret Song
Energy Efficiency Strategy and Policy Manager, Cape Light Compact JPE
508-375-6843 office
508-221-0657 mobile
msong@capelightcompact.org

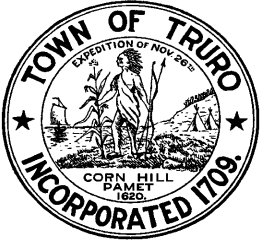
From: Jarrod Cabral <jcabral@truro-ma.gov>
Sent: Thursday, April 27, 2023 12:26 PM
To: Maggie Downey <mdowney@capelightcompact.org>; Margaret Song <msong@capelightcompact.org>; Laura Selmer <laura.selmer@capelightcompact.org>
Subject: FW: Stretch Code

Good afternoon, Truro has several projects that are ongoing or coming up in the future, our consultant Westin & Samson is expecting a 3%-6% increase in cost for new construction projects due to the stretch code changes.

Considering the Town has a current estimate of 30M for a new DPW facility what are your thoughts on the effects of the stretch code changes for new construction. I've attached the warrant from this week's Town Meeting please see pages 47-49 for the stretch code bylaw amendment which passed.

Thanks - Jarrod

Jarrold J. Cabral
Director
Department of Public Works
Truro Ma 02666
Office (508) 214-0400
Email jcabral@truro-ma.gov



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Catherine Bumpus, Director of Policy and Programs, Cape and Islands District Attorney's Office, on behalf of District Attorney, Robert Galibois

REQUESTED MEETING DATE: May 23, 2023

ITEM: Cape and Islands District Attorney Update

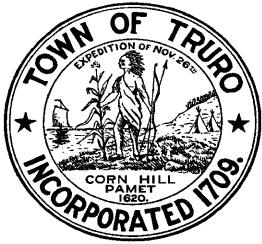
EXPLANATION: District Attorney, Robert Galibois, will update the Select Board about the DA's office and new initiatives.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: NONE

SUGGESTED ACTION: NONE

ATTACHMENTS: NONE



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Stephanie Rein, Select Board Liaison to the Commission on Disabilities

REQUESTED MEETING DATE: May 23, 2023

ITEM: Mental Health Awareness Month Proclamation

EXPLANATION: The month of May is Mental Health Awareness Month. At the request of the Commission on Disabilities a proclamation was prepared so that the Select Board can proclaim Mental Health Awareness Month in Truro, thus providing awareness and reducing the stigma surrounding mental health issues.

Select Board Member and Liaison to the Commission on Disabilities Stephanie Rein will read the proclamation.

****A quorum of the Commission on Disabilities may be present for this agenda item.****

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Truro Select Board will not proclaim May 2023 as Mental Health Awareness Month.

SUGGESTED ACTION: *MOTION TO proclaim May 2023 as Mental Health Awareness Month in the Town of Truro.*

ATTACHMENTS:

1. Mental Health Awareness Month Proclamation



TOWN OF TRURO
P.O. BOX 2030, TRURO, MA 02666
Tel: 508-349-7004, Extension: 110 or 124

A PROCLAMATION ON MENTAL HEALTH AWARENESS MONTH, MAY 2023

Whereas, Mental Health Awareness Month has been observed in the U.S. since 1949;
and

Whereas, Mental Health Awareness Month was established to increase the awareness of mental health and wellness in Americans' lives and to celebrate recovery from mental illness; and

Whereas, there is a proven connection between good mental health and overall personal health; and

Whereas, people with mental health issues recover if given the necessary services and supports in their communities; and

Whereas, people with mental health issues make important contributions to our families and our communities; and

Whereas, millions of adults and children are disabled by mental illnesses every year;
and

Whereas, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

Whereas, good mental health is critical to the well-being of our families, communities, schools, and businesses; and

Whereas, greater public awareness about mental health challenges can change negative attitudes and behaviors toward people with mental illnesses; and

Whereas, each business, school, government agency, health care provider, organization, and citizen shares the burden of mental health challenges and has a responsibility to promote mental wellness and support prevention efforts.

Now, therefore, be it resolved, that we, the Truro Select Board, do hereby proclaim the month of May 2023, as Mental Health Awareness Month in the Town of Truro. We call

upon the citizens, agencies, institutions, businesses, and schools of our community to recommit to: increasing awareness and understanding of mental health, reducing stigma and discrimination, supporting mental health workers, and promoting appropriate and accessible services for all people with mental health challenges.

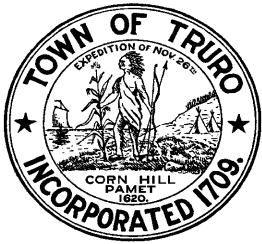
Kristen Reed, Chair

Susan Areson, Vice Chair

John Dundas, Clerk

Robert Weinstein

Stephanie Rein
Truro Select Board



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Tim Collins, Fire Chief, and Alex Lessin, Finance Director

REQUESTED MEETING DATE: May 23, 2023

ITEM: Transfer Request and Authorization for Town Manager to Enter into Contract for Ambulance Purchase

EXPLANATION: This item asks the Select Board to approve a transfer within the Fire/Rescue Department budget to fund the purchase of a new ambulance and to authorize the Town Manager to enter into a contract for the ambulance purchase.

The Truro Fire Department currently has two ambulances. The procurement of a third ambulance will allow for the older of the two current ambulances to be placed into reserve status. The average lifespan for an ambulance is 5-7 years so maintaining a regular acquisition schedule is important to ensuring that the department has an appropriate fleet at any given time. Staff is securing the appropriate procurement documents for the purchase which will occur via a joint purchasing program. The ambulance will have specifications similar to Ambulance 486 and it will have four-wheel drive. The vendor has conveyed that the purchase is estimated to be around \$428,000.

To allow for this purchase, staff requests that the Board vote to approve a transfer request of \$420,000 of existing funds from line items within the FY2023 Fire/Rescue Department budget and Group Health Insurance line item to the Fire/Rescue capital line. The opportunity for this transfer is due to vacancies within the department from July – March of FY23 prior to the department offering positions to three paramedics in April.

Approving this transfer will avoid the need to borrow for the vehicle purchase. In addition, the current wait time for a new ambulance is approaching two years, so the sooner the Town can

place an order, the sooner we will have an ambulance in our possession. Once approved, the transfer request will be presented to the Finance Committee for their approval, as per MGL Ch 44 Sec 33B.

The transfer will include transfers from the following funds into the Fire/Rescue Capital Account:

- Fire/Rescue: Salaries: \$375,000
- Fire/Rescue: Supplies (Uniforms): \$30,000
- Group Health Insurance: Town Share: \$15,000

Total transfer: \$420,000

Balance of Fire Capital after Transfer: \$428,000

FINANCIAL SOURCE (IF APPLICABLE): Fire/Rescue FY2023 Budget, Group Health Insurance FY2023 Budget

IMPACT IF NOT APPROVED: The Department will not be in the queue for an ambulance and another funding mechanism will need to be sought in FY2024, which may include borrowing and may mean that the procurement costs are higher.

SUGGESTED ACTION: *MOTION TO transfer \$420,000 from the Fire/Rescue budget and Group Health Insurance budget to the Fire/Rescue Capital Account for the purchase of an ambulance, to authorize the Town Manager to sign the transfer document, and to authorize the Town Manager to enter into a purchasing agreement/ contract for the ambulance.*

ATTACHMENTS:

1. Draft Transfer Form

TOWN OF TRURO
INTRA DEPARTMENTAL
BUDGET LINE ITEM TRANSFER REQUEST

DEPARTMENT: Fire/Rescue EMS

FISCAL YEAR: 2023

AMOUNT REQUESTED: \$420,000.00

FUNDING SOURCE ACCOUNT:

GENERAL LEDGER ACCOUNT NUMBERS: 01022051 FD Hourly wages: \$375,000.00
 01022054 FD Uniforms: 30,000.00
 01091451 Group Health: 15,000.00

ACCOUNT BALANCES: Hourly Wages: \$363,921.20 AS OF: May 3, 2023
 Uniforms: 33,534.00 AS OF: May 3, 2023
 Grp Health: 569,714.62 AS OF: May 3, 2023

FUNDING DESTINATION ACCOUNT:

GENERAL LEDGER ACCOUNT NUMBER: 01022058-587000
 ACCOUNT NAME: Replacement Equipment
 ACCOUNT BALANCE \$ 8,000.00 AS OF: April 30, 2023

ACCOUNTANT'S CERTIFICATION OF FUNDS:

I Trudi Brazil, Town Accountant for the town of Truro hereby certify that I have examined the line-item accounts identified above. The amounts indicated correctly reflect the available balances in those accounts as of May 3, 2023 the date of posting of warrant # 22B23 which is the most recent date of posting of charges against the Town's General Ledger. No representation is made of the effect on those balances by bills which have not been submitted to this office for payment.

Signature: Trudi Brazil

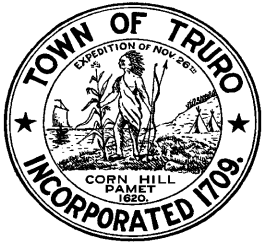
TRANSFER JUSTIFICATION:

The funds transferred will be used as follows:
 To secure the funding necessary to place an order for a new ambulance.

 DEPARTMENT HEAD
 Date: _____

 TOWN MANAGER
 Date: _____

This transfer was recorded as a budget amendment in the General Ledger for the Town of Truro on: _____
 Budget Amendment #: _____ by: _____



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Darrin Tangeman, Town Manager

REQUESTED MEETING DATE: May 23, 2023

ITEM: Acceptance of Massachusetts' Underutilized Properties Grant and Authorization for Town Manager to Execute Associated Grant Contract

EXPLANATION: The Town of Truro received a MassDevelopment Underutilized Properties Grant as part of the Commonwealth's Community One Stop for Growth program in the amount of \$900,000. The grant was awarded to allow the Town to move to other Town-owned land and provide architectural improvements to one of the Walsh cottages so that it can be rehabilitated and used for workforce and transitional housing on an expedited timeline, and to demolish and remove any remaining Walsh cottages that can't be cost effectively repaired, clearing the Walsh Property for optimal development that will include housing at a variety of area median incomes, as is being planned by the Walsh Property Community Planning Committee.

While this grant was awarded in October, staff has faced challenges with identifying accurate costs associated with moving the Walsh cottage due to lack of responses to the solicitation for bids. Now that the Town received a responsive bid (resulting in the contract approved at the May 10, 2023 meeting), staff can adequately estimate a budget to submit to the Commonwealth and can enter into the grant agreement.

Receipt of this grant lowers the amount of Affordable Housing Trust Funds that will need to be used for the project at 25 South Highland Road. It also mitigates the need for Town funds to clear the remaining cottages on the Walsh Property.

Staff is presently preparing the budget document and requests that the Board authorize the Town Manager to enter into the grant agreement on behalf of the Town.

FINANCIAL SOURCE (IF APPLICABLE): Commonwealth of Massachusetts Community One Stop for Growth Funds

IMPACT IF NOT APPROVED: Grant funds will not be accepted. Local funding sources will need to be identified/ requested.

SUGGESTED ACTION: *MOTION TO authorize the Town Manager to enter into the grant contract and serve as the authorized signatory on the associated grant documents for the \$900,000 Underutilized Properties Grant from the Commonwealth of Massachusetts Community One Stop for Growth program.*

ATTACHMENTS:

1. Award Letter from MassDevelopment for the Underutilized Properties Grant



99 High Street
Boston, MA 02110

October 17, 2022

Main: 617-330-2000
Fax: 617-330-2001

massdevelopment.com

Kelly Clark
Town of Truro
24 Town Hall Road
Truro, Massachusetts 02666

VIA EMAIL

Re: MassDevelopment Underutilized Properties Program FY23 Competitive Round

Dear Kelly Clark:

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Mike Kennealy
Chairman

Dan Rivera
President and CEO

Thank you for submitting this application to the FY2023 Community One Stop for Growth. The Executive Office of Housing and Economic Development (EOHED), Department of Housing and Community Development (DHCD), and Massachusetts Development Finance Agency (MassDevelopment) worked together to evaluate all eligible applications and recommended the most ready and highest-impact projects for a grant. This application from 8 Station St LLC was reviewed by the program(s) that could best serve the project's funding needs.

On behalf of Governor Charlie Baker, Lt. Governor Karyn Polito and the Chair of our Board of Directors, Secretary Mike Kennealy, I am pleased to inform you that a grant in the amount of \$900,000 from the Underutilized Property Program (UPP) has been approved to support your project.

In order to obtain the grant funds, you must enter into an Underutilized Properties Program Grant Agreement with MassDevelopment. Enclosed please find the form Grant Agreement (the "Grant Agreement") which will be used for all Underutilized Properties Program grants. Please read the sample Grant Agreement carefully so as to understand the terms of your agreement with MassDevelopment.

For the Grant Agreement, you must provide MassDevelopment with the following:

- A scope of work, detailing all the work that will be completed using grant funds;
- A detailed budget providing costs for all the items outlined in the scope of work (please use the template provided with the Grant Agreement).
- Proof of all funding necessary to make the project viable due by June 2, 2023, at 5:00pm.

Once we have received this documentation, MassDevelopment will prepare a grant agreement specific to your project and send it to you for signature.

After you have signed the grant agreement and returned it to MassDevelopment, a fully executed copy will be sent to you for your records.

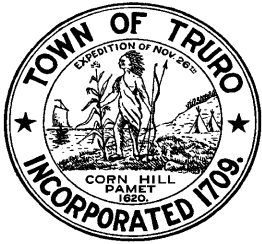
At that point, you may begin submitting requests for payment using the Invoice Submission Form located at Exhibit B of the enclosed sample Grant Agreement. Requests for payment with attached invoices should be sent by email to Shayvonne Plummer at splummer@massdevelopment.com. Funds will not be paid for invoices for work done prior to execution of the Grant Agreement.

Finally, please note that public announcement of this award is embargoed until the Administration has had the opportunity to formally announce it through a local event and/or media release. Please refrain from sharing or publicizing news about this award outside of your organization until it is officially announced.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Rivera', with a horizontal line extending to the right.

Daniel Rivera
President & CEO



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Darrin Tangeman, Town Manager

REQUESTED MEETING DATE: May 23, 2023

ITEM: Discussion, Call for, and Possible Approval of Date for Special Town Meeting (Fall 2023)

EXPLANATION: The Select Board determined in early 2023 that a Special Town Meeting would likely be scheduled for the fall of 2023 to address items that were not yet ready for the 2023 Annual Town Meeting held on April 25, 2023. Specifically, the following articles are expected:

- Walsh Property Plans, presented by the Walsh Property Community Planning Committee
- Local Comprehensive Plan, presented by the Local Comprehensive Plan Committee
- Stormwater Bylaw
- Other articles as lawfully prepared and submitted

To provide notice to the committees, staff, and community-at-large so that they can adequately prepare and time article preparations, the Board may wish to officially call for and set a date for Special Town Meeting in the fall of 2023 in accordance with Town Charter 2-1-3:

A Special Town Meeting shall be held at the call of the Select Board; or, upon petition on an approved form signed by 200 of the registered voters of the Town, the Select Board shall call a Special Town Meeting to be held within 45 days.

This may be especially useful for the Walsh Property Community Planning Committee and the Local Comprehensive Plan Committee as they target completion dates for various aspects of their respective articles over the coming months.

If the Board wishes to select a date for a Special Town Meeting, staff provides the following considerations that may impact availability of various groups of citizens or traffic patterns on the Outer Cape:

- The School reported no dates in September or October that the Truro Central School would not be available.
- Labor Day is Monday September 4, 2023.
- Truro Treasurers is September 15-17, 2023.
- Rosh Hashanah is September 15-17, 2023.
- Yom Kippur is September 24-25, 2023.
- Indigenous Peoples' Day/ Columbus Day is Monday, October 9, 2023.

- Wellfleet Oysterfest is October 14-15, 2023.
- Halloween is October 31, 2023.
- Various other religious holidays are included below:

September 5 - 6	Arba'een	Islam
September 6 - 7	Krishna Janmashtami	Hindu
September 15 - 17	Rosh Hashanah	Judaism
September 18	Tzom Gedaliah	Judaism
September 21 - 29	Mabon	Pagan and Wiccan
September 24 - 25	Yom Kippur	Judaism
September 26 - 27	Mawlid	Islam
September 29 - October 6	Sukkot	Judaism
October 6 - 8	Shemini Atzeret	Judaism
October 7 - 8	Simchat Torah	Judaism
October 15 - 24	Navarati	Hindu
October 16	Birthday of Báb	Baha'i
October 17	Birthday of Baha'u'llah	Baha'i
October 24	Dussehra	Hindu
October 31	Samhain	Pagan and Wiccan

To accommodate those who work in more seasonal industries, staff recommends holding the meeting after Indigenous Peoples' Day. Tuesday, October 10, 2023 or Tuesday, October 17, 2023 are recommended dates for holding the meeting.

In addition to deciding a date, the Board may wish to determine at this meeting the opening and closing dates of the warrant in accordance with Town Charter 2-3-4:

The warrant shall be opened for submission of articles 90 days before the date of the Annual Town Meeting and shall remain open for 30 days. The warrant for a Special Town Meeting shall be opened and closed as determined by the Select Board, except the period between opening and closing the warrant shall not be less than seven days.

In accordance with Town Charter 2-3-5 the warrant must be posted 14 days in advance of the meeting. With that in mind and to provide adequate time for the appropriate boards and committees to vote on articles and the warrant to be prepared, it is recommended that the warrant close around August 10, 2023, and if the Board wanted to keep the warrant open for 21 days, that would put the opening at July 21, 2023. If the Board would like further time to consider the opening and closing dates, this decision can be made at a future meeting, but it would be helpful to provide rough dates to the the Local Comprehensive Plan Committee and the Walsh Property Community Plan Committee so that they can plan accordingly.

At the May 10, 2023 Select Board meeting, the Board requested that staff poll citizens to determine the most convenient time for the Special Town Meeting to be held. The poll received 48 votes from 36 respondents (respondents could choose more than one option) with 20 votes for the meeting to be held on a weekday evening spread across the two weekday evening options (early evening and evening) and 28 votes for a weekend meeting spread across the four weekend day options (early morning, mid-morning, noon and mid-afternoon). The results are included in the packet.

Upon selection of a date/time, Town Moderator Paul Wisotzky will be contacted to ensure that he is available to conduct the proceedings of the meeting.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: The Board can set the meeting date and determine opening and closing dates at a future meeting if so desired. The sooner these dates are determined, the better the Local Comprehensive Plan Committee and Walsh Property Community Planning Committee will be of their deadlines for producing their respective plans.

SUGGESTED ACTION: *MOTION TO call for a Special Town Meeting on {insert date here: recommendation: Saturday, October 21, 2023} with the warrant opening on {insert date here: recommendation: July 21, 2023} and closing on {insert date here: recommendation: August 10, 2023}.*

ATTACHMENTS:

1. Poll Results on Special Town Meeting Start Time



Special Fall Town Meeting has collected 36 responses

Browsing all responses

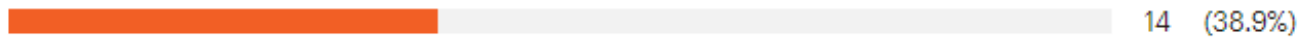
All Responses

Question 1: A Special Town Mee...

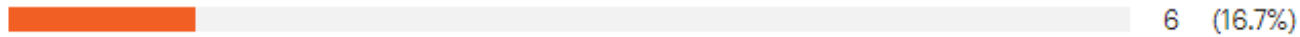
Question 1 has 36 answers (Checkboxes)

“A Special Town Meeting is anticipated for the fall of 2023. Which days/times would you prefer the meeting be held?”

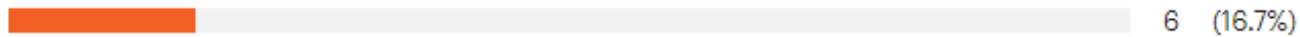
5 PM - Weekday Early Evening



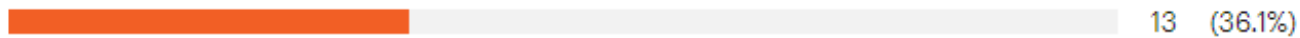
6 PM - Weekday Evening



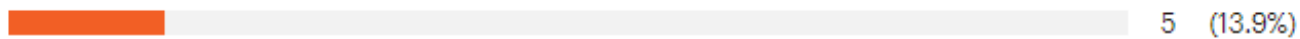
8 AM - Weekend Early Morning



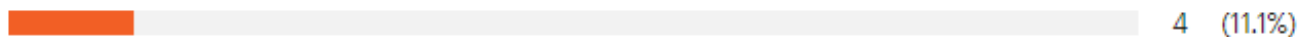
10 AM - Weekend Morning



Noon - Weekend Mid-Day



2 PM - Weekend Mid-Afternoon





TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Kristen Reed, Select Board Chair

REQUESTED MEETING DATE: May 23, 2023

ITEM: Discussion on Cape Cod National Seashore Request for Proposal Process regarding Truro Dune Shacks

EXPLANATION: At the May 10, 2023 Select Board meeting, Chair Reed requested an agenda item related to the National Park Service's announcement of a Request for Proposals to lease eight dune shacks for a term of up to ten years. Two of the shacks are located within Truro: Margaret Watson House with Outhouse and Randolph and Annabelle Jones Shack with Outhouse.

This agenda item will invite discussion and possible points that could be included in a letter to the National Park Service from the Select Board. The Board may wish to appoint one or two members to prepare such a letter and bring it back to the June 13, 2023 Select Board Meeting for final approval.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: No letter will be sent to the National Park Service regarding the Truro Dune Shack Request for Proposal Process

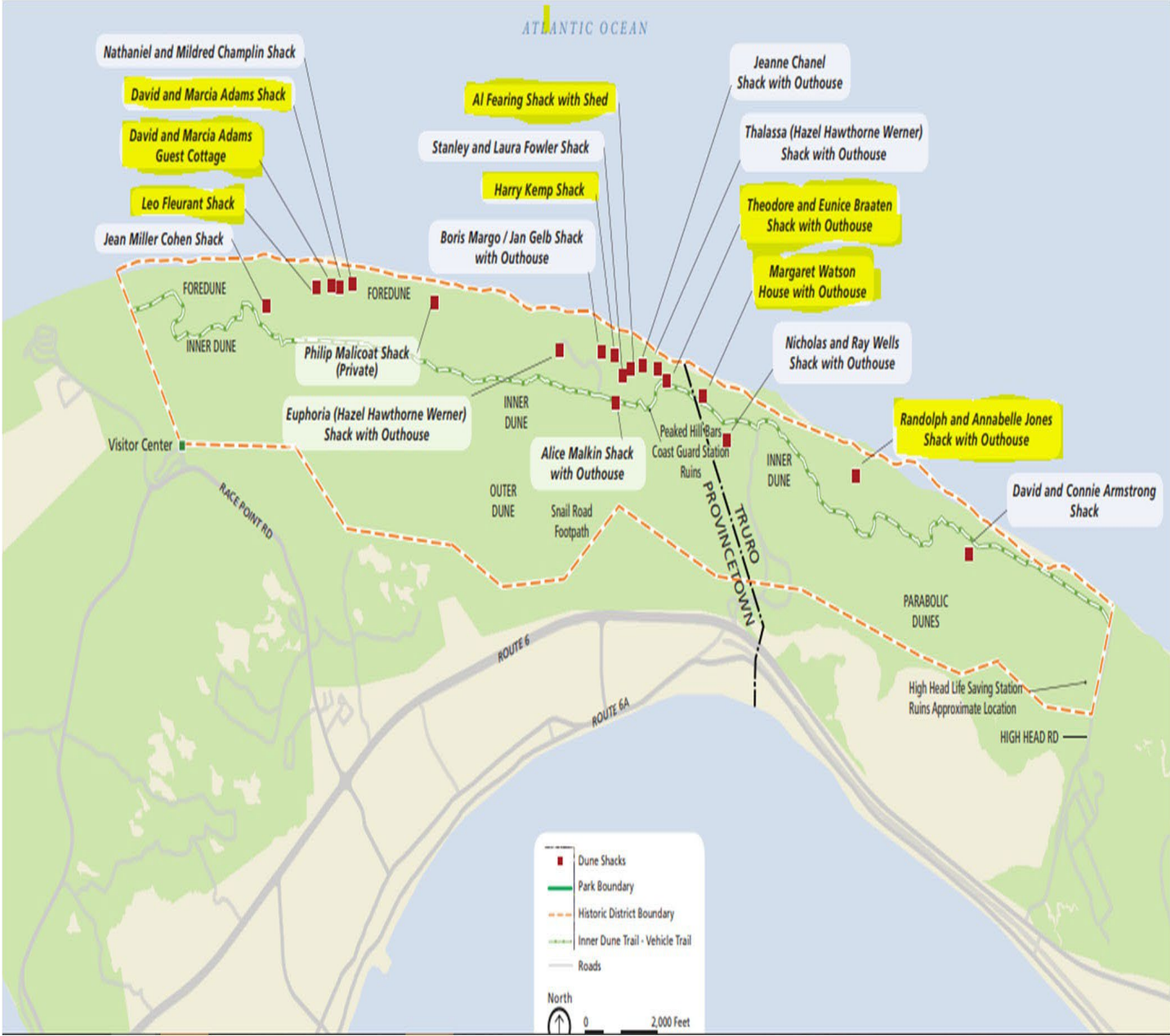
SUGGESTED ACTION: *MOTION TO appoint {INSERT NAME HERE} to craft a letter to the National Park Service on behalf of the Select Board regarding the Request for Proposal Process for the Dune Shacks, that will be brought back to the Board at the June 13, 2023 meeting for the Board's approval.*

ATTACHMENTS:

1. Descriptions and Photos of Shacks Offered for Lease Provided by NPS
2. Request for Proposals by the NPS

APPENDIX A: Descriptions and Photos for Buildings Included in the Lease

Map of Dune Shacks Included in the Lease (Highlighted in Yellow)



Fleurant Dune Shack:



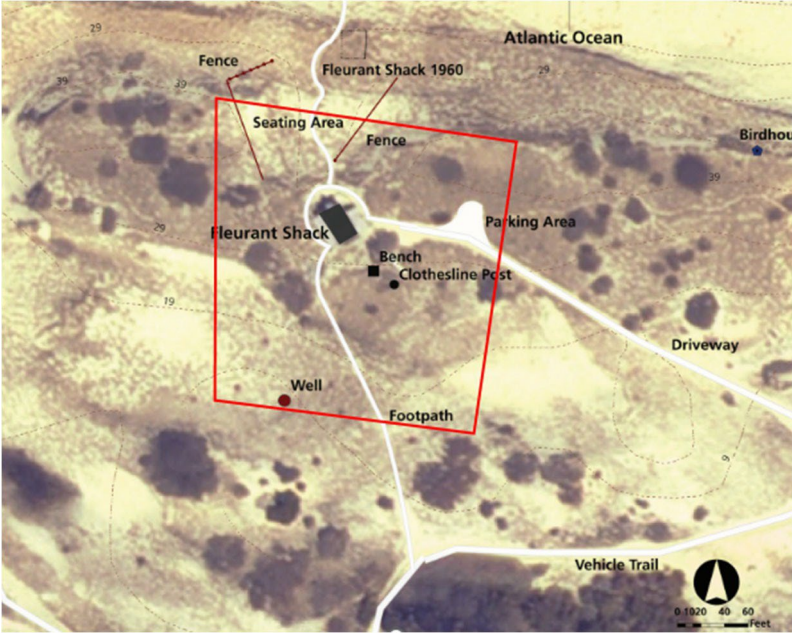
Property Location: The Fleurant Dune Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register. The Fleurant Shack is located 1.6 miles east of the Race Point Coast Guard Station approximately 150 feet in from the ocean.

Property Description: The Fleurant Shack consists of a central gable roofed, one-story section. rectangular one-story structure with an enclosed screened shed roofed porch. Decks are located along 2/3 of the front/east elevation and along the entire rear/west elevation. The shack rests on a foundation of wooden posts. The footprint of the building is rectangular with low pitch roofs.

The shack is approximately 650 square feet.

The total acreage for the Fleurant Shack is 0.90 acres

Fleurant Dune Shack Annual Rent Cost: \$10,357.00.



(Image: Fleurant Dune Shack Aerial Map)



(Image: Fleurant Dune Shack Google Earth Image)

Adams Dune Shack and Guest Cottage:



Property Location: The Adams Dune shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register. The Adams Dune Shack is located below the crest of the fore dune on the southern slope 1.7 miles east of the Race Point Coast Guard Station.

Property Description: The Adams Dune Shack is a one-story, gable roof structure with two shed roof wings. The shack rests on wood piers and is oriented on a north/south axis with a central gable roof running east to west. The exterior is wood shingle siding with plain corner boards. A simple wood deck surrounds the building on the north, west and south elevations. The footprint of the building is a simple rectangle. A brick chimney for the interior fireplace projects above the south slope of the gable roof.

The Adams Dune Shack is 590 square feet.

The total acreage for the Adams Shack and Guest Shack is 2.30 acres.

Please note: Adams Dune Shack and Guest Cottage are being offered together under one lease.

The Annual Rent Cost: \$16,000.00.



Property Location: The Adams Guest Cottage is located just below the crest of the fore dune on the southern slope 1.7 miles east of the Race Point Coast Guard Station. The shack is oriented with its north gable and facing the ocean. It is one of a cluster of structures that includes the Adams Shack approximately 200 feet to the east, the Fleurant Shack approximately 400 feet to the west and the Champlin Shack approximately 525 feet to the east. It rests on wood post footings. A wood deck is located across the north end of the structure and wraps around the west elevation.

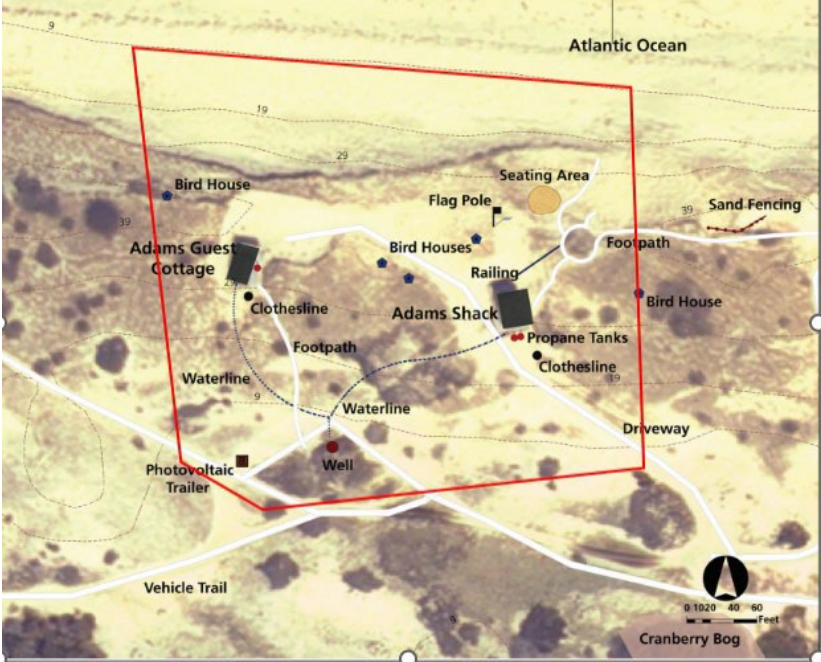
Property Description: The Adams Guest Cottage is a one and a half-story, one room gable roof structure with an open sleeping loft. The footprint of the building is a simple rectangle.

The Adams Guest Cottage is 520 square feet.

The total acreage for the Adams Shack and Guest Shack is 2.30 acres.

The Annual Rent Cost: \$16,000.00.

Please note: Adams Dune Shack and Guest Cottage are being offered together under one lease.



(Image: Adams Shack and Cottage Aerial Map)



(Image: Adams Shack and Cottage Google Earth Image)

The Jones Dune Shack:



The Jones Dune Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register.

The Jones Dune Shack is located approximately 200 feet from the ocean just beyond the southern leeward side of the fore dune on the north side of the inner dune. The Jones Shack is a small rectangular one-story, one room balloon-frame structure. A well with an old pump is located about 35 feet north of the shack. A small photovoltaic panel is fastened to the south-facing roof.

The Jones Shack is 120 square feet.

The total acreage for the Jones Shack is 0.25 acres.

Jones Dune Shack Annual Rent Cost: \$2,107.00



(Image: Jones Shack Aerial Map)



(Image: Jones Shack Google Earth Image)

Braaten Dune Shack:



Property Location: The Braaten Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register.

The Braaten Shack is in a depression on the top of the fore dune approximately 200 feet from the ocean and is 2.8 miles north of High Head Road, Provincetown, Massachusetts.

Property Description: The Braaten Shack is a one-story balloon frame building set on a foundation of posts sunk deep below grade. The shack consists of a main gable roofed section with a shed roof kitchen addition extending half the width of the structure to the rear. An enclosed porch runs along the front elevation.

The Braaten Dune Shack is 224 square feet.

The total acreage for the Braaten Shack is 0.94 acres.

Braaten Dune Shack Annual Rent Cost: \$4,020.00.



(Image: Braaten Shack Aerial Map)



(Image: Braaten Shack Google Earth Image)

Watson-Schmidt Dune Shack:



Property Location: The Watson-Schmidt Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register

Property Description: The Watson-Schmidt Shack is located high on the southern slope of the fore dune in a heavily vegetated area approximately 300 feet from the ocean. It is 2.5 miles northwest of High Head Road in Truro, Massachusetts. The Watson-Schmidt Shack is a rectangular one-story balloon framed gable roofed structure with an enclosed screened shed roofed porch.

The Watson-Schmidt Shack is 300 square feet.

The total acreage for the Watson – Schmidt Shack is 0.60 acres

Watson-Schmidt Dune Shack Annual Rent Cost: \$4,732.50.



(Image: Watson-Schmidt Shack Aerial Map)



(Image: Watson-Schmidt Shack Google Earth Image)

The Kemp Dune Shack:



Property Location: The Kemp Dune Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register. The Kemp “Tasha” Shack is located close to the northern lip of the fore dune in the middle of a cluster of shacks that includes the Margo, Fowler, Fearing and Chanel Dune Shacks. It is 3.4 miles east of the Race Point Coast Guard Station in Provincetown, Massachusetts.

Property Description: The Kemp Shack is one of the oldest and most rustic of the dune shacks. The shack is 102 square feet. The Kemp Shack is a small one-story wood frame gable roof structure that rests on railroad ties on the sand.

The Kemp Dune Shack is 96 square feet.

The total acreage for the Tasha Shack is 0.40 acres.

Kemp Dune Shack Annual Rent Cost: \$3,157.50.



(Image: Kemp Dune Shack Aerial Map)



(Image: Kemp Dune Shack Google Earth Image)

The Fearing Dune Shack:



Property Location: The Fearing Dune Shack is currently located within the Peaked Hill Bars Historic District that is listed on the National Register. The Fearing Dune Shack is located on a high peak behind the fore dune approximately 300 feet from the ocean. A small parking area is located on the south side of the fore dune near the shack. The Fearing Shack is 3.5 miles east of the Race Point Coast Guard Station in Provincetown, Massachusetts.

Property Description: The Fearing Shack consists of an original single story one-room gable roof section with a shed roof addition. An open deck wraps around the southwest corner of the building.

The Fearing Dune Shack is approximately 440 square feet.
The total acreage for the Fearing Dune Shack is 1.4 acres.

Fearing Dune Shack Annual Rent Cost: \$6,607.50.



(Image: Fearing Dune Shack Aerial Map)



(Image: Fearing Dune Shack Google Earth Image)

National Park Service
 U.S. Department of the Interior



Cape Cod National Seashore
 Massachusetts

Request for Proposals

**Cape Cod National Seashore Dune Shacks
 Wellfleet, Massachusetts**



Key dates for this Request for Proposals are as follows:

RFP Release Date: May 1st, 2023
Site Tour: By appointment only: June 15th, 2023 (Additional dates will be designated if Additional Submittal Deadlines are needed)
Question Submission Deadline: June 25th, 2023 (Additional dates will be designated if Additional Submittal Deadlines are needed)
Initial Submittal Deadline: July 3rd, 2023, at 5:00 PM EST
Additional Submittal Deadlines: Each subsequent Monday at 5:00 PM EST until a Proposal has been selected
Anticipated Date for Selection of Qualified Proposals: Eight weeks after Submittal Deadline
Anticipated Lease Effective Date: September 1st, 2023

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SUMMARY OF LEASING OPPORTUNITY

This Request for Proposals (RFP) provides the opportunity for any interested individual or organization, hereinafter referred to as “Offeror” to submit proposals to the National Park Service (NPS, ‘Lessor’) to lease NPS property in Cape Cod National Seashore.

The selected offeror (Offeror, ‘you’, ‘your’) will have exclusive negotiation rights to enter into a lease based on the attached Sample Lease (See Attachment A). Elements of your proposal may be incorporated into the Lease at Lessor’s discretion.

Overview of Property Offered for Lease

The Peaked Hill Bars Historic District, located in Cape Cod National Seashore, was determined to be eligible for the National Register of Historic Places in 1989 with formal listing in 2011. Currently, there are 8 dune shacks located within the Peaked Hill Bars Historic District that are listed on the National Register and are available for lease to the public.

Historically, these dune shacks have been used to foster a deeper connection with the natural world, promote solitude and inspiration, and to support the creative process for writers and artists within the local community.

The dune shack structures are rustic in design and were intentionally designed to promote a simpler way of life. They lack modern conveniences and amenities such as running water and electricity. The dune shacks do not have mail service, have limited access by motorized vehicles, and in some cases may only be accessible by foot.

You may only submit a proposal for one Dune Shack. A detailed description of the shacks and sites can be found in **Appendix A**.

Overview of Lease Terms and Conditions

Offerors may propose a lease term up to a maximum of ten years (10) for a dune shack property. The property will be leased as-is; the lessee will be responsible for any repairs or improvements it deems necessary and will be expected to perform routine maintenance on all buildings and grounds throughout the term of the lease. Improvements must be approved in advance by NPS and carried out in accordance with the [Secretary of Interior’s Standards for Historic Preservation](#). The lessee must continue occupancy as a traditional dune shack, meaning that the lessee will not be able to operate a business or commercial enterprise from the shack and, generally speaking, will not be able to upgrade amenities, or expand the footprint of the shack..

The shacks in the Historic District are in good condition, taking into account their inherently rustic character, limited amenities, and suitability for seasonal use only. A detailed description of the lease terms and conditions are included in Attachment A, the Sample Lease.

The location of the featured dune shacks offered for lease are depicted in **Exhibit 1**, below.

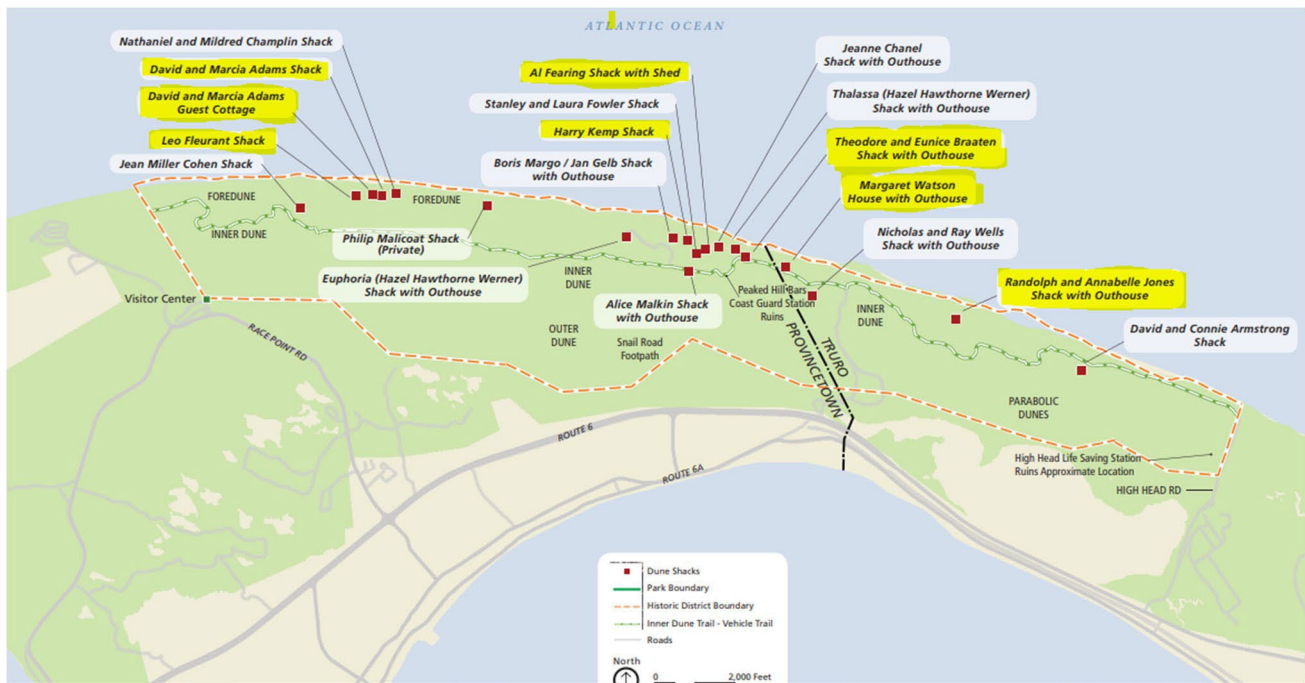


Exhibit 1: Location of the Eligible Dune Shacks (highlighted in yellow)

Use of the Lease Property

Lessee may use the dune shack for private, residential occupancy, in accordance with federal, state, and local law. The dune shacks must be maintained and operated as a traditional dune shack. Key information about the authorized use is summarized below:

- Lessee is responsible for the cost and implementation of all repairs, replacements, and improvements needed to occupy the buildings.
- The premises may be used from Memorial Day to Labor Day, with access to the property for maintenance and seasonal preparations from the beginning of April through the end of October.
- Special events are subject to NPS approval and must be in accordance with federal, state, and local regulations.
- Lessee must receive written approval from the park before any improvements can be made to the premises.
- Lessee and any employee or contractor hired by the Lessee must comply with all applicable regulations and maintain any required licenses, Leases and/or certificates needed to operate including, but not limited to, a certificate of occupancy and a permit to drive a vehicle to the shack.
- Lessee is granted exclusive use of the buildings and leased premises. The surrounding NPS property shall remain fully accessible to the public.
- Candles, campfires, or any other type of open flame, except for propane stoves and currently present wood stoves, are not allowed on the property.
 - Lessee must have fire extinguishers in any area where heat may be generated and Lessee's guests and contractors must be trained in their use.

Term of the Lease

The Lease term could commence as early as September 1st, 2023, with rent and general liability insurance beginning upon Lease commencement. However, the actual Lease commencement date is subject to

negotiation between the NPS and the selected Offeror. The maximum lease term is ten (10) years, though it could be shorter, subject to negotiation between the NPS and the selected Offeror.

Rent

NPS is required under 36 CFR Part 18 to receive, at a minimum, fair market value rent. The amount of rent will be negotiated subsequently with the selected offeror, provided that the final rent must at least equal fair market rental value as determined by the National Park Service.

The Fair Market Value Annual Rent for the first year of the lease for each dune shack is listed below. This rent will be subject to an annual Consumer Price Index (CPI) adjustment.

- Tasha Dune Shack: \$3,157.50
- Braaten Dune Shack: \$4,020.00
- Jones Dune Shack: \$2,107.50
- Adams Dune Shack and Guest Shack: \$16,000.00
- Watson-Schmidt Dune Shack: \$4,732.50
- Fearing-Bessay Dune Shack: \$6,607.00
- Fleurant Dune Shack: \$10,357.50

Insurance

During the term of this Lease, the Lessee shall maintain General Liability insurance for the dune shack. Further information regarding insurance requirements can be found in Attachment A (Sample Lease). Lessee's insurance coverage amounts will be periodically reviewed by the Lessor. These reviews will ensure the Lessee has appropriate coverage in light of any changing circumstances.

Other Terms and Conditions

The proposed terms and conditions of the offered Lease are as described in Attachment A, "Sample Lease" included in this RFP and are consistent with 36 CFR Part 18.

Premises Condition

Each dune shack will be delivered to Lessee, "As-is with all faults."

Contractors

Upon consultation and expressed permission from Cape Cod National Seashore, the lessee may utilize contractors to perform general maintenance and upkeep of structures and premises.

- Contractors must abide by all Lease provisions as well as all local and national laws and regulations.
- Lessee will consult with the park, in writing, prior to repairs, replacements, improvements to the dune shack or premises.
- The Lessee will ensure that any/all repairs and maintenance to the dune shack will follow Secretary of the Interior Standards for Historic Preservation.
- The Lessee must require Contractors to maintain appropriate insurance coverage that names the Lessee and the United States of America as an additional insured party.
- Lessee will develop and implement, subject to NPS prior approval, a contractor informational document, which will inform the contractor(s) of all pertinent information about the site.

Utilities

Dune shacks do not have access to commercial utilities such as electricity, water, or sewage systems. Alternative primitive systems, such as hand pump wells, wood stoves, propane stoves, solar panels, and outhouses have been used by dune shack occupants and are permitted for use. Conventional utilities may not be extended to the dune shacks.

Any alternations or additions to existing primitive utility systems require approval by the park. These requests must be submitted in writing to the park with specific details as to the alternations or additions requested.

Sustainability

The Park manages its sustainability program under an Environmental Management System, which sets forth goals ranging from solid waste and energy conservation to renewable energy and climate change education.

- Lessee shall require that hazardous and other waste generated at the leased premises is disposed of in accordance with applicable laws and the Superintendent's Compendium.
- Lessee shall dispose of all trash, recycling, and composting in accordance with all applicable laws.
- Lessee shall make every effort to reduce, reuse, and recycle solid waste.
- Lessee shall make every effort to utilize energy and water efficiently..

Grounds Maintenance

The Lessee is responsible for all landscaping and grounds maintenance on the premises. This includes sand encroachment, sand remediation and sand removal when needed. Lessee will be responsible for all tree/vegetation maintenance.

Jurisdiction

Under concurrent jurisdiction, the Federal Government possesses all governmental authority within Cape Cod National Seashore, with limited exceptions. For example, the State has the right to serve civil or criminal process in the park for activities which occurred outside the park and may levy and collect certain State taxes upon residents of the Seashore.

The Lessee must comply, at its sole cost and expense, with all Applicable Laws and Requirements (including Federal, State, and local laws, rules, regulations, requirements, and policies) in fulfilling its obligations under the Lease.

It is the responsibility of the Lessee to determine whether it is subject to specific taxes and assessments and abide by those applicable statutes. Any comments made by the NPS in this RFP do not alter those responsibilities, if any, nor should they be construed to take a position nor express a view on behalf of the Lessee.

Competitive Process

This Lease opportunity is open to all interested persons and businesses on a competitive basis. Whoever submits the proposal judged best under the proposal selection criteria will be given an opportunity to negotiate a final Lease agreeable to both the selected offeror and NPS.

To be selected by the NPS you must demonstrate that you have the capacity to plan and finance your proposal. Evaluation criteria and the process for selecting the Lessee are described in detail in the sections called "Proposal Selection Criteria" and "Evaluation and Selection Process" in this Request for Proposals. The

NPS reserves the right to reject one or all proposals or terminate lease negotiations at any time prior to executing a final lease without penalty or liability.

Appointments-Only Site Tour and Additional Information

Site tours will be available by appointment only on June 15th, 2023. Requests for site tours must be made via email to CACO_leasing@nps.gov.

Questions not addressed in this RFP will be collected and responded to through issuance of Question & Answers (Q&A) to all registered interested parties. Questions must be submitted by June 25th, 2023, via email to CACO_leasing@nps.gov. Q&A's along with this RFP and attachments can be found at the Park's website, [Cape Cod National Seashore \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/cape-cod-national-seashore).

Key dates for this Request for Proposals are as follows:

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Anticipated Date for Selection of Qualified Proposals: Eight weeks after Submittal Deadline
Anticipated Lease Effective Date: September 1st, 2023

Proposal Submission Protocol

You may only submit a proposal for one Dune Shack.

Proposals may only be submitted electronically via email through a file attachment or through a shared folder from a cloud-storage application. Ideally, proposals for all shacks will be submitted by the initial deadline. If not, and until a proposal is selected, each subsequent Monday will serve as a new, additional submittal deadline. Proposals that are not received at the designated electronic address by the applicable deadline will not be considered. NPS will not consider hardcopy proposals.

Telephonic proposals, faxes, and other means of transmittal will not be considered. Please refer to the Section "Proposals Considered Public Documents", in this RFP if you believe that a proposal contains trade secrets or confidential commercial and financial information that you do not want to be made public.

Authority

This RFP is issued under the authority of 36 CFR Part 18. This RFP and the offered lease are subject to and incorporate all terms and conditions of Part 18 as applicable. In the event of any conflict between the terms of this RFP and Part 18, Part 18 controls.

The NPS has the authority to lease historic buildings through the Historic Leasing Authority (54 USC 30621), the National Park Service General Leasing Authority (54 USC Ch. 1021), which authorizes the NPS to lease federally owned property within boundaries of the park, and other applicable authorities.

NPS Policy requires all leases with the NPS to receive Fair Market Value Rent.

NATIONAL PARK SERVICE AND CAPE COD NATIONAL SEASHORE DUNE SHACKS

America's National Park Service was created by Congress to "conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Additionally, Congress has declared that the National Park System should be "preserved and managed for the benefit and inspiration of all the people of the United States." To learn more about the National Park Service, visit the website at www.nps.gov. This site includes information about who we are, our mission, NPS policies and individual parks.

HISTORY OF THE CAPE COD NATIONAL SEASHORE DUNE SHACKS.

Cape Cod National Seashore was established on August 7th, 1961 for the purposes of preserving the Outer Cape's nationally significant and special cultural and natural features, distinctive patterns of human activity, characteristic ambience, and associated scenic, cultural, historic, scientific, and recreational values, and providing opportunities for current and future generations to experience, enjoy and understand these features and values. The dune shacks represent one of the most powerful representations of this distinctive way of life and architectural expressions of the early to mid-twentieth century.

REQUIREMENTS

Proposals must be submitted electronically to: CACO_leasing@nps.gov.

Proposals must be submitted on or before the time and date provided on the first page of this Request for Proposals. The subject line should include the following: "Dune Shack RFP."

Offerors should submit their proposal in electronic format as one cohesive document; the Adobe PDF format is preferred, though the Microsoft Word format is acceptable; financial data may be in Microsoft Excel format. Proposals must be formatted to 8-1/2" x 11"-page size. Proposals submitted by mail, in-person delivery, telephone, fax, or other methods will not be considered.

While there is no limit on the file size of your proposal, the total file size of the email submission, including all attachments, cannot exceed 40MB. If your proposal exceeds this limit, you should submit your proposal as a link through a cloud-based storage application, such as Dropbox, Google Drive, or Microsoft OneDrive. You should be able to create a free account with any of these applications if you do not have one already. If you cannot access one of these applications, you may separate your document into smaller files and send them in separate emails, if you do this, please separate your proposal into as few files as possible and clearly name the files so they can be reassembled in your intended order.

Proposals are limited to 100 pages or less, not including attachments. Any proposals over these limits will be deemed non-responsive and not evaluated further.

Effective proposals should be organized in the order of the **Required Information** detailed below and should contain clear, concise answers that address all the questions raised. Proposals that do not specifically answer all questions will be deemed non-responsive and not evaluated further.

PROPOSAL EVALUATION GUIDELINES

NPS Leasing Regulations, as provided in in 36 CFR 18.8(e), require that proposals be evaluated by the criteria below:

- The compatibility of the proposal's intended use of the offered property with respect to preservation, protection, and visitor enjoyment of the park area.
- The compatibility of the proposal with the historic qualities of the property.
- The financial capability of the Offeror to carry out the terms of the lease.
- The experience of the Offeror demonstrating the managerial capability to carry out the terms of the lease.
- The ability and commitment of the Offeror to conduct its activities in the park area in an environmentally enhancing manner through, among other programs and actions, energy conservation, waste reduction, and recycling.
- The benefit to the NPS of the financial and other terms and conditions of the proposal, including the amount of rent proposed and other proposed lease terms and conditions.

Please keep these requirements in mind when developing your proposal, many of these criteria will be relevant to more than one of the selection criteria listed below.

PROPOSAL CONTENT AND SELECTION CRITERIA

Proposals submitted in response to this RFP must follow the format described below. You are asked to answer questions or supply specific information in response to the specified items. Please label your responses correspondingly and respond fully and accurately to all questions and/or requests.

Checklist of Requirements for a Responsive Proposal

- A Signed Transmittal Letter
- The Proposal Itself, with sections for each of the Selection Criteria that covers all of the required questions and elements
- Form 10-352 Identification and Credit Information and the required attachments
 - Personal Financial Statements, such as bank or investment account statements that substantiate the information provided in Form 10-352
 - A credit report, with credit score, from within the last 30 days

Required Information

Offeror Identification

Please provide full identification of the person(s) responsible for each proposal submitted: Name(s), address(es), telephone number(s), e-mail address(es), and fax number(s) if applicable.

Please complete the Identification and Credit Information Form (Form 10-352) contained in the Proposal Form attached to this RFP for the individuals that are to be the lessees. **Furthermore, you must provide all the required attachments listed at the bottom of the form; we cannot consider proposals if the required attachments are not provided. Proposals with detailed responses providing information that is both relevant to each criterion and specific to the shack you would like to lease will be rated more highly than proposals with generic or vague responses.**

Criterion 1: Use of the Property

Please describe how you intend to utilize the property. Include details regarding how often you will stay at the property, your expected length of stays, the number of guests you expect on a regular basis, and any other details you believe are relevant.

Criterion 2: Improvements and Maintenance

Your response must show how you plan to take full responsibility for all repairs and maintenance of the property. This should include the steps you will take to preserve and protect the historic property, including how you will ensure the property remains eligible for listing on the National Register of Historic Places throughout the term of the lease. Additionally, any work performed on the structures must conform to all applicable standards, including the Secretary of Interior's Standards for Historic Preservation. Your response should include:

- Your proposed annual maintenance plan for the property.
- Any repairs, replacements, and improvements you initially propose for the property and a timeline for completion of this work.
- Cost estimates for all repairs, replacements, and improvements; and the estimated annual maintenance expenses.
- If you are proposing any changes to the property, provide conceptual designs for any changes you propose; and conceptual plans and specifications for systems repairs/replacements.

Criterion 3: Financial Capability

The Offeror must be capable of making the financial investment they have proposed. Offerors must identify how they propose to fund the required Improvements required for the premises.

- Submit the source and availability of the funds necessary to carry out your obligations under the terms of the proposed lease, **through bank statements, financing commitment letters, or similar documents that substantiate your financial capability**. At a minimum, this includes the Financial Capability Information and comprehensive supporting documentation outlined in Attachment B (Forms 10-352, **including all required attachments**).
- Demonstrate that you have a credible, proven track record of meeting your financial obligations, that your proposal is financially viable and that you understand the financial obligations of the lease. At a minimum, this includes **a credit report, with credit score, from within the last 30 days** from one of the major credit reporting agencies (Equifax, Experian, or TransUnion).

Criterion 4: Experience

These Dune Shacks are located in challenging and isolated environments that have limited motor vehicle access. Please explain how your experience and background qualify you to safely and reliably utilize, manage and maintain these unique properties.

Criterion 5: Environmental Enhancement

Please explain your proposal for managing and using the property in an environmentally enhancing manner through, among other programs and actions you may propose, energy conservation, waste reduction, and recycling.

Criterion 6: Rent Offered

Please state how much annual rent you offer to pay. The amount of rent will be negotiated subsequently with the offeror that submitted the best proposal, initially or as amended, provided that, the final rent must at least equal to the fair market value rent as determined by the National Park Service.

The Annual Fair Market Value Rent the first year of the lease for the dune shacks are as follows:

Property Name:	Annual Rent:
Jones Dune Shack	\$2,107.50
Kemp Dune Shack	\$3,157.00
Braaten Dune Shack	\$4,020.00
Watson-Schmidt Dune Shack	\$4,732.50
Fearing Dune Shack	\$6,607.50
Adams Dune Shack & Guest Shack	\$16,000.00
Fleurant Dune Shack	\$10,357.50

No annual rent offer in an amount less than the annual base rent shall be accepted. Offerors may submit proposals with an offer to pay a higher annual rent to enhance the competitiveness of their submission.

EVALUATION AND SELECTION PROCESS

The National Park Service will review all responses to this RFP through an evaluation panel assisted by technical consultants as appropriate.

All proposals will first be screened for adherence to the requirements of this RFP. *The NPS will not consider non-responsive proposals.* A non-responsive proposal is a proposal that was not timely submitted or that fails to meet the material terms and conditions of this RFP as determined by the NPS.

It is the intention of the NPS to select the best of the responsive proposals, as determined under the selection criteria without further submittals or presentations. If this cannot be done, the NPS will select those lease proposals that appear best under the selection criteria and will request additional information or presentations from that group so that the best responsive proposal can be selected.

NPS will negotiate the terms of the final Lease with the Offeror determined to have submitted the best responsive proposal. Award of a Lease to that Offeror is dependent on successful negotiation of the final terms of the lease. If negotiations fail, NPS may negotiate with other Offerors for award of the offered Lease or terminate this solicitation without liability to any person.

The NPS reserves the right to reject one or all proposals or terminate lease negotiations at any time prior to executing a final lease without penalty or liability.

NPS may cancel this solicitation or lease negotiations at any time, up until the full execution of the Lease.

ADDITIONAL INFORMATION AND MODIFICATION OF PROPOSALS

The NPS may request from any Offeror additional information or written clarification of a proposal after the submission date. However, proposals may not be amended after the submission date unless allowed by the NPS. The NPS may not allow the amendment of a proposal unless all Offerors that submitted responsive proposals are given an opportunity to amend their respective proposals.

LEASE TERMS AND CONDITIONS

Term of Lease

The Lease to be awarded under this RFP will have a maximum term of ten (10) years. The Lease may be extended once for a period not to exceed one (1) additional year if the deciding official determines that an extension is necessary because of circumstances beyond the control of the NPS. Also, in accordance with applicable policy guidance, all leases with a term of five or more years must contain a CPI adjustment provision; and, all leases with a term of fifteen or more years must contain a rent reconsideration provision.

Conditions

Selection of a proposal does not guarantee a lease for the Offeror. The responsive proposal judged best under the proposal selection criteria will be given an opportunity to negotiate a final lease agreeable to both the Offeror and NPS.

Lease Provisions

The Lease to be awarded under this RFP will contain the provisions required by 36 CFR Part 18 as well as other provisions determined by the NPS to be necessary to assure use of the leased property in a manner consistent with the purposes of the park area, and where applicable, to assure the preservation of historic property. Required provisions include, without limitation:

1. A termination for cause or default provision.
2. Appropriate provisions requiring the Lessee to maintain the leased property in good condition throughout the term of the Lease.
3. Appropriate provisions stating that subletting of a portion of the leased property and assignment of a lease, if permissible under the terms of the lease, must be subject to the written approval of NPS.
4. Appropriate provisions requiring the lessee to secure and maintain liability insurance from responsible companies sufficient to cover losses connected with or occasioned by the use and activities authorized by the lease.
5. Appropriate provisions requiring the lessee to obtain from responsible company's casualty insurance in an amount sufficient to protect the interests of the lessee and the government. In the event of casualty, the lessee shall be required to repair or replace damaged or destroyed property unless otherwise determined by the Director.
6. Appropriate provisions requiring the lessee to save, hold harmless, and indemnify the United States of America and its agents and employees for all losses, damages, or judgments and expenses resulting from personal injury, death, or property damage of any nature arising out of the lessee's activities under the lease, and/or the activities of the lessee's employees, subcontractors, sub-lessees, or agents.

7. Appropriate provisions requiring the Lessee to pay for use of all services and utilities not provided by the Lessor and to pay all taxes and assessments imposed by federal, state, or local agencies applicable to the leased property or to Lessee activities.
8. Appropriate provisions stating that the Lessee has no rights of renewal of the Lease or to the award of a new Lease upon Lease termination or expiration.
9. Appropriate provisions stating that the Lessee may not construct new buildings or structures on leased property except as provided in 36 CFR § 18.12(i).
10. Appropriate provisions requiring that improvements to or demolition of leased property comply 36 CFR pt. 68, be undertaken only with written approval from the Director, and remain the property of the United States.
11. Appropriate provisions that describe and limit the type of activities that may be conducted by the Lessee on the leased property.
12. Appropriate provisions authorizing the lessee to pledge or encumber the lease as security, provided that such pledge or encumbrance, and the proposed holder, be approved in writing in advance by NPS
13. Appropriate provision stating that fulfillment of any obligations of the government under the lease is subject to the availability of appropriated funds, and that the lease shall not entitle the lessee to claim benefits under the Uniform Relocation Assistance Act of 1979 (Public Law 91-646), but instead shall require the lessee to waive such benefits.
14. Appropriate provisions granting the Director and the Comptroller General access to the records of the lessee as necessary for lease administration purposes and/or as provided by applicable law.

Special Park Provisions:

1. Any potential Lessee will be responsible for the cost of removing any sand accreted during the term of the lease. The park will not relocate or raise any shacks due to environmental factors.
2. If it is determined by the park that shorebirds have nested or occupy space within the beach habitat adjacent to any dune shack, park staff will close off the affected area with protective fencing, markers, and signage. All dune shack lessees, guests or contractors are strictly prohibited from entering these restricted areas. If the shorebirds are not utilizing beach habitat adjacent to any dune shack, the park will work to either remove fencing or create access paths. The park will issue an annual letter to each dune shack lessee with current shorebird information and updates relevant to dune shack occupancy and use. Violations of this shorebird policy will be referred to the park's Visitor and Resource Protection Law Enforcement Rangers.
3. No trailer or mobile home shall be placed, used, or maintained on the premises.
4. The Lessee shall notify the North District Ranger at 508-487-2100 before any motorized equipment use requiring access across non-leased NPS property.

5. The Lessee shall not conduct any activities which would unreasonably interfere with the public enjoyment or protection of wildlife of the national seashore, including but not limited to large parties or gatherings, musical events or other noisy or intrusive activities as determined by the Superintendent.
6. Garbage burial or other on-site disposal will not be permitted. Lessees must provide and use animal-proof garbage cans that fully contain all garbage, compost, or recycling, as applicable. All waste must be disposed of at an authorized site outside the Cape Cod National Seashore at reasonable intervals, as determined by the Superintendent, and is not permitted to accumulate onsite.
7. The dune shacks shall not be used for livestock, horses, storage of vehicles, trailers, etc. Because of the proximity of all the dune shacks to potential sites of nesting shorebird colonies, dogs and cats are not permitted.
8. Access to the property shall be from the closest point of park entry and in accordance with Cape Cod National Seashore off-road vehicles regulations. Vehicular access to the shack's door will be permitted but not guaranteed.
9. The Lessee or its guests or invitees may not create new paths, trails, or roads for vehicles or pedestrians.
10. Lessees will maintain a portable fire extinguisher and first aid kit to protect the structure and the safety of residents and visitors.
11. Lessees must ensure that all accidents involving personal injury other than minor first aid, and all property damage and fires occurring within the structures assigned under this permit, are reported to the NPS as soon as is practicable.
12. Lessees must report any break-in or other criminal activity to the NPS upon discovery or as soon thereafter as is practicable.
13. Approved space-heating may include the existing wood stove, if functional, or propane or c fueled devices. Repair of the existing wood stoves is permitted, however, replacement with another wood stove is not permitted. Fuel storage tanks should be unobtrusively located below or immediately adjacent to the structure and must be sheltered by a projecting overhang or shed addition of materials and finish matching the overall structure.
14. No plants of any kind may be planted on the premises, or anywhere within the Cape Cod National Seashore, due to its potential to alter wildlife food habits, and the fact that this activity was not a part of the scene historically.

A Sample Lease is attached to this RFP that incorporates these terms.

PROPOSALS CONSIDERED PUBLIC DOCUMENTS

All proposals submitted in response to this Request for Proposals may be disclosed by the Service to any person, upon request, to the extent required or authorized by the Freedom of Information Act (5 U.S.C. § 552). If you believe that your proposal contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act, mark the cover page of the proposal with the following legend:

“The information specifically identified on pages of this proposal constitutes trade secrets or confidential commercial or financial information that the Offeror believes

to be exempt from disclosure under the Freedom of Information Act. The Offeror requests that this information not be disclosed to the public, except as may be required by law.”

You must specifically identify what you consider to be trade secret information or confidential commercial or financial information on the page of the proposal on which it appears, and you must mark each such page with the following legend:

“This page contains trade secrets or confidential commercial and financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the legend contained on the cover page of this proposal.”

Information so identified will not be made public by the NPS except in accordance with law. Accordingly, the NPS cannot guarantee that information identified as confidential by the lessee will be determined to be confidential or withheld by NPS staff or 3 attorneys, or by the courts.



EXPERIENCE YOUR AMERICA™

APPENDIX A: Descriptions and Photos for Buildings Included in the Lease

Attachment A: Sample Lease

Attachment B: Required Financial Forms

Attachment C: Sample Offeror Transmittal Letter



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Darrin Tangeman, Town Manager

REQUESTED MEETING DATE: May 23, 2023

ITEM: Appointment of Select Board Representative to Stormwater Bylaw Article Working Group

EXPLANATION: Staff recommends that a Stormwater Management bylaw be prepared for inclusion in the General Bylaws. The proposed potential General Bylaw, *Stormwater Management by drainage, erosion and sediment control*, touches many disciplines within the town and as such, staff would like to ensure a collaborative process to develop such a bylaw by creating a working group that would include representatives from: the Select Board, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Shellfish Advisory Committee, and staff (to include Health & Conservation Agent Emily Beebe, Town Planner & Land Use Counsel Barbara Carboni, Public Works Director Jarrod Cabral, Town Manager Darrin Tangeman/ Assistant Town Manager Kelly Clark, and other pertinent staff as identified).

Staff would like to determine if there is consensus from the Board that such a bylaw should be prepared, if the working group model seems most appropriate, if other groups need to be represented in the working group, and what timeline would be best for preparing the General Bylaw (which will need Town Meeting approval). Adequate public comment periods should be incorporated into the process. A draft proposed bylaw is included in the packet to serve as a jumping off point for the working group's efforts.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: N/A

SUGGESTED ACTION: *MOTION TO appoint {INSERT NAME} to serve as the Select Board's representative to the Stormwater Bylaw Working Group and to direct the working group to prepare an article for the 2023 Fall Special Town Meeting.*

ATTACHMENTS:

1. Proposed General Bylaw: *Stormwater Management by drainage, erosion and sediment control*



TOWN OF TRURO

PROPOSED GENERAL BYLAW:
STORMWATER MANAGEMENT by DRAINAGE, EROSION
AND SEDIMENT CONTROL

[HISTORY: Proposed as Draft to TBoH 1-17-2023]

§ 1. Purpose.

The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This bylaw serves to protect surface water and groundwater resources, promote groundwater recharge and prevent flooding.

§ 2. Applicability.

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff, off-site and downstream, which would be borne by abutters, townspeople, the general public and wetland resource areas. The Select Board may delegate from time-to-time certain duties described in this bylaw to designees who will act on its behalf for the purposes of enforcement.

§ 3. Drainage requirements.

- a. **Runoff.** All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.
- b. **Stormwater.** All stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off site. Commercial development shall be required to handle calculated flows from a 25-year storm.
- c. **Drains.** In no instance shall roof drains, subsurface drains, or overflow drains of any kind be directed to the public road layout.

§ 4. Erosion and sediment control requirements.

- a. Erosion. Erosion control provisions shall be designed and executed to prevent erosion or excessive uncontrolled surface water runoff from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.
- b. Sediment control. The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

§ 5. Fines and penalties.

Any person violating this chapter shall be punished by a fine of not more than two hundred dollars (\$200.) for each offense and may have their permit revoked. Each day that such offense continues shall constitute a separate offense.



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Noelle Scoullar, Executive Assistant

REQUESTED MEETING DATE: May 23, 2023

ITEM: Application to Serve

EXPLANATION: Mary Rose would like to continue her membership with the Community Preservation Committee. She was the Housing Authority Committee's representative but is no longer a member of the Housing Authority Committee. There is a member at large position vacant which expires June 30, 2023, that she could assume, allowing for continuity on the Committee (on which she currently serves as a co-chair). If appointed, Mary Rose will need to reapply and be considered on a June 2023 Select Board agenda to be reappointed for a three-year term.

FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: Applicant will no longer be a voting member of the Community Preservation Committee.

SUGGESTED ACTION: *Motion to Appoint Mary Rose as a member at large to the Community Preservation Committee filling an unexpired term which ends June 30, 2023.*

ATTACHMENTS:

1. Application to Serve

Truro

Application to Serve on a Board or Committee

Last Name

Rose

First Name

Mary

Middle Initial

H

Email Address

Phone Number

Address (Street)

39 Truro Center Road 925

Address (City)

Truro

Address (State)

MA

Address (Zip Code)

02666

Mailing Address (Please indicate box number and zip code)

925

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.

RCUD 2023MAY2 04:11:22
ADMINISTRATIVE OFFICE
TOWN OF TRURO

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?

Community Preservation Committee

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

I have been a member of this Committee since 2009 as the representative of the THA. My THA term ends this year, and I chose not to run again; however, I would like to remain on the CPC as a Member at Large to fill one of two open positions. I currently serve as Co-Chair of the Committee, and have been Co-Chair for the past 5 or 6 years.

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

Have you read the Select Board's current Goals and Objectives?

Yes

No

Do you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve?

[] Yes

[*] No

If you have any questions or concerns about any Select Board Goals that are relevant to the board/committee on which you are applying to serve, please elaborate.

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.

Explained above in why I wish to serve. I have also been involved with the Dexter Keezer Community Fund, a local charitable organization for approximately 20 years and have been the Fund Administrator for a number of years.

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.

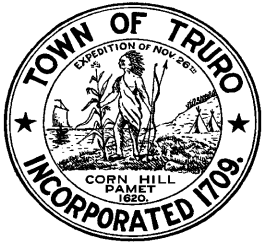
I was employed by Seamen's Bank for over 42 years, the last 35 years as head of the Mortgage and Loan Servicing Department(s).

Signature

Mary H Rose

Date

May 02, 2023



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Administration

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: May 23, 2023

ITEM: Staff Reappointments

EXPLANATION:

Community Services Deputy Director (Council on Aging) Michelle Peterson-**Cape Cod Regional Transit**

Authority Alternate Representative:

Request that Michelle Peterson, Council on Aging Director, be appointed as the Board's Alternate delegate to the Cape Cod Regional Transit Authority (CCRTA). As the Select Board's Alternate delegate to the CCRTA, the Council on Aging Director will attend meetings and represent the Town's interests. The Town Manager is the Town's primary representative to the Cape Cod Regional Transportation Authority. Both delegates will attend the meetings to represent the Town's interests.

Police Chief Jamie Calise-**Keeper of the Lock-up:**

Massachusetts General Law Chapter 40 § 35 requires the Select Board of each town that maintains a lockup to make an appointment annually for the Keeper of the Lockup. The Keeper of the Lockup shall have the care and custody of the lockup and of the persons committed thereto. The term is for one year and Police Chief Calise has served in this capacity since 2018.

Conservation and Health Agent Emily Beebe-**Representative to the Cape Cod Water Protection**

Collaborative:

Emily Beebe, Health and Conservation Agent, has served as the representative from the Town of Truro to the Cape Cod Protection Collaborative with Barnstable County since 2017. Ms. Beebe will need to be appointed to the Cape Cod Protection Collaborative.

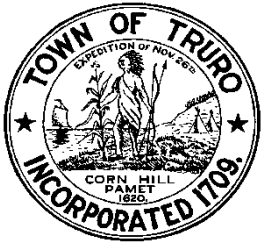
FINANCIAL SOURCE (IF APPLICABLE): N/A

IMPACT IF NOT APPROVED: There will be no appointment of Keeper of the Lock-up, Truro will not have representation at the Cape Cod Water Protection Collaborative meetings, and the Community Services Deputy Director for the Council on Aging will not be authorized to act as the Board's Alternate delegate to the Cape Cod Regional Transit Authority.

SUGGESTED ACTION:

- *Motion to appoint Police Chief Jamie Calise to serve as Keeper of the Lockup for a one-year term commencing May 23, 2023, which will expire June 30, 2024.*
- *Motion to approve the appointment of Emily Beebe, Health and Conservation Agent, as the Town's Representative to the Cape Cod Water Protection Collaborative for a two-year term starting May 23, 2023, ending May 23, 2025.*
- *Motion to appoint Michelle Peterson, Community Services Deputy Director (Council on Aging) as the Select Board's Alternate delegate to the Cape Cod Regional Transit Authority for a three-year term starting May 23, 2023, ending June 30, 2026.*

ATTACHMENTS: None



TOWN OF TRURO

Select Board Agenda Item

DEPARTMENT: Licensing Department

REQUESTOR: Nicole Tudor, Executive Assistant

REQUESTED MEETING DATE: May 23, 2023

ITEM: Approval of Renewal of 2023 Seasonal Business Licenses:

- **Accent on Design**-Transient Vendor

EXPLANATION: This license is under the authority of the Select Board as the Local Licensing Authority. If you approve this license for renewal, the license will be issued only upon compliance with all regulations, receipt of the necessary fees, and documentation, and proof of taxes paid in full for the fiscal year. This business does not receive a Health License. There were no reported issues with this establishment in 2022.

Mass General Law	Licenses & Permits Issued	Names of Businesses
Chapter 101 § 2	Transient Vendor (Seasonal Retail)	Accent on Design

IMPACT IF NOT APPROVED: The applicant will not be issued their license to operate.

SUGGESTED ACTION: *MOTION TO approve the 2023 Seasonal Licenses for Accent on Design upon compliance with all regulations and receipt of the necessary fees.*

ATTACHMENTS:

1. Renewal Application for 2023: Accent on Design

REVID 02/28/2010 04/1/22
ADMINISTRATIVE OFFICE
TOWN OF TRURO



TOWN OF TRURO

PO Box 2030, Truro MA 02666

Tel: 508-349-7004, Extension: 131 or 124 Fax: 508-349-5508

LICENSE APPLICATION: Condominiums, Cottage Colonies, Motels, Campgrounds, Lodging, Gas Station/Retail Service, Transient Vendor

Section 1 – LICENSE TYPE

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

New Renewal/No Changes (Skip to Section 3) Name of Business Accent on Design

FACILITY:

Motel-\$50 Cottage Colony-\$50 Condominium-\$50 # Units _____ Lodging-\$50

Transient Vendor-\$75 _____ Campground-\$50 _____ Gas Station*-\$25

*Gas Station-\$25 (Please submit your Service Station Compliance Form & Third Part Underground Storage Tank Inspection Report (FP 289))

Section 2 – BUSINESS INFORMATION

Federal Employers Identification Number (FEIN/SS) [REDACTED]

Amy Tolnick Accent on Design
Print Name of Applicant Business Name

Sdme
Owner Name

14A Truro Center Rd _____
Street Address of Business Mailing Address of Business

[REDACTED] [REDACTED]
Business P mb Business E-Mail Address

Section 3-HOURS OF OPERATION

Annual Seasonal Opening Date: 5/30 Closing Date: 10/30

Days of the Week Open: 4-5

Check if New Manager (if checked, MUST submit Application to Name a Manager)

Section 4-MANAGER INFORMATION

Name of Onsite Manager:

Name: _____ Unit Number: _____

Mailing Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Offsite Manager:

Name: _____ Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Manager's Signature (REQUIRED)

Name of Co- Manager:

Name: _____ Business Name: _____

Business Address: _____

Phone: (24 Hour Contact): _____ Email Address: _____

Co-Manager's Signature (REQUIRED)

Section 5 - ATTESTATION

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

Signature of Applicant _____ Print Name *Amy Polnick* Date *5/10/2022* *an*

Additional Applications & Documentation

REQUIRED FOR ALL MOTELS, COTTAGE COLONIES, CONDOMINIUMS & CAMPGROUNDS

- Smoke detector/CO detector/fire protection certification
- IF YOU HAVE EMPLOYEES- Workers Compensation Affidavit & Certificate of Insurance
- IF YOU DO NOT HAVE EMPLOYEES- Workers Compensation Affidavit

ADDITIONAL (SEPARATE) APPLICATIONS THAT MAY PERTAIN TO YOUR OPERATION

- Application for Pool or Hot Tub Permit Application to Name a Manager
- Entertainment License Application to sell Tobacco Application for Food Service Permit
- Business certificate with the clerk's office
- Septic System Inspection Report (submitted every 3 years)



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

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

Applicant Information

Please Print Legibly

Business/Organization Name: Accent on Design
 Address: 14A Inuro Center Rd
 City/State/Zip: Inuro, MA 02666 Phone #: [REDACTED]

Are you an employer? Check the appropriate box:

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

Business Type (required):

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

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

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

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

Insurance Company Name: _____
 Insurer's Address: _____
 City/State/Zip: _____

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

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

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

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

Signature: [Signature] Date: 5/10/2023

Phone #: [REDACTED]

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

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

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

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
1 Congress Street
Boston, MA 02114-2017
Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE
Fax # 617-727-7749
www.mass.gov/dia