

**TOWN OF EASTHAM  
ANNUAL TOWN MEETING WARRANT  
AND FINANCE COMMITTEE REPORT AND  
RECOMMENDATIONS**

**7:00 P.M.**

**MAY 1, 2006**

**NAUSET REGIONAL HIGH SCHOOL GYMNASIUM**

**ANNUAL TOWN ELECTION**

**MAY 16, 2006**

**POLLS OPEN 7:00 A.M. - 8:00 P.M.**

**EASTHAM TOWN HALL**

**2500 STATE HIGHWAY  
EASTHAM, MA**

**FOR COPIES OF THIS WARRANT IN LARGER PRINT  
OR ON TAPE, PLEASE CALL 240-5900. Also available on the  
town website [www.eastham-ma.gov](http://www.eastham-ma.gov)**

**Please bring this warrant to Town Meeting**

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## THE FINANCE COMMITTEE REPORT

To the voters and citizens of the Town of Eastham:

The Finance Committee, in its role as financial advisor to the Town under the Eastham Home Rule Charter section 2-6-2, respectfully reviews each article and submits to the voters and citizens of this Town Meeting its explanations of the committee's recommendations. Your Town's Finance Committee accepts this responsibility seriously and meets regularly throughout the year to fulfill this commitment. Specific comments and recommendations are attached to articles in the warrant, under the title, FINANCE COMMITTEE.

The Eastham Finance Committee considers the fiscal implications of each article in regards to the financial health of the town. For articles that appear not to have any fiscal implication, the Committee considers the potential impact of the article on the character and future of the Town.

In Eastham, real estate is our primary source of funding for town operations. Under Proposition 2½'s limitations for annual increases in funding capacity, care must be taken in terms of additional spending requests and requirements. Eventually, simple mathematics dictates that an override will be required when new growth and local receipts do not cover the budgets requested to provide services to the Town. The Finance Committee commends those unions, departments and committees that recognize this situation and work with the town with understanding and cooperation.

For the Fiscal Year 2007 – covering the period July 1, 2006 to June 30, 2007 – there are adequate resources to continue to provide the level of services to which Eastham taxpayers are accustomed. The budget presented at this Town Meeting reflects this. In this budget, the limitations imposed by Proposition 2½ are reached. Costs associated with the ongoing operations rise more quickly than permitted by Proposition 2½, leading to the conclusion that an override may be required to continue to provide the present level of services in the next fiscal year. While FY2007 appears to be proceeding without major disruption, we would be remiss if we did not call your attention to the possible need for additional funding in FY2008.

Examples of items that strain the town's limited resources include health insurance, retirement benefits, and energy costs. Everyone is aware of the increases in energy costs in their personal lives. The town faces the same increases. For FY2007 the increases are not dramatic over FY2006, but they are dramatic compared to previous years. There will be wage increases as the town negotiates new contracts with the employees' unions. Payments for health insurance and retirement benefits are 20% of the town's operating budget. The retirement contribution is mandated by the state. The increases in the costs for health insurance are also well documented. Eastham has faced smaller increases in the recent past than many other employers or individuals due to its membership in a County group, but, even so, the costs continue to take larger bites out of our resources.

Two budgets have received particular attention from the Finance Committee this year – Natural Resources and Eastham Elementary School. A significant portion of the Natural Resources

Department energies, and budget, is devoted to the shellfish hatchery at Hemenway Landing. Shellfish harvesting has dropped to 10% of past levels and it does not appear that the present program, emphasizing experimentation, holds any promise of increasing that percentage in any meaningful way. Shellfish in our various waters provide benefits to all of us in several different ways: helping to combat water pollution, providing funds for the town through the sale of shellfish licenses, and providing a food source for those who wish to harvest. We question whether or not the present effort is a cost effective way to provide these benefits, especially as town resources face increasing pressure.

The Eastham Elementary School is undergoing significant renovation as we meet. The Town will be facing large costs for many years into the future for this project, costs outside the normal constraints of Proposition 2½, due to a debt exclusion vote. The enrollment for the 1999-2000 school year was 322; the budget was \$2,346,902. For the 2006-2007 school year, enrollment is projected at 212, with a budget of \$2,729,479 (line 46 in Article 12). The Elementary School Committee has adopted a policy of 13 to 17 students per class. The cost per pupil as determined by the Massachusetts's Department of Education is one of the highest in the state when compared to the same costs in the 346 cities and towns outside the Lower Cape. Per pupil costs for regular students have risen from \$7,289 in 1999-2000 to \$12,875 in the proposed 2006-2007 budget by the superintendent's calculations. The Elementary School Committee has given some indication that they might reduce the number of teachers over the next few years, but this will not reduce the budget significantly, and will certainly not avoid an override vote next year.

The Elementary School budget has grown at a slow rate, but the number of students has decreased at a greater rate. This year's increase is less than 4% from last year as the number of students projected grows by less than 2%. At the Regional level the budget increase for the school, including the capital budget, is less than 3%, but Eastham's share continues to increase as Wellfleet and Orleans contribute a smaller proportion of the students. Eastham's approach to its elementary education is apt to attract students in the future, causing our share of the regional school budget to grow further.

The Community Preservation Act is funded through a 3% surcharge on our property tax bills and up to 50% of that money is matched by the state. This money can be used for affordable housing, historic preservation, and open space purchases. These funds provide exciting new opportunities for Eastham. Articles 18 through 24 reflect the work of the CPA Committee since they started meeting in October 2005.

The Finance Committee encourages voters to ask questions during the Town Meeting of any of it's, the Selectmen's or any other committee with recommendations. Be informed. This is **YOUR** Town Meeting.

Respectfully,

Lisa Radke, Chair  
Ruth Katzman, Vice Chair  
Brian Eastman, Clerk

Judy Cannon  
Donna Cary  
Russ French

John Knight  
Norman Newell  
David Schropfer

**TOWN OF EASTHAM  
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts  
Barnstable, ss. ~

To: Either of the Constables of the Town of Eastham  
in the County of Barnstable

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Nauset Regional High School Auditorium Monday, the first day of May, Two Thousand and Six, at Seven o'clock in the evening, then and there to act on the following articles in this Warrant and to meet in the Eastham Town Hall at 7:00 a.m. Tuesday, the sixteenth day of May next, then and there to elect the following Town Officers;

Selectman (Three Year Term: Vote for One)  
Selectman (One Year (unexpired) Term: Vote for One)  
Elem. School Committee (Three Year Term: Vote for One)  
Public Library Trustee (Three Year Term: Vote for One)  
Nauset Regional School Committee (Three Year Term: Vote for One)  
Nauset Regional School Committee (One Year (unexpired) term: Vote for One)  
Housing Authority (Five Year Term: Vote for One)

**POLLS OPEN 7:00 A.M. AND CLOSE AT 8:00 P.M.**

**ARTICLE 1**

To see if the Town will vote to raise and appropriate or transfer from available funds **\$1,200** for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws, and authorize the Town Treasurer to pay said appropriation into the State Treasury; or take any action relative thereto.

By Board of Selectmen

Summary:

This is a standard article to appropriate money to pay the Town's share of the Greenhead Fly Control Program.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(majority vote required)*

**ARTICLE 2**

To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts; or to take any action relative thereto.

By Board of Selectmen

Summary:

This is standard with which all Massachusetts municipalities indemnify DEP for work in the local communities.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(majority vote required)*

**ARTICLE 3**

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts under the 2006 Transportation Bond Issue for maintenance, repair and construction of primary roads; said funds to be available in Fiscal Year 2007, subject to approval by the legislature; or take any action relative thereto.

By Board of Selectmen

Summary:

This is an annual article that authorizes the Town to accept monies to be approved under the annual Transportation Bond bill voted by the state legislature. While the funding amount is uncertain, the Town should vote to accept any money if authorized. The Town may use these funds on state approved projects to upgrade and improve Town roads and parking facilities.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(majority vote required)*

**ARTICLE 4**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 16B, which would reallocate the sum of member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called for fiscal year 2008; or take any action relative thereto.

By Nauset Regional School Committee

Summary:

This annual request would apportion the operating budget of the Nauset Regional School District, on a per pupil basis in Fiscal Year 2008, rather than as determined by the State's Education Reform Formula

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(majority vote required)*

**ARTICLE 5**

To see if the Town will vote to fund an agreement between the **International Association of Fire Fighters, IAFF Local 2975, representing the employees in the Fire Department** for the period beginning July 1, 2006, and further raise and appropriate or transfer from available funds a sum of money for the purpose of funding said contract; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation of a contract settlement with the union.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

**ARTICLE 6**

To see if the Town will vote to fund an agreement between the **Eastham Employees Association, representing clerical and department head** employees for the period beginning July 1, 2006, and further raise and appropriate or transfer from available funds a sum of money for the purpose of funding said contract; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation of a contract settlement with the union.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

**ARTICLE 7**

To see if the Town will vote to fund an agreement between the **International Brotherhood of Teamsters Truck Drivers Local 170 , representing the Dispatchers** for the period beginning July 1, 2006, and further raise and appropriate or transfer from available funds a sum of money for the purpose of funding said contract; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation of a contract settlement with the union.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

### **ARTICLE 8**

To see if the Town will vote to fund an agreement between the **International Brotherhood of Police Officers Local 368, representing patrolman and sergeants** in the police department, for the period beginning July 1, 2006, and further raise and appropriate or transfer from available funds a sum of money for the purpose of funding said contract; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation of a contract settlement with the union.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

### **ARTICLE 9**

To see if the Town will vote to fund an agreement between the **United Steelworkers of America, Local 13507**, representing the employees in the Natural Resources Department and Department of Public Works for the period beginning July 1, 2006, and further raise and appropriate or transfer from available funds a sum of money for the purpose of funding said contract; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation of a contract settlement with the union.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

### **ARTICLE 10**

To see if the Town will vote to raise and appropriate a sum of money, for the period beginning July 1, 2006, to be set aside for the purpose of funding wage increases for union and non-union employees; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is included in the warrant in anticipation that some or all of the union contracts may not be settled by Town Meeting. The set aside will allow the Town to complete negotiation of those contracts and make adjustments for the next fiscal year. Non union personnel are included as the Board will set those adjustments in accordance with union increases in similar positions.

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

## ARTICLE 11

To see if the town shall accept the numbering and revision of the general bylaws of the Town from their original numbering, as amended through 2004, to the numbering or codification, arrangement sequence and captions as set forth in the Final Draft of the Code of the Town of Eastham, dated, April 14, 2006, said codification having been done under the direction of the Board of Selectmen and Town Clerk, and said Code being a compilation of the present bylaws of the Town. These bylaws shall be referred to as the “Code of the Town of Eastham, Massachusetts;” or take any other action relative thereto.

By Board of Selectmen/Town Clerk

Summary:

This is codification of the existing bylaws for the Town of Eastham. The Eastham Home Rule Charter required that the town undertake this work. It required numerous hours of work in the Town Clerk’s office to work with the consultant and other town staff to ensure that the code included all current bylaws without duplication. The statute requires that the entire code be adopted by town meeting once it is completed.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0 This has no financial implications and we recommend approval.

*(majority vote required.)*

## ARTICLE 12

To see if the Town will vote to act on the operating budget, including recommendations and reports of the Selectmen, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved, and other available funds and accounts, the sum of **\$16,520,917**, and further to transfer from the dog receipts reserved (so called) the additional sum of **\$3,500** to the library; or take any action relative thereto.

By Board of Selectmen

Summary:

Article 12 is the operating budget for all town departments, the elementary school and contains our contribution to the Nauset Regional School District. This year the operating budget does not require an override and includes several new staff positions. The budget is up overall less than 1%, and fully funded results in an excess levy capacity of \$125,000.

Each year, with the assistance of the department managers, a draft budget is given to the Board of Selectmen for their consideration. After a careful and thorough review, the Selectmen adopt a budget. It is important to note that this budget contains no new programs, maintains all the existing programs, and contains three new municipal positions; an assistant town administrator (line 1), two emergency medical/fire personnel (line 31); and an expansion of seasonal positions in the DPW/Sanitation budget to create one new position (line 49). The addition of an assistant town administrator was announced last year as were the addition of two emergency personnel in the fire department. The addition of hours in the sanitation division is due in part to a change in state law concerning necessary licenses for operations, and recent staffing issues resulting from increased recycling and facility use. We have recently upgraded some on site equipment and have improved on site communication between the employees, both actions which should improve operations and employee safety at the facility.

Significant changes between FY06 budgeted amounts and FY07 Selectmen's budget are as follows:

Line 1 increase is due to the addition of an assistant Town Administrator as per the plan outlined last year. This position is long overdue and should provide more comprehensive support services to department heads, selectmen and the public.

Line 5 Accountant Expense is reduced this year. In FY06 we needed additional support from our outside auditors to assist in the early certification of free cash necessitated by the October special town meeting to provide additional funding for the elementary school.

Line 9 Treasurer/Collector's expense is up this year as the Treasurer has outsourced more of the tax bill printing to a printing/billing service. This move will ensure that bill printing and mailing continues to occur timely as outsourcing is more efficient for this service.

Line 13 Data Processing expense is down as last year's budget included a one time expense to digitize records in the Health/Building/Planning departments. This program has gotten off to a slow start due to the intense staff time necessary to prepare the records for scanning, but is currently underway and should be completed within the next nine months.

Line 17 Town Clerk/Elections expense. This is the first year that the Town Clerk budget and the Elections expense have been combined. Departmental staff work in both areas with the Town Clerk as the department manager of these activities. The increase in the expense portion of this budget is due to increase cost for coding the election machines, and in anticipation of the September primary election and a potential special town meeting and the cost associated with such meetings.

Line 21 Natural Resources expense increase is due to the inclusion of additional vehicle repair funds. One vehicle was scheduled for replacement this year. After discussion with the department head and in consideration of the low mileage on the vehicle, the decision was made to have all department vehicles professionally serviced and replace tires. This should extend the life of the vehicles that experience heavy duty work plowing snow, but have low mileage.

Line 26 Bulk Fuel expense is at best a guess, and this amount is based on year to date expenditure as of December 31, 2005. The fluctuation in prices has made estimating expense here very difficult. We have taken measures to conserve fuel such as maintaining vehicles in good condition, turning off idling vehicles, turning off lights in buildings when not in use, and all town buildings have taken advantage of the energy audit services of the Cape Light Compact. These audits include but are not limited to exchanging light bulbs for more energy efficient ones, changing ballasts, and adjusting and replacing faulty thermostats. These energy audits are a free service of the Cape Light Compact.

Line 27 Town Report expense is up due primarily to the cost of placing the full text of the warrant in a local paper, concurrent with the issuing of the warrant.

Line 30 Police expense shows a decrease as the Chief has been able to manage vehicle replacements using leases and only needs two cars this year instead of three as planned last year.

Line 31 Fire Salary shows the addition of two personnel. This will complete the plan begun last year to add one person to each of the four groups that provide 24 hour service. Each group had three persons, and this will move us to a four person group. Many of our calls require, by state regulation, at least three persons for the trip to the hospital.

Line 32 Fire Expense reflects an increase in the uniform line to cover additional staff, and increases are shown in fuel costs for heat and electricity, and medical supplies. These costs are all non discretionary and reflect the overall increase in the cost of providing this service.

Line 37 & 38 are for contracted inspection services. Those services, plumbing and gas and electrical inspection services, will be bid this year. There are two contractors who perform these services. In each case the number of inspections, by state mandate and requirements for ongoing training and study, reflect a greater commitment in hours per week for each position.

Line 40 Tree warden expense is a requested increase by the Tree Warden to remove dead and dangerous trees. The removal of such trees is a contracted service the hourly rate for which has increased in the past several years.

Lines 45-48 fund the educational costs for the town. They include the elementary school, Cape Cod Tech and Nauset Regional District. The elementary school and Nauset district assessments increase is less than 4%, and the Cape Cod Tech increase is 5.1%.

Line 49 General Maintenance salary is up due to a planned expansion of a seasonal position to a full time position. The department has had difficulty maintaining all of the roads and facilities of the town. The increased workload of recent storms has been particularly problematic for the department.

Line 50 General Maintenance expense reflects an increase in supplies for vehicle repairs and maintenance. The cost of these oil based supplies, such as lubricants and tires have increased substantially.

Line 58 Town Nurse, is a contracted service for which we contract with the VNA. This contract has been level funded for more than ten years, while the demand for service and the hourly costs have increased. This increase will simply maintain the current level of service.

Line 61 Inspection of Animals is increased to accommodate more rabies testing. When dead or sick animals are found, we often have to send them to the state lab for rabies testing since rabies is on the lower cape. These expenses are paid from this line.

Line 71 Beach and recreation salary increase is due to an increase in the seasonal wages for sticker sellers, gate attendants and life guards. We need to remain competitive to fill these positions and annually increase the salaries by .25 to .50 per hour each year.

Line 72 Beach expense shows a significant decrease due to the fact that the ocean beach operation is not included in this budget. Last year in anticipation of an opening, operational funds of \$125,000

were included in the budget. Those funds are not included this year. Should the town operate an ocean beach in FY07, funds are available in Article 19, passed in ATM May 2004.

Lines 73-82 include costs for debt payments. The Town Hall bond was paid off this year and thus a reduction in this budget. Further, the Treasurer has been able to reduce bank charges. These lines are down slightly more than 32%.

Line 83 Employee benefits was increased last year to provide for rabies vaccine for at-risk staff. All staff were vaccinated last year but we have budgeted for any additions or staff changes.

Line 84 Retirement Expense assessment is up less than 5%. This assessment is for participation in the Barnstable County Retirement System which all full time town employees, and elementary school employees who are not members of the teachers retirement, are required to join. Social Security participation is not available for these employees.

Line 85 Unemployment Expense assessment is based on experience and payroll size. This covers elementary school employees as well as town employees and is adjusted annually.

Line 86 Health insurance is up 9% and covers both elementary school employees and town employees. We are part of a capewide self insuring collaborative and enjoy the benefits of pooled risk and costs. This is a modest increase compared to non-collaborative increases in health insurance.

Line 87 Property insurance rates continue to increase. This increase is improved by participation in special programs from our insurer and attention to risk reduction activity by our municipal buildings staff and other department managers.

The overall budget increase is less than 1%. It does not include contracted salary increases as those contracts have not been settled. The projected increase with salary increases is 2%.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: The article received a positive recommendation from the Finance Committee. Please see individual line recommendations and the Finance Committee Report on page 3.

*(majority vote required)*

**FY07 ARTICLE 12 - SELECTMEN'S OPERATING BUDGET**

ITEM #	APPROVED BUDGET FY06	SELECTMEN'S FY07 BUDGET	FINANCE COMMITTEE RECOMMENDS
	<b>GENERAL GOVERNMENT</b>		
1	\$211,750.60	\$281,185.20	9-0
2	\$15,540.00	\$16,720.00	9-0
3	\$65,000.00	\$65,000.00	9-0
4	\$95,842.00	\$99,699.60	9-0
5	\$30,150.00	\$23,650.00	9-0
6	\$137,791.00	\$143,616.72	9-0
7	\$17,010.00	\$22,880.00	9-0
8	\$79,722.00	\$85,090.72	9-0
9	\$8,715.00	\$10,376.00	9-0
10	\$200.00	\$200.00	9-0
11	\$65,000.00	\$65,000.00	9-0
12	\$61,280.00	\$68,122.60	9-0
13	\$143,195.00	\$92,836.00	9-0
14	\$5,000.00	\$5,000.00	9-0
15	\$42,196.00	\$45,949.55	9-0
16	\$56,340.00	\$64,620.20	9-0
17	\$8,150.00	\$10,650.00	9-0
18	\$17,961.00	\$19,338.80	9-0
19	\$1,680.00	\$1,680.00	9-0
20	\$226,136.00	\$227,045.06	7-1-1
21	\$33,982.00	\$43,983.22	7-1-1
22	\$64,853.00	\$63,487.32	9-0
23	\$1,800.00	\$1,946.00	9-0
24	\$97,326.00	\$106,490.00	9-0
25	\$73,949.00	\$70,480.00	9-0
26	\$125,916.00	\$104,892.50	9-0
27	\$8,100.00	\$10,000.00	9-0
28	\$4,000.00	\$4,000.00	9-0
	\$1,698,584.60	\$1,753,939.49	
	<b>PUBLIC SAFETY &amp; INSPECTIONAL SERVICES</b>		
29	\$989,589.00	\$988,968.97	9-0
30	\$165,285.00	\$157,414.45	9-0

ITEM #	ITEM	APPROVED		SELECTMEN'S		FINANCE COMMITTEE
		BUDGET FY06	FY07 BUDGET	FY06 BUDGET	FY07 BUDGET	
31	FIRE SALARY	\$1,212,516.38		\$1,291,029.03		9-0
32	FIRE EXPENSE	\$90,581.00		\$101,300.75		9-0
33	DISPATCHING SALARY	\$221,008.00		\$209,753.35		9-0
34	DISPATCHING EXPENSE	\$7,035.00		\$7,420.00		9-0
35	BUILDING INSPECTION SALARY	\$75,586.00		\$82,527.64		9-0
36	BUILDING INSPECTION EXPENSE	\$5,646.00		\$6,596.00		9-0
37	GAS/PLUMBING INSPECTION EXPENSE	\$23,920.00		\$26,000.00		9-0
38	WIRE INSPECTION EXPENSE	\$26,000.00		\$36,000.00		9-0
39	EMERGENCY MANAGEMENT EXPENSE ( FORMERLY CIVIL DEFENSE)	\$100.00		\$100.00		9-0
40	TREE WARDEN EXPENSE	\$600.00		\$1,200.00		9-0
41	DUTCH ELM DISEASE EXPENSE	\$10.00		\$10.00		9-0
42	INSECT/PEST/POISON IVY CONTROL	\$10.00		\$10.00		9-0
43	HARBORS & LANDINGS SALARY	\$5,900.00		\$5,900.00		9-0
44	HARBORS & LANDINGS EXPENSE	\$1,467.00		\$1,467.00		9-0
			\$2,825,253.38		\$2,915,697.19	
	<b>EDUCATIONAL SERVICES</b>					
45	ELEMENTARY SCHOOL OPERATIONS	\$2,624,627.00		\$2,729,479.00		7-0-1
46	NAUSET REGION CAPITAL ASSESSMENT	\$152,423.00		\$136,433.00		9-0
47	NAUSET REGION OPERATING ASSESSMENT	\$3,312,716.00		\$3,416,408.00		9-0
48	CAPE COD REGIONAL TECHNICAL SCHOOL	\$318,225.00		\$334,460.00		9-0
			\$6,407,991.00		\$6,616,780.00	
	<b>PUBLIC WORKS &amp; SANITATION</b>					
49	GENERAL MAINTENANCE SALARY	\$301,875.00		\$347,982.36		9-0
50	GENERAL MAINTENANCE EXPENSE	\$143,085.00		\$191,049.20		9-0
51	SNOW & SANDING SALARY	\$25,000.00		\$25,000.00		9-0
52	SNOW & SANDING EXPENSE	\$16,500.00		\$16,500.00		9-0
53	STREET LIGHTING EXPENSE	\$6,100.00		\$6,100.00		9-0
54	WASTE COLLECTION & DISPOSAL SALARY	\$113,067.00		\$119,781.88		9-0
55	WASTE COLLECTION & DISPOSAL EXPENSE	\$404,078.00		\$412,578.00		9-0
			\$1,009,705.00		\$1,118,991.44	

ITEM #		APPROVED BUDGET FY06	SELECTMEN'S FY07 BUDGET	FINANCE COMMITTEE
	<b>HEALTH &amp; HUMAN SERVICES</b>			
56	VETERANS' GRAVE OFFICER	\$75.00	\$75.00	9-0
57	OLD CEMETERIES EXPENSE	\$600.00	\$600.00	9-0
58	TOWN NURSE SERVICES	\$6,500.00	\$7,920.00	9-0
59	PUBLIC HEALTH SALARY	\$136,658.00	\$139,364.16	9-0
60	PUBLIC HEALTH EXPENSE	\$37,500.00	\$16,100.00	9-0
61	INSPECTION OF ANIMALS EXPENSE	\$100.00	\$1,000.00	9-0
62	COUNCIL ON AGING SALARY	\$97,041.00	\$106,080.48	9-0
63	COUNCIL ON AGING EXPENSE	\$17,637.00	\$18,191.35	9-0
64	LOWER CAPE ADULT DAY PROGRAM SALARY	\$99,582.00	\$113,192.56	9-0
65	LOWER CAPE ADULT DAY PROGRAM EXPENSE	\$15,146.00	\$15,392.00	9-0
66	VETERANS' SERVICES - EXPENSE	\$12,566.00	\$13,962.39	8-0-1
67	VETERANS' SERVICES - BENEFITS	\$9,000.00	\$9,000.00	8-0-1
68	HUMAN SERVICES AGENCIES	\$46,100.00	\$46,100.00	9-0
		\$478,505.00	\$486,977.94	
	<b>CULTURE &amp; RECREATION</b>			
69	LIBRARY SALARY	\$157,663.00	\$159,313.16	9-0
70	LIBRARY EXPENSE	\$52,723.00	\$55,050.00	9-0
71	BEACH & RECREATION SALARY	\$197,021.00	\$218,729.20	9-0
72	BEACH & RECREATION EXPENSE	\$191,912.00	\$58,712.00	9-0
		\$599,319.00	\$491,804.36	
	<b>DEBT AND BANKING SERVICES</b>			
73	FIRE STATION	\$150,000.00	\$150,000.00	9-0
74	LANDFILL CAPPING	\$63,236.00	\$64,238.67	9-0
75	ROACH PROPERTY ACQUISITION	\$80,000.00	\$80,000.00	9-0
76	TRANSFER STATION	\$125,000.00	\$125,000.00	9-0
77	TOWN HALL RENOVATION	\$170,000.00	\$0.00	9-0
78	INTEREST EXPENSE (LONG/SHORT TERM)	\$464,895.00	\$268,526.91	9-0
79	TAX ANTICIPATION NOTES	\$10,000.00	\$10,000.00	9-0

ITEM #	APPROVED BUDGET FY06	SELECTMEN'S FY07 BUDGET	FINANCE COMMITTEE
80	\$10,401.00	\$10,400.36	9-0
81	\$65,000.00	\$65,000.00	9-0
82	\$5,312.00	\$2,477.88	9-0
	\$1,143,844.00	\$775,643.82	
<b>OTHER EXPENSES (GENERAL GOVERNMENT)</b>			
83	\$20,000.00	\$16,200.00	9-0
84	\$619,645.00	\$647,322.00	9-0
85	\$8,000.00	\$12,000.00	9-0
86	\$1,247,666.00	\$1,359,956.00	9-0
87	\$304,884.00	\$325,604.76	9-0
	\$2,200,195.00	\$2,361,082.76	
<b>TOTAL</b>	<b>\$16,363,396.98</b>	<b>\$16,520,917.00</b>	

### ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$447,550** to purchase the following capital items, make improvements to capital facilities as listed below; or take any action relative thereto.

By Board of Selectmen

#### Summary:

At each annual town meeting, Article 13, which lists the capital acquisitions for the upcoming fiscal year, is included. Of note is that we are continuing to replace the 15-year-old trash trailers and the trash compactor. Next year we will seek to replace another trailer and in FY09 the second trash compactor is scheduled for replacement. We are making the second payment of a five-year lease for the new fire engine. And finally in response to buildings and systems that continue to age, we have increased the building contingency funds to cover the more costly repairs of aging infrastructures.

This year all of the items included for purchase, have previously appeared on the five year capital plan so only a majority vote is required to make these acquisitions.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0 The Town of Eastham Charter requires that an item must be placed on the warrant in the 5-year capital plan to be considered at town meeting. The items under this Article are for FY07, and have been included in a prior five year capital plan. While reviewing the capital needs of the town, it is obvious that under Proposition 2 1/2, not all items could be accommodated. Article 13 contains only necessary expenditures. The funding sources for capital items are in large part from “free cash”, and transfers. The Finance Committee has examined each request and recommends your approval.

*(majority vote required)*

FY07 CAPITAL ACQUISITION PLAN							
ITEM	DEPARTMENT	ITEM	FY07				
	<b>DATA PROCESSING</b>						
1		COMPUTER HARDWARE/SPECIALIZED SOFTWARE	\$20,000.00	F			
2		GIS DIGITIZATION/AERIAL PHOTOGRAPHY	\$20,000.00	F			
	<b>SUB-TOTAL</b>		<b>\$40,000.00</b>				
	<b>COA/ADULT DAYCARE</b>						
3		VAN REPLACEMENT (LEASE YEAR 3)	\$7,000.00	HST			
	<b>SUB-TOTAL</b>		<b>\$7,000.00</b>				
	<b>MUNICIPAL BUILDINGS IMPROVEMENTS</b>						
4	ALL	PROJECT CONTINGENCY: MAJOR REPAIRS , PAINTING ETC.	\$25,000.00	F			
5	COA	RESURFACE DRIVEWAY	\$10,000.00	HST			
6	DPW/NR						
7		REPLACE CIRCULATOR PUMPS	\$3,600.00	F			
8		REPLACE CARPET/TILE ALL AREAS	\$6,500.00	F			
9		EXPAND DPW BLDG	\$70,000.00	F			
	POLICE						
10		REPLACE ALL CARPET DOWNSTAIRS	\$6,800.00	F			
	FIRE						
11		REPLACE CHILLERS (AIR CONDITIONING SYSTEM)	\$9,800.00	A			
	<b>SUB-TOTAL</b>		<b>\$131,700.00</b>				
	<b>BEACHES/RECREATION</b>						
12		4 X 2 TRUCK (LEASE YEAR 3)	\$7,000.00	F			
13		REPLACE IRRIGATION FIELD OF DREAMS	\$20,000.00	F			
	<b>SUB-TOTAL</b>		<b>\$27,000.00</b>				
	<b>DPW</b>						
14		2 NEW TRASH TRAILERS (replace 15 yr old equip - Lease Purchase)	\$50,000.00	F			
15		REPLACE 96 SWEEPER ( 5 year LEASE, YEAR 1)	\$25,000.00	F			
16		TRASH COMPACTOR REPLACEMENT	\$47,000.00	F			
	<b>SUB-TOTAL</b>		<b>\$122,000.00</b>				
	<b>FIRE (EQUIP)</b>						
17		REPLACE 1986 ENGINE (5 YR LEASE PURCHASE, yr 2)	\$70,475.00	A			
18		SQUAD 1 REPLACEMENT (TRUCK 160)(LEASE YR. 3)	\$9,375.00	A			
19		ADMIN/INSPECTION VEHICLE ( 3 yr LEASE, yr 1)	\$10,000.00	A			
20		HYDRANT STANDPIPE SYS -ON SITE WELLS/BURIED TANKS	\$12,000.00	A			
21		COMPUTER SOFTWARE ENHANCEMENTS	\$5,000.00	A			
22		COMPUTER HARDWARE ENHANCEMENT/ADDITIONS	\$5,000.00	A			
23		FIRE SUPPRESSSION UPGRADES/REPLACEMENT/FOAM	\$5,000.00	A			
24		RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT JAWS	\$3,000.00	A			
	<b>SUB-TOTAL</b>		<b>\$119,850.00</b>				
	<b>TOTAL</b>		<b>\$447,550.00</b>				
<b>TOTAL CAPITAL FUNDS NEEDED BY SOURCE</b>							
	<b>FUNDING SOURCE KEY</b>						
	F = FREE CASH		\$300,900.00				
	HST = COA /FRIENDS/HUMAN SVC		\$17,000.00				
	A = AMBULANCE RECPTS		\$129,650.00				
	EX = BOAT EXCISE		\$0.00				
	T = TAX LEVY						
	<b>TOTAL</b>		<b>\$447,550.00</b>				

## ARTICLE 14

To see if the Town will in accordance with Section 6-5 of the Eastham Home Rule Charter, vote to accept the Capital Improvement Plan for FY08-FY12 as printed below; or take any action relative thereto.  
By Board of Selectmen

Summary:

The five year capital plan is a listing of capital equipment, supplies, and programs, which the town anticipates needing within the next five years. As is done each year, a new year is added to the five year plan. FY12 is the new year and items of note there include Rock Harbor Dock Replacements (Line 18). The Board of Selectmen asked that the docks be reconfigured, if possible, to allow for greater use. Also, the existing docks are starting to show wear. We have plans to add electricity and drinking water spigots to some of the docks as well. These harbor improvement plans should help the Town maximize revenue at the harbor as well as provide a superior docking experience for users.

Another major addition in FY12, is the renovation/expansion of the Council on Aging building (Line 43). The estimate is that \$3 million will be needed. The department head request includes expansion of the current structure and parking as well as refurbishment of the existing building. This project will require a debt exclusion vote when it proceeds.

Other items of note include the Library expansion (Line 62) scheduled for FY09. The Library Trustees are currently working with the Massachusetts Board of Library Commissioners to secure grants to offset some of the costs of the planned expansion. They may also use other funds such as donations, trust funds, or gifts, to support the construction and furnishing of an expanded library. At this time the \$4 million seems adequate, but the Library Trustees will contract with an architect later this year and at that time, cost estimates will be evaluated. Regardless, unless fully funded by sources other than taxes, this project will require a debt exclusion vote by the town for the town's share of the project.

The Community Center/Pool (Line 135) is shown in FY09 for \$2million. This sum is very likely inadequate to create such a center but as it moves forward, fresh estimates can be established at that time. Also, long range debt planning cannot easily accommodate the Library and the Community Center/Pool in FY09. Such expenditures coupled with current elementary school debt, fire station debt and the anticipated municipal water supply (Line 134), may boost our "debt to operation ratio" to greater than 5%, a level that confirms a fiscally healthy community to bonding authorities. As these projects move forward consideration should be given to timing and the fiscal commitment of the town vis a vis the fiscal commitment from gifts, grants and other sources. This plan is updated each year and items move forward or back based on departmental needs, and it is expected that each year as an item moves toward acquisition, cost estimates are refreshed.

Rigid adherence to the plan (any plan) serves neither the employees who rely on good equipment and supplies to do a very good job, nor the citizens, who have come to expect the best from their employees and equipment. Its true value is as a planning tool. As a planning tool, it reminds us of the upcoming end of life of equipment, supplies, and structures and allows us to anticipate and thus more easily accommodate necessary expenditures.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0 We recommend approval of the 5-year capital plan.

*(majority vote required)*



ITEM	DEPARTMENT	ITEM	FY08	FY09	FY10	FY11	FY12
26		PRESSURE WASHER					\$1,200.00 F
	<b>SUB-TOTAL</b>		\$1,500.00	\$33,000.00	\$25,000.00	\$1,600.00	\$2,600.00
	<b>MUNICIPAL BUILDINGS IMPROVEMENTS</b>						
27		IRRIGATE THREE (3) MUNICIPAL BLDGS - (CH, POLICE, FIRE)	\$30,000.00				
28		PROJECT CONTINGENCY-MAJOR REPAIRS ,PAINTING ETC.	\$10,000.00 F	\$10,000.00 F	\$10,000.00 F	\$10,000.00 F	\$10,000.00 F
	<b>SUB-TOTAL</b>		\$40,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
29	T.H.	MECHANICAL SYSTEMS OVERHAUL	\$10,000.00 F				
30		REFURBISH/REFURNISH TOWN HALL				\$125,000.00 F	
31		REPLACE VAULT A/C UNITS	\$9,000.00 F				
32		REPLACE CIRCULATOR PUMPS	\$3,500.00 F				
33		REPLACE HOT WATER TANK	\$3,800.00 F				
34		REPLACE EXISTING A/C UNITS					\$20,000.00 F
35		REPLACE TOWN HALL DOORS W/AUTOMATIC	\$35,000.00 F				
		ANNEX/RECREATION BLDG					
36		MAJOR MAINTENANCE & REPAIRS	\$10,000.00 F				
	<b>SUB-TOTAL</b>		\$71,300.00	\$0.00	\$0.00	\$125,000.00	\$20,000.00
37	COA	AIR CONDITIONING/OVERHAUL	\$6,500.00 HST				\$5,000.00 F
38		SHINGLE EXTERIOR/ROOF/REAR SIDEWALL	\$20,000.00 F		\$3,800.00 F		
39		REPLACE HANDICAP RAMP					
40		REPLACE CARPET	\$12,000.00 F			\$8,500.00 F	
41		RESURFACE DIRVEWAY	\$30,000.00 HST				
42		INSTALL AUTOMATIC DOOR SYSTEMS		\$25,000.00 F			
43		RENOVATION/EXPANSION OF SENIOR CENTER					\$3,000,000.00 D
	<b>SUB-TOTAL</b>		\$68,500.00	\$25,000.00	\$3,800.00	\$8,500.00	\$3,005,000.00
44	DPW/NR	COPIER REPLACEMENT	\$6,000.00 F				
45		HEATING SYSTEM OVERHAUL/REPLACE		\$3,000.00 F			
46		REPLACE HOT WATER TANK & FILTER WATER	\$4,500.00 F				
47		REPLACE ROOF & SHINGLE N.R. SIDE OF BLDG	\$4,000.00 F			\$10,000.00 F	
48		REPLACE GENERATOR W/GAS				\$35,000.00 F	
	<b>SUB-TOTAL</b>		\$14,500.00	\$3,000.00	\$0.00	\$45,000.00	\$0.00
49	INFO/W/MILL	GEN BLDG MAIN & REPAIR		\$10,000.00 F		\$5,000.00 F	
		WINDMILL/INFO/ANCIENT CEMETARIES R&M					
50	POLICE	REPLACE OVERHAUL AIR COND. CIRCULATOR PUMPS			\$30,000.00 F		
51		REPLACE DIESEL GENERATOR W/GAS		\$30,000.00 F			
52		REPLACE ALL CARPET UPSTAIRS			\$10,800.00 F		
53		REPLACE ALL CARPET DOWNSTAIRS					\$6,800.00 F
54		REFURNISH/REFURBISH				\$80,000.00 F	
55		REPLACE HOT WATER TANK	\$3,000.00 F				
56		REPLACE REAR DOOR			\$4,000.00 F		
57		REPLACE SHINGLES, ROOF & SIDEWALL	\$27,000.00 F				
58		REPLACE 2 OF 4 AIR HANDLING UNITS		\$9,000.00 F			

ITEM	DEPARTMENT	ITEM	FY08	FY09	FY10	FY11	FY12
59		SURVEILLANCE EQUIPMENT (HERRING RUNS ELSEWHERE)				\$2,000.00 F	
	<b>SUB-TOTAL</b>		\$30,000.00	\$49,000.00	\$44,800.00	\$87,000.00	\$6,800.00
60	PIRE	REPLACE CHILLERS					
61		BUILDING MAINTENANCE (VARIOUS ITEMS BLDG 5+ YRS OLD.)	\$9,800.00 A				\$20,000.00 A
	<b>SUB-TOTAL</b>		\$9,800.00	\$0.00	\$0.00	\$0.00	\$20,000.00
	LIBRARY	RENOVATION/EXPANSION		\$4,000,000.00 D			
		HEATING SYSTEM OVERHAUL					
		OUTSIDE LIGHTING UPGRADES					
		AIR CONDITIONING UPGRADE					
		GRADING AND SURFACING					
63		CHILDRENS ROOM OUTSIDE DOOR REPLACE					
	<b>SUB-TOTAL</b>		\$0.00	\$4,000,000.00	\$0.00	\$0.00	\$0.00
	SCHOOL	REPLACE PLAYGROUND EQUIP				\$25,000.00 F	\$10,000.00 F
65		GYM FLOOR REFINISHING					
	<b>SUB-TOTAL</b>		\$0.00	\$0.00	\$0.00	\$25,000.00	\$10,000.00
	BEACHES/RECREATION	UPGRADE/ADA BATH HOUSES					
66		PARKING LOT REPAIRS (VARIOUS LOCATIONS)		\$15,000.00 F		\$40,000.00 F	
68		ADA BEACH CHAIR					\$3,000.00 F
69		4 X 4 TRUCK LEASE					\$25,000.00 F
70		4 X 4 TRUCK LEASE				\$30,000.00 F	
71		BACKSTOP REPLACEMENT/FENCING	\$15,000.00 F	\$15,000.00 F			
72		BEACH GATE SHACKS					\$3,000.00 F
73		WALKWAYS/DUNE MAINTENANCE FENCING		\$6,000.00 F		\$6,000.00 F	
74		SWIMMING DOCK EXPANSION/REPLACEMENT				\$30,000.00 F	
75		SALES COMPUTERS HARD/SOFTWARE		\$20,000.00 F			
76		REPLACE STAIRS @ BAY ROAD (STONE)	\$15,000.00 F				
	<b>SUB-TOTAL</b>		\$30,000.00	\$56,000.00	\$0.00	\$106,000.00	\$31,000.00
	DPW	ONE TON DUMP	\$38,000.00 F		\$40,000.00 F		
77		ONE TON PICK UP		\$35,000.00 F			
78		SANDER			\$15,000.00 F		
79		INTERNATIONAL DUMP (LEASE PURCHASE 2)	\$42,000.00 F	\$42,000.00 F	\$42,000.00 F		
80		ORDINARY ROAD M & R (NOT CHAP 90)	\$70,000.00 T	\$80,000.00 T	\$90,000.00 T	\$100,000.00 T	\$110,000.00 F
82		WOOD CHIPPER (BRAND BANDIT 2000)		\$30,000.00 F			
83		NEW TRASH TRAILERS	\$55,000.00 F				
84		TRACTOR TRAILER HORSE (FOR YARD USE ONLY)	\$40,000.00 F				
85		SNOW PLOW REPLACEMENT FOR 1 TON TRUCK	\$4,500.00 F	\$4,500.00 F	\$4,500.00 F		
86		TANDEM AXLE LAWN TRAILER	\$3,000.00 F				
87		TRANSFER STATION FENCE REPLACEMENT (OLDER SECT.)	\$15,000.00 F				
88		LAWN TRACTOR/BAGGER (REPLACE '88)		\$8,000.00 F			

ITEM	DEPARTMENT	ITEM	FY08	FY09	FY10	FY11	FY12
89		REPLACE/ADD RECYCLING COMPACTOR				\$25,000.00	F
90		GENERATOR (3 PHASE) FOR TRANSFER STATION	\$40,000.00	F			
91		TRASH COMPACTOR REPLACEMENT		\$55,000.00	F		
92		LOADER REPLACEMENT (544) (LEASE 4 YR)	\$35,000.00	F			
93		ROADSIDE MOWER REPLACEMENT (5400)			\$50,000.00	F	
94		963 TRACK CRAWLER REPLACEMENT			\$175,000.00	D	
95		LOADER REPLACEMENT (444)				\$140,000.00	D
96		TWO (2) 40 YARD OPEN TOP ROLL OFF CONTAINERS	\$10,300.00	F			\$11,000.00
97		ONE (1) 40 YARD CLOSED TOP ROLL OFF CONTAINER					\$6,300.00
		<b>SUB-TOTAL</b>	<b>\$352,800.00</b>	<b>\$254,500.00</b>	<b>\$416,500.00</b>	<b>\$265,000.00</b>	<b>\$187,300.00</b>
		<b>POLICE</b>					
98		UNMARKED ADMINISTRATIVE VEHICLE 4X4(3 YR LEASE)	\$10,000.00	T			
99		CRUISER w video	\$30,000.00	T	\$31,000.00	T	\$33,000.00
100		CRUISER	\$32,500.00	T	\$33,500.00	T	\$34,500.00
101		ANIMAL CONTROL VAN / 4X4 LEASE 3 YR.	\$12,000.00	T			
102		4 X4 VEHICLE (REPLACE 2001)			\$36,000.00	F	
103		PORTABLE RADIOS (2)				\$6,000.00	F
104		LAP TOP COMPUTER IN CAR REPLACEMENT				\$25,000.00	T
		<b>SUB-TOTAL</b>	<b>\$84,500.00</b>	<b>\$63,500.00</b>	<b>\$100,500.00</b>	<b>\$96,500.00</b>	<b>\$67,500.00</b>
		<b>FIRE (EQUIP)</b>					
105		REPLACE AMBULANCE (CHG BUY TWO SAME TIME)			\$315,000.00	A	\$175,000.00
106		REPLACE 1986 ENGINE (5 YR LEASE PURCHASE)	\$67,000.00	A	\$67,000.00	A	
107		ENGINE REPLACEMENT (1992) (5 YR LEASE PUR. \$425,000)				\$75,000.00	A
108		SQUAD 1 REPLACEMENT (TRUCK 160)					\$12,000.00
109		ADMIN/INSPECTION VEHICLE (LEASE)	\$12,000.00	A	\$13,000.00	A	\$13,000.00
110		TANKER REPLACEMENT (98) 5 YR LEASE					\$40,000.00
111		REPLACE SPECIAL HAZARDS TRUCK (91) 5 YR LEASE				\$40,000.00	A
112		REPLACE COPIER		\$8,000.00	A		
113		UPGRADE AIR PACKS - 4.5L		\$28,000.00	A		\$28,000.00
114		THERMAL IMAGER			\$25,000.00	A	
115		UPGRADE AND REPLACE TURNOUT GEAR (AS NEEDED)		\$50,000.00	A	\$55,000.00	A
116		HYDRANT STANDPIPE SYS -ON SITE WELLS/BURIED TNKS			\$12,000.00	A	\$12,000.00
117		REPLACE GAS METER	\$1,500.00	A			
118		COMPUTER SOFTWARE ENHANCEMENTS		\$2,000.00	A	\$10,000.00	A
119		COMPUTER HARDWARE ENHANCEMENT/ADDITIONS		\$5,000.00	A	\$5,000.00	A
120		FIRE SUPPRESSION UPGRADES/REPLACEMENT/FOAM		\$5,000.00	A	\$7,000.00	A
121		RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT					\$5,000.00
122		CARDIAC MONITORS (2)		\$35,000.00	A	\$60,000.00	A
123		JAWS			\$4,000.00	A	
124		AIR BAGS (LIFTING CARS)	\$4,000.00	A			\$5,000.00
125		SPECIALITY GEAR, TURNOUT SUITS, SURVIVAL		\$30,000.00	A		
126		BOAT REPLACEMENT (rigid hull inflatable)					\$8,000.00
127		RADIO REPLACEMENT/UPGRADES	\$6,000.00	A	\$6,000.00	A	\$8,000.00
128		FIRE HOSE (VARIOUS SIZES) CONTINUOUS REPL.	\$7,000.00	A	\$7,000.00	A	\$8,000.00
129		PORTABLE GENERATOR (REPLACEMENT)	\$2,500.00	A			\$4,000.00
		<b>SUB-TOTAL</b>	<b>\$100,000.00</b>	<b>\$245,000.00</b>	<b>\$509,000.00</b>	<b>\$155,000.00</b>	<b>\$390,000.00</b>

ITEM	DEPARTMENT	ITEM	FY08	FY09	FY10	FY11	FY12
130	RESOURCE LAND MANAGEMENT PLANS -						
131	LONG RANGE PLAN IMPLEMENTATION ASSISTANCE		\$25,000.00 F		\$40,000.00 F	\$35,000.00 F	\$25,000.00 F
132	LAND ACQUISITION(OPEN SPACE,RECREATION, MAINTENANCE)			\$75,000.00 F	\$75,000.00 F		
133	LAND ACQUISITION HOUSING/AFFORDABLE HOUSING PURCHASES			\$75,000.00 F			\$75,000.00 F
134	LIMITED MUNICIPAL WATER SYSTEM		\$170,000.00 D	\$170,000.00 D	\$170,000.00 D	\$170,000.00 D	\$170,000.00 D
135	TOWN OWNED COMMUNITY CENTER/POOL			\$2,000,000.00 D			
136	WIND TURBINE		\$1,000,000.00 D				
TOTAL			\$2,099,900.00	\$7,153,000.00	\$1,429,600.00	\$1,233,600.00	\$4,406,700.00
TOTAL CAPITAL FUNDS NEEDED BY SOURCE							
FUNDING SOURCE KEY							
	F = FREE CASH		\$633,100.00	\$581,500.00	\$581,100.00	\$552,100.00	\$399,200.00
	HST = COA /FRIENDS/HS GIFT ACCT		\$32,500.00	\$0.00	\$0.00	\$26,000.00	\$0.00
	A = AMBULANCE RECEIPTS		\$109,800.00	\$245,000.00	\$509,000.00	\$155,000.00	\$410,000.00
	EX = BOAT EXCISE		\$0.00	\$13,000.00	\$0.00	\$0.00	\$0.00
	T = TAX LEVY			\$143,500.00	\$154,500.00	\$190,500.00	\$177,500.00
	D = CAPITAL DEBT EXCLUSION		\$1,170,000.00	\$6,170,000.00	\$170,000.00	\$310,000.00	\$3,420,000.00
	L=LAND ACQUISITION FUND		\$0.00	\$0.00	\$15,000.00		\$0.00
	G = GRANT/OTHER			\$0.00	\$0.00	\$0.00	\$0.00
	LT= LIBRARY TRUST/GIFTS						
TOTAL			\$2,099,900.00	\$7,153,000.00	\$1,429,600.00	\$1,233,600.00	\$4,406,700.00

**ARTICLE 15**

To see if the Town will vote to transfer and appropriate a sum of money to various accounts for the purpose of meeting the remaining expenses for Fiscal Year 2006; or take any action relative thereto.

By Board of Selectmen

Summary:

This is an annual article which is included in the Eastham warrant to make additions to current fiscal year budgets if necessary. The final list of necessary transfers will not be ready until town meeting

BOARD OF SELECTMEN: At Town Meeting

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

**ARTICLE 16**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of **\$898.98** for the purpose of paying two prior year unpaid bills; or take any action relative thereto.

By Board of Selectmen

Summary:

These bills were either not received or received after the fiscal year closed. One bill is from the police department for **\$246.03**, and the other is for the Transfer Station for **\$652.95** They were part of the budget appropriation for the year, however at the close of the fiscal year these funds were closed to cash. We have determined that they are for services, equipment or supplies which we purchased.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 7-0 This article is only necessary when bills from a previous year are unpaid by year end. This is a rare occurrence and we recommend approval.

*(4/5ths vote is required)*

**ARTICLE 17**

To see if the Town will vote to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41, General Laws as amended, and to raise and appropriate or transfer from available funds the following sums of money for salaries; or take any action relative thereto.

Moderator	150.00
Town Clerk	51,415.00
Treasurer/Tax Collector	59,231.00
Selectmen (5)	
\$1,500 each	7,500.00
<b>Total</b>	<b>\$118,296.00</b>

By Elected Officials

Summary:

This article appears each year to set the salaries of the elected officials. The Town Clerk's and Treasurer/Tax Collector's have requested increases, based on comparative salary data. All other elected official salaries are unchanged.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(majority vote required)*

## ARTICLE 18

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for community housing purposes, pursuant to the Community Preservation Act, the fee interest in a certain parcel of real estate at 1035 State Highway, Assessor's Map 18 Parcel 201, owned now or formerly by John J. Carroll containing .46 acres of land with a building thereupon, and shown as Lot 4 on Plan No. 15122-E filed in Land Registration Book 182, Page 62 under such terms and conditions as the Selectmen may determine, including the delivery of a satisfactory water quality test and the delivery of good, record, marketable title free and clear of all liens and encumbrances which materially impair the intended use of the premises, and as funding therefore to raise, appropriate, transfer from the Community Preservation Fund community housing reserve or borrow the sum of **\$300,000** for such purposes, and to authorize the Board of Selectmen to take any action necessary or appropriate to carry out the purposes of this article; and further, to authorize the Board of Selectmen to convey said property or portion thereof on such terms and conditions as it deems appropriate subject to an affordable housing deed restriction(s) meeting the requirements of G.L. c.184, §§31-33, and to authorize the Board of Selectmen to accept such deed restriction(s), provided however, said conveyance shall be subject to the limitation that the total number of residential units on said parcel shall be no more than five; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

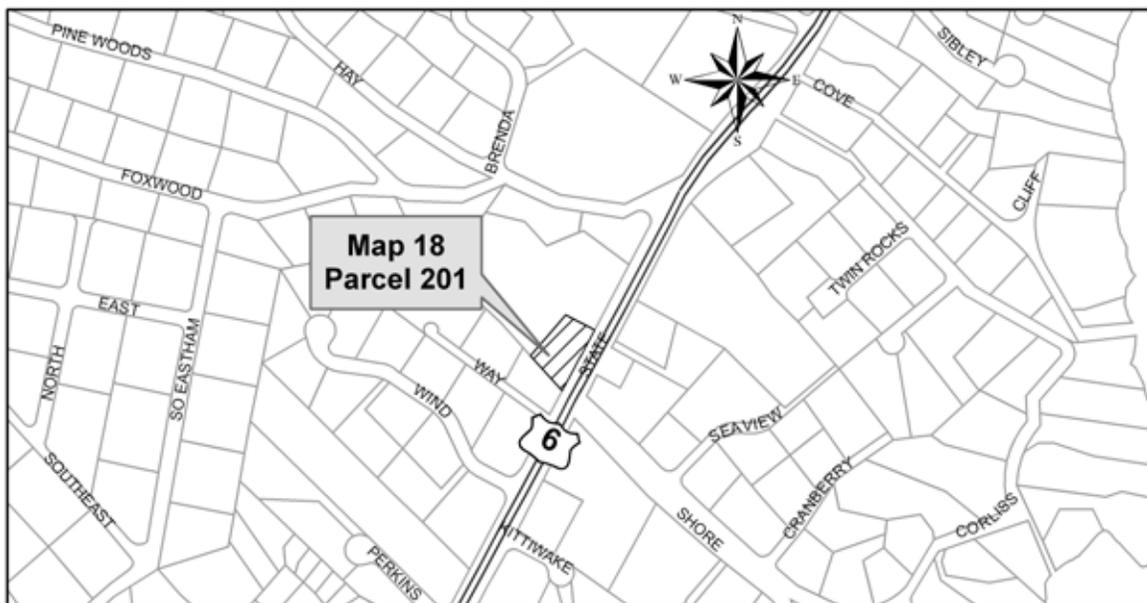
This Article will provide \$300,000 in Community Preservation Act funds to assist the Town in acquiring the boarded-up gas station at 1035 State Highway so that it can be enlarged and converted to up to 5 units of affordable housing. A perpetual deed restriction will be put in place to ensure that it remains as affordable housing. Permitting through Chapter 40B of the Massachusetts General Laws will be required.

COMMUNITY PRESERVATION COMMITTEE: 9-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

*(Majority vote required as all funds are transfers from CPA)*



**ARTICLE 19**

To see if the Town will vote to transfer the sum of **\$8,000.00** from the Community Preservation Fund, open space reserve for the purpose of preserving and identifying trails leading from Town owned land known as “Wiley Park” through “Cottontail Acres” and “South Eastham Conservation Area”; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This Article will provide \$8,000 in Community Preservation Act open space funds to preserve trails and install trail signs, directional signs, interpretive signs, signposts, a display case, muttmitts and dispensers, and waste receptacles in Wiley Park thru Cottontail Acres (the Glacial Pond Trails) and at the South Eastham Conservation Area.

COMMUNITY PRESERVATION COMMITTEE: 8-1

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

**ARTICLE 20**

To see if the Town will vote to transfer the sum of **\$7,000** from the Community Preservation Fund historic resources reserve for the preservation, restoration and rehabilitation of the ancient cemeteries known as Cove Burying Ground and Bridge Road Cemetery and undertake a program for the replacement/preservation of existing stones and completion of a preservation study with a copy of the final preservation study to be submitted to the Community Preservation Act Committee; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This Article will provide \$7,000 in Community Preservation Act historic preservation funds for a preservation study and restoration of historic grave markers at Cove Burying Ground and at Bridge Road Cemetery.

COMMUNITY PRESERVATION COMMITTEE: 9-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

*(majority vote required)*

**ARTICLE 21**

To see if the Town will vote to transfer the sum of **\$250,000** from the Community Preservation Fund historic resources reserve for the purpose of preservation, restoration and rehabilitation of the Schoolhouse Museum located at 25 Schoolhouse Road, Eastham, and to provide improved facilities for the preservation and protection of historic artifacts, and further, to authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a grant agreement with the Eastham Historical Society, Inc., which agreement shall provide that the funds be used for such purposes and that Eastham Historical Society Inc., shall grant the Town a historic preservation restriction in said property meeting the requirements of G.L. c.184, §§31-33, and to authorize the Board of Selectmen to accept such preservation restriction, and further, to authorize appropriate Town officials to take all other action necessary to effectuate the purposes of this article, or take any other action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This Article will provide \$250,000 in Community Preservation Act historic preservation funds for assistance in providing a foundation and restoration of the existing building at the Schoolhouse Museum and reconstruction of one of the earlier wings in order to provide protection and preservation of historic artifacts and handicapped accessibility. A permanent deed restriction will be required and the work must meet Massachusetts Historical Commission guidelines.

COMMUNITY PRESERVATION COMMITTEE: 8-0-1

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

*(majority vote required)*

**ARTICLE 22**

To see if the Town will vote to appropriate **2.5% of the Fiscal Year 2007** Community Preservation Fund estimated annual revenues for the Community Preservation Committee's administrative expenses; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This Article will make available 2.5% of the Community Preservation Act funds for use by the committee for administrative expenses of the Community Preservation Committee as provided in the authorizing legislation. The State legislation permits up to 5%, but the CPC requests a smaller amount in order to pay for legal advertising, consultation with experts, if needed, and similar administrative expenses. If unused, the funds would revert to the Community Preservation fund.

COMMUNITY PRESERVATION COMMITTEE: 9-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

*(majority vote required)*

**ARTICLE 23**

To see if the Town will vote to transfer or set aside for future appropriation not less than **10% of the Fiscal Year 2007** Community Preservation Fund estimated annual revenues for each of the following purposes; community housing, open space and historic preservation; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This Article is an important "housekeeping" act. It will ensure that each of the Community Preservation Act funding categories, affordable housing, open space/recreation and historic preservation receive the minimum 10% as required by the legislation.

COMMUNITY PRESERVATION COMMITTEE: 9-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

*(majority vote required)*

**ARTICLE 24**

To see if the town will vote to transfer or set aside for future appropriation a sum of money from the Community Preservation Fund Balance for specific purposes that are consistent with community preservation and are now available in the Community Preservation Fund, or for general purposes that are consistent with community preservation; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article will set aside any un-allocated funds so that they can be used if the Town has a Special Town Meeting in the Fall. For this current year, the Town is permitted to assign the debt payment for the Aschetino property (purchased with Land Bank Funds) to the open space category that will satisfy the 10% requirement in that category.

COMMUNITY PRESERVATION COMMITTEE: 9-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 7-0

*(majority vote required)*

**ARTICLE 25**

To see if the Town will vote to transfer from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of leasing, a parcel of land containing one (1) acres, located within the Town Zoning District "H" (water recharge district) and or within the limited business district (adjacent to the town/police/fire buildings), and further to authorize the Board of Selectmen to lease said parcel(s) in accordance with bidding requirements in G.L. 30 B or other applicable legislation, for the purposes of erecting, maintaining and operating a wind turbine to generate electricity, together with appurtenant easements for wires, pipes, conduits and supporting structural elements, said lease to be for a term in excess of ten (10) years and upon such terms as the Board of Selectmen deem appropriate, or take any action relative thereto.

By Board of Selectmen/Energy Committee

Summary:

The Energy Committee appointed by the Board is working with the Massachusetts Technology Council which have funded a consultant to develop recommendations for locations of wind towers and develop a financial feasibility report. The consultant has recommended three sites and this article will allow the Selectmen to lease one or more of those sites to a private supplier, as required by law, when the feasibility work is complete. (Map of potential locations is in Appendix to this warrant.)

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0 This has the potential of becoming a revenue positive for the Town and we recommend approval.

*(2/3rds vote required)*

**ARTICLE 26**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION III-DEFINITIONS as follows:

delete the following definitions:

~~Area, Building – The area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Area of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the roof or the floor above.~~

~~Dwelling, Two Family – see Dwelling, Duplex~~

~~Lot Area – The horizontal area of a lot exclusive of any area under water, or within a road layout~~

and, deleting the words “ONE FAMILY” in the definitions and substituting the following:

DWELLING, ONE FAMILY -- a building containing living quarters for one (1) family, having not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing a kitchen, a bathroom containing a toilet, a lavatory, a tub and/or shower, a living room, and a bedroom or any reasonable similar combinations of rooms.

and, deleting the words “OF A” so that the definition reads as follows:

FLOOR AREA OF A , BUILDING, - The sum of the gross horizontal area of the several floors of a building, excluding cellar and basement floor areas not devoted to residential use, and excluding the area of roofed porches and roofed terraces all dimensions shall be measured between exterior faces of walls.

and replacing the words “FLOOR AREA, LIVABLE” with the words “FLOOR AREA, HABITABLE” so that the definition reads as follows:

~~FLOOR AREA, LIVABLE~~ FLOOR AREA HABITABLE - The sum of the gross horizontal area of the floors of a dwelling used or intended to be used for living, sleeping, cooking or eating purposes, excluding cellar, attic and basement floor area not devoted to residential use.

and further delete the definition of “LOT”

~~LOT – A parcel of land occupied or intended to be occupied by one (1) main building or use and its accessory buildings, together with such open spaces as are required under the provisions of this By-Law, having not less than the minimum area required by this By-Law for a lot in the district in which such land is situated, and having its principal frontage on a street or other public or private way.~~

replace it with the following:

LOT - a closed plot of land having a definite area and perimeter.

and to insert the words in the definition of SITE COVERAGE RATIO after the last word; “lot” insert the words “to the Lot Area Requirement.”

So that it reads as follows:

Site Coverage Ratio – The ratio of the total gross area of Site Coverage on one (1) lot to the Lot Area Requirement.

By Planning Board

Summary:

These changes will make the definitions section of the bylaw more accurate and understandable to ensure easier application and compliance.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 5-0-1

*(2/3rds majority vote required)*

#### **ARTICLE 27**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION V – USES, Seashore District F Sub Section 8 by removing, after the word “accessory” in the third line the words “structures will not increase the habitable space by more than fifty percent (50%) of the habitable space existing on September 1, 1959, nor the accessory space by more than 50% of the total habitable space,” and replacing them with the words “buildings the construction of which add over 100 square feet of Building Floor Area, will be allowed at the discretion of the Planning Board and in accordance with the criteria set forth in the Eastham Zoning Bylaw, Section XIV, Site Plan Approval - Residential. Furthermore, said addition will result in” so that the paragraph reads as follows:

8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family dwellings or the erection of accessory buildings, provided that such improvements to existing dwellings and/or the erection of accessory buildings the construction of which add over 100 square feet of Building Floor Area, will be allowed at the discretion of the Planning Board and in accordance with the criteria set forth in the Eastham Zoning Bylaw, Section XIV, Site Plan Approval - Residential. Furthermore, said addition will result in not less than a fifty (50) foot setback from all streets measured at right angles with the line of the streets and a twenty-five (25) foot distance from abutters’ property lines, and further does not alter the essential character of the dwellings as a residence.

By Planning Board

Summary:

The purpose of this article is to remove the limitations on additions in the seashore to 50% of the space in existence in September 1959. This change will remove doubt as to the accuracy of the

1959 habitable space and allow Seashore dwelling to expand as a matter of right after the Site Plan Approval process, which considers lot size, neighborhood, and structure size.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(2/3rds majority vote required)*

### **ARTICLE 28**

To see if the Town will vote to amend the Eastham Zoning By-laws Section VI – NON CONFORMING USES part D by adding a new section 10, to read as follows:

10. For alteration, extension, or enlargement of a commercial structure or use, including any structure or group of structures on one lot containing a total of three or more dwelling units, the applicant must, in addition,
  - a) Obtain a finding and certification from the Eastham Board of Health that the septic system and the water supply system for said premises complies with Eastham’s current health code requirements and/or as set forth in Title 5 of the Massachusetts Sanitary Code or any amendments thereto as it relates to new construction, and
  - b) Obtain Site Plan Approval Special Permit under Section XIII of the Zoning Bylaw from the planning board.

And further to remove in its entirety Section VI, section G.

By Planning Board

Summary:

The bylaw change will clarify that all changes to non conforming structures or uses involving multiple residential units will require Section XIII Site Plan Approval and a special permit under Section IV Non Conforming Use . These special permit requirements will ensure that the planning board and the board of appeals have made a thorough review of the property physical and environmental conditions and find that the changes to this use or structure will not create nuisance, harm or congestion in the surrounding neighborhood.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(2/3rds majority vote required)*

### **ARTICLE 29**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION VII – ACCESSORY USES , C by removing the words “Accessory Dwelling Units” and replacing them with the words “Affordable Dwelling Units”, so that the section reads as follows:

~~Accessory Dwelling Units~~, Affordable Dwelling Units: For the purpose of promoting the development of affordable rental housing in Eastham for year-round residents, one accessory dwelling unit per lot may be allowed by Special Permit from the Board of Appeals subject to the standards and conditions listed below:

By Planning Board

Summary:

This article changes the title of Section C in an effort to highlight the fact that these provisions of the bylaw focus on the creation of accessory dwellings that are affordable, and deed restricted to remain so.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 6-0

*(2/3rds majority vote required)*

### **ARTICLE 30**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION IX – INTENSITY REGULATIONS, SECTION B: SETBACK REQUIREMENTS by adding a new Sections following Section 5 and numbered 6 and 7 to read as follows:

6. Setback requirements for detached accessory buildings not used for any human habitable, located on lots subdivided **prior** to April 19, 1988 shall be 12’ for side and rear lot lines, and 30’ for any lot line that abuts a street or a way shown on a approved plan of subdivision or in existence prior to the acceptance of the subdivision control law, and further any such accessory building shall be 8’ from the main building or other accessory buildings.
7. Setback requirements for detached accessory building not used for human habitation on lots subdivided **after** April 19, 1988 shall be 30’ for side and rear lot lines, and 50’ for any lot line that abuts a street or way shown on a approved plan of subdivision or in existence prior to the acceptance of the subdivision control law, and further any such accessory building shall be 8’ from the main building or other accessory buildings.

By Planning Board

Summary:

The article states the setback requirements for detached accessory buildings, and confirms the current practice in this area, and further corrects a scribner’s error which left this requirement out of the bylaw.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(2/3rds majority vote required)*

### **ARTICLE 31**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION IX INTENSITY REGULATIONS, D by changing the title from “RESIDENTIAL SITE PLAN APPROVAL” to “RESIDENTIAL LOT INTENSITY” so that the title is as follows:

~~D.—RESIDENTIAL SITE PLAN APPROVAL~~ RESIDENTIAL LOT INTENSITY

and adding a new Section after Section 3, to read as follows:

4. Any proposed addition to or expansion of an existing dwelling or accessory structure, in District F: Seashore District must submit an application to the Eastham Planning Board under Section XIV-Site Plan Approval-Residential, if the addition or expansion exceeds 100 square feet.

By Planning Board

Summary:

The purpose of this article is to ensure that applications for Residential Site Plan Approval meet the thresholds for review clearly defined in this section.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 6-0

*(2/3rds majority vote required)*

### **ARTICLE 32**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION XIII – SITE PLAN APPROVAL – SPECIAL PERMIT, by removing the first paragraph:

~~SITE PLAN APPROVAL IS REQUIRED FOR ANY ADDITION, EXPANSION OR CONSTRUCTION OF A SINGLE FAMILY RESIDENTIAL DWELLING OR DUPLEX RESIDENTIAL DWELLING~~

and replacing it with the following:

**SITE PLAN APPROVAL IS REQUIRED FOR ANY ADDITION, EXPANSION OR CONSTRUCTION OF COMMERCIAL STRUCTURES.**

By Planning Board

Summary:

This section of the bylaw applies to commercial structures only. The title, (first paragraph) was misleading.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 6-0

*(2/3rds majority vote required)*

### **ARTICLE 33**

To see if the Town will vote to accept the provisions of G.L. c.140, Section 147A, and amend the Town By-Laws by adopting the following new by-law regulating the treatment, behavior and keeping of animals, and licensing of dogs; or take any action relative thereto.

## **TOWN OF EASTHAM ANIMAL CONTROL BYLAW**

### **SECTION I**

#### **General Regulations and Restrictions**

#### **§ -1. Purpose.**

The purpose of animal control is to encourage the safe, humane treatment of animals, to establish and foster responsible animal ownership, to effectively control the spread of contagious disease, and to maintain a safe environment for both animals and people.

**§ -2. Definition of terms.**

The following words, for the purposes of this chapter of these bylaws shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

A. “Adequate shelter” means a structure that is large enough for the animal, whether it be livestock or pet, to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure shall be waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. During cold weather a moveable flap shall be placed over the entrance to a dog shelter to preserve the dog’s body heat. Adequate shelter from sun may be provided by a tarpaulin placed in a manner to provide deep shade and allow air to pass through for ventilation.

B. “Animal Control Officer” means one or more Town employees assigned to perform the duties outlined in this chapter.

C. “Dangerous or vicious” means any dog that has a verifiable record of (a) inflicting injury on a human being without provocation; or (b) has killed a domestic animal without provocation; or (c) any dog owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting.

D. “Farm animal or livestock” means any poultry, ungulate, species of cattle, sheep, swine, goats, llamas, equine, or other fur-bearing animal, which are raised for commercial or subsistence purposes.

E. “Kennel, Breeding” means any premises where between one (1) and four (4) dogs are owned, kept or harbored for the purpose of breeding; provided, however, that no more than four (4) dogs 12 weeks of age or older may remain on the premises at any time.

F. “Kennel, Commercial” means any premises maintained for the boarding, breeding, grooming or training of dogs, or where five (5) or more dogs six (6) months of age or older are kept.

G. “Kennel, Residential” means any premises where four (4) dogs over the age of six months are owned, kept, harbored, or temporarily cared for.

H. “Licensing period” means the time between January 1 and the following December 31, both dates inclusive.

I. “Owner” means any person who, individually, or jointly owns or keeps an animal within the Town of Eastham.

J. “Potentially dangerous” means any dog which, when unprovoked, chases or approaches a person upon the public ways or on any public or private property, other than the animal’s own premises, in a menacing fashion or in an apparent attitude of attack; or any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

**§ -3. Dog license and tag.**

A. The owner of a dog kept within the Town of Eastham shall cause that dog to be licensed when it attains the age of six months, and annually thereafter. Such license shall be in a form prescribed by the Town Clerk.

B. No license may be issued unless the owner of the dog provides proof of rabies vaccination. Proof may be in the form of a certificate or letter issued by a veterinarian stating the dog has been vaccinated in accordance with the then current regulations of the Massachusetts Department of Public Health. In the case of a neutered or spayed dog, a letter or a certificate from a veterinarian stating that neutering or spaying has occurred, is required.

C. A licensing form shall be provided by the Town Clerk, which shall include: the name of the owner or keeper of the dog, the address in Eastham where the animal is kept, the name of the dog; the age, the breed, color and any other identifying characteristics. There shall be one form for each dog owned. The Town Clerk shall record the license and issue a registration number and tag for each dog.

D. The owner shall keep a copy of the dog license in his or her residence in a readily accessible place. The dog shall wear around its neck or body a collar or harness to which is securely attached the tag issued for that animal.

E. Substitute or replacement tags - In the case of lost, defaced or destroyed tags, a substitute tag may be obtained from the Town Clerk, for a fee set by the Board of Selectmen. The owner must obtain the substitute tag within ten working days of the loss or destruction of the original.

F. The owner of any dog shall provide proof of licensing upon request of the animal control officer, police officers, health agents, shellfish constable, harbormaster, or other town officer or employee designated by the Board of Selectmen.

G. No dog license shall be issued to any person who has been convicted of cruelty to animals as defined in G.L. c. 272, §§77, 80A, 94 or 95.

H. All dogs resident in the Town of Eastham shall be licensed. The fee for each dog license shall be set by the Board of Selectmen. No fee shall be charged for a dog specially trained to lead or serve a blind, deaf, or handicapped person upon presentation to the Town Clerk of a certificate of such training.

I. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering, or removal from the Town of Eastham or any other disposal of said dog.

**§ -4. Vaccination of dogs against rabies.**

A. The owner of a dog six (6) months of age or older housed or kept within the Town of Eastham shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Massachusetts Department of Public Health. Any unvaccinated dog

acquired or moved into the Town shall be vaccinated within thirty (30) days after the acquisition or arrival into Eastham or upon reaching the age of six (6) months, whichever last occurs. The owner shall procure a veterinarian's certification that such dog has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

B. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog to a collar of suitable material to be worn by the dog at all times.

**§ -5. Kennel licenses, inspection, and regulation; revocation or suspension; hearing**

A. The Town Clerk shall not issue a Breeding, Residential or Commercial Kennel License unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog six (6) months of age or older is currently vaccinated against rabies.

B. Issuance of a Breeding or Commercial Kennel License shall be contingent upon inspection and approval by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs exist on the premises. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog six (6) months of age or older is currently vaccinated against rabies, shall be kept on file thereat and available for inspection by the Animal Control Officer or any authorized persons.

C. All kennel fees shall be set by the Board of Selectmen. The Town Clerk shall, upon application, issue without charge a Commercial Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a Commercial Kennel License. The license period for a kennel license shall be from January 1 to December 31, inclusive.

D. The Animal Control Officer, Police Officer, Health Agent or any agent authorized by the Town may at any time inspect any kennel or premises for which a Breeding, Commercial, or Residential Kennel License has been issued.

E. If the Animal Control Officer, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the Selectmen may, by order after hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection, only following a public hearing before the BOS and upon its determination that re-issuance of said license shall result in compliance with all applicable requirements of this Bylaw and the General Laws of the Commonwealth of Massachusetts.

**§ -6. Failure to provide adequate animal shelter.**

Any person owning, keeping, or otherwise responsible for any animal, whether companion, pet, farm animal or livestock, who confines that animal by tethering, fencing, or other means, and such confinement exposes the animal to the elements for an unreasonable amount of time depending on conditions, shall provide the animal access to adequate shelter from the elements of weather such as rain, cold, or sun. Potable water must be available to the animal at all times.

**§ -7. Leashing, restraining and waste removal.**

A. Any person owning, keeping, or being responsible for a dog shall not allow nor permit said dog to run at large on any of the streets or public places in the Town of Eastham or upon any private property, unless the owner or lawful occupant of such property grants permission therefore.

B. No dog shall be allowed or permitted in any public place or street within the Town unless it is effectively restrained and controlled by a chain or other form of leash that is sufficient to hold the dog, or unless it is under the immediate and effective voice control of a handler, or unless it is within and confined to a motor vehicle.

C. All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of, in a sanitary manner, all solid wastes produced by said dog on any property, other than the property of the dog owner.

**SECTION II**

**Dangerous or Vicious Dogs; Nuisance; Barking or other Disturbance; Annoyance to any Person; Attacks on Other Animals**

**§ -8. Barking.**

No person owning, keeping, or otherwise responsible for a dog or other animal shall allow or permit said animal to annoy another person's reasonable right to peace or privacy by making loud or continuing noise, where such noise is plainly audible at a distance of one hundred (100) feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for fifteen (15) minutes. The fact that such noise is plainly audible at said distance or continuing in excess of fifteen (15) minutes shall be prima facie evidence of a violation. This section shall also apply to commercial kennels except that noise continuing for 15 minutes or more, is limited between the hours of 7:00 p.m. and 7:00 a.m.

**§ -9. Complaint and hearing.**

1. Dangerous, vicious or potentially dangerous dog; barking or other nuisance - If any person shall make complaint in writing to the Police Department or the Board of Selectmen that any dog owned or harbored within the Town is a nuisance by reason of dangerous or vicious disposition or by excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any person residing in the Town, or that any kennel is a source of annoyance or nuisance, the Selectmen shall investigate or cause to be investigated such complaint.

The Selectmen may conduct a hearing within twenty-one (21) days of the complaint, and if so shall give written notice to the owner or keeper of the dog, the complaining party, and any other person as the Selectmen shall determine, of a public hearing to be held within fourteen (14) days of such notice. Said notice shall also be posted with the Town Clerk at least forty-eight (48) hours prior to such hearing. The hearing shall include an examination on oath of the complaining party and such other parties as the Board of Selectmen shall deem appropriate. Within fourteen (14) days after such public hearing, said Selectmen shall make such order concerning the restraint or disposal of such dog as may be deemed necessary and in the public interest.

B. Nuisance or unsafe kennel - If any person(s) shall make complaint in writing to the Police Department or the Board of Selectmen that any kennel constitutes a nuisance due to noise, unsafe conditions or otherwise, Selectmen shall investigate or cause to be investigated such complaint.

The Selectmen may conduct a hearing within twenty-one (21) days of the complaint and if so shall give written notice to the owner or keeper of the kennel, the complaining party, and any other person as the Selectmen shall determine, of a public hearing to be held within fourteen (14) days of such notice. Said notice shall also be posted with the Town Clerk at least forty-eight (48) hours prior to such hearing. The hearing shall include an examination on oath of the complaining party and such other parties as the Board of Selectmen shall deem appropriate. Within fourteen (14) days after such public hearing, said Selectmen shall make such order concerning the mitigation, of discontinuance of such offending kennel or such other action as may be deemed necessary and in the public interest.

C. Within fourteen (14) days after issuance of an order by the Board of Selectmen under sections A & B above, the holder of such license or other person who is the subject of such an order may petition the District Court for relief in the manner provided in G.L. c.140, §137C.

### **SECTION III**

#### **Enforcement; Penalties**

#### **§ -10. Impoundment; record of impoundment; reclamation.**

A. It shall be the duty of the Animal Control Officer, and any assistant Animal Control Officer appointed by the Board of Selectmen, to apprehend any dog found running at large and to impound such dog in an appropriate boarding or other facility.

B. The Animal Control Officer or other impounding officer shall keep a register and make a complete record of each impoundment. The record shall contain the following information:

1. The breed, color, and sex of each dog;
2. Whether or not the dog is licensed;
3. The license number, if any;
4. The date and place of apprehension;
5. The location where the dog is being kept; and
6. The name and address of the owner, if known.

C. The owner of an impounded dog, when known, shall be notified verbally or in writing of such impoundment, or, if the owner is unknown, written notice shall be posted with the Police Department. Notice shall contain a description of the dog, date and place of apprehension, and location where the dog is being kept.

D. The owner, keeper, or other responsible person may reclaim the dog so impounded upon payment of the license fee, if unpaid, and the payment of fees and charges for impoundment and board at the place of impoundment, together with any other costs of impoundment.

**§ -11. Penalty; enforcement.**

A. Any person who violates any provision of this chapter shall be subject to the following penalties, in addition to any other available penalty or remedy at law or in equity:

First Offense:	Written warning
Second:	\$50.00
Third and subsequent Offenses	\$100.00

B. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce these penalties through noncriminal disposition pursuant to G.L. c. 40, §21D.

C. When enforced through noncriminal disposition or otherwise, the enforcing person shall be the Town of Eastham Animal Control Officer, any Police Officer, Health Agent or other designated enforcing person.

or take any action relative thereto.

By Town Clerk/Board of Selectmen

Summary:

This by law will organize and strengthen the enforcement of violations of the licensing and noise bylaws as they apply to pets in residential areas, and to commercial kennels.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 5-1-2

*(majority vote required)*

**ARTICLE 34**

To see if the Town will vote, in accordance with G.L. c 40, Section 4A, to authorize the Eastham Board of Selectmen, to enter into an Intermunicipal Agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform; or take any other action relative thereto.

By Board of Health

Summary:

All towns on the Cape are being requested to enter into such agreements to allow for sharing of health department personnel and equipment in the event of an emergency on the Cape. This sharing concept is similar and modeled on the mutual aid fire department agreements.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 6-0 This will positively impact services to the Town and relations between towns and we recommend approval.

*(majority vote required)*

## ARTICLE 35

To see if the Town will vote to amend the Eastham Zoning By-laws by adding a new section **XIX** entitled “**Open Space Residential Subdivision Development**” to read as follows:

### **OPEN SPACE RESIDENTIAL SUBDIVISION DEVELOPMENT (OSRSD)**

#### **I. PURPOSE**

The purpose of the Open Space Residential Subdivision Development Bylaw (OSRSD) is to offer an alternative development design by special permit for subdivisions, to promote the permanent preservation of open space, wildlife habitat and other natural resources, including the aquifer, ground water recharge areas and wetlands, in a manner that is consistent with the Eastham Local Comprehensive Plan and to minimize sprawl and promote development that conforms to existing topography and natural features more efficiently than conventional subdivisions.

#### **II. DEFINITIONS**

Potentially Developable Area: Buildable upland which does not contain critical habitat as defined by the Commonwealth of Massachusetts Department of Environmental Protection.

Primary Conservation Areas: Areas comprised of only the most severely constrained lands, where development is typically restricted under current codes and laws (such as wetlands, floodplains, and slopes exceeding 25 percent).

Secondary Conservation Areas: Areas included are all other locally noteworthy or significant features of the natural or cultural landscape—such as mature woodlands, wildlife habitats and travel corridors, prime farmland, groundwater recharge areas, greenways and trails, river and stream corridors, historic sites and buildings, and scenic viewsheds.

#### **III. ELIGIBILITY**

A. Minimum Site Size. To be eligible for consideration as an OSRSD, the tract shall contain a minimum of four (4) acres of buildable uplands producing not less than five (5) lots.

B. Zoning Classification. Only those tracts located in District A shall be eligible for consideration as an OSRSD.

C. Contiguous Parcels. To be eligible for consideration as an OSRSD, the tract shall consist of a parcel or set of contiguous parcels held in common ownership.

#### **IV. SPECIAL PERMIT REQUIRED**

The Planning Board may authorize an OSRSD pursuant to a special permit. Such special permit shall be acted upon in accordance with the provisions of this bylaw.

#### **V. DESIGN PROCESS**

At the time of the application for an OSRSD in conformance with G.L. 40A Section VI, the applicant is required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and a registered Land Surveyor and considered in determining the layout of proposed street, house lots, and open space:

A. Identifying Conservation Areas. Identify Primary Conservation Areas such as wetlands, waterfront areas and flood plains which may be regulated by state or federal law. Identify Secondary Conservation Areas including but not limited to unprotected elements of the natural landscape such as steep slopes, mature woodlands, meadows, wildlife habitats and cultural features such as historic sites or scenic views. Identify and delineate the Potentially Developable Area (this area shall consist of only buildable uplands) to coincide with boundaries of the Primary and Secondary Conservation Areas.

B. Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistence with the character of the town. The number of homes should be maximized.

C. Aligning the Streets and Trails. Align streets in order to access the house lots. Additionally, new trails should be laid out in order to facilitate connectivity with existing trails.

## VI. PROCEDURE

A. Pre-Application. The applicant is encouraged but not required to request a pre-application review at a regularly scheduled meeting of the Planning Board. Upon request, the Planning Board shall notify applicable departments such as the Board of Health and Conservation Commission. The pre-application process is used to minimize the applicant's costs of engineering and other technical assistants and to establish a timetable for submittal.

B. Review. Upon receipt of the preliminary plans, the Planning Board shall forward copies to the Board of Health, Open Space Committee, Conservation Commission, Board of Highway Surveyors, Department of Public Works and Fire Chief. Within thirty-five (35) days of receiving the plans, these agencies and officers shall submit any recommendations to the Planning Board. Failure to respond will indicate no opposition to the plan.

C. Decision Criteria. The Planning Board shall approve an OSRSD if the proposed plan complies with the following criteria and

1. The open space, wildlife habitat and other natural resources including aquifers, ground water recharge areas and wetlands are permanently preserved in a manner that is consistent with the Eastham Local Comprehensive Plan.

2. Houses, septic systems and paved areas are significantly set back from any wetland and/or coastal bank to avoid any adverse impacts.

3. All streets will provide efficient vehicular access to each house and limit adverse impacts on the preserved areas.

4. The landscape is to be preserved in its natural state insofar as practical. The Board shall encourage the applicant to avoid grade changes, removal of native vegetation and soil, and will promote working within the constraints of the existing topography.

5. The open space will act as a buffer between streets and other paved surfaces to reduce impacts on water and scenic views.

## VII. DESIGN STANDARDS

A. Housing Type: Single or multi-family dwellings shall be allowed.

B. Lot Area: Each lot shall contain a minimum of 20,000 square feet of buildable upland for each single family dwelling and 40,000 square feet of buildable upland for each duplex dwelling.

C. Setbacks: Minimum residential building setbacks shall be twenty-five (25) feet from the front, side and rear lot lines, except that the front set backs from pre existing street shall be thirty (30) feet.

D. Improvements: Access, drainage, utilities and road grading shall meet functional standards equivalent to those of the Eastham Subdivision Rules and Regulations. For OSRSD's with the potential for up to four (4) single family dwellings, applicants may seek Rural Road Standards (Section 4.4.10 of the Eastham Subdivision Rules and Regulations) where the Planning Board finds it in the best interest of the town i.e. reducing runoff into environmentally sensitive areas. No runoff is allowed on public roads from private lots. If that determination is made, the Planning Board will make written findings illustrating the reason for the waiver. All other applicable sections of the Eastham E and Subdivision Rules and Regulations shall apply.

E. Density: The number of dwellings shall not exceed one single family dwelling per 20,000 square feet of buildable upland and one duplex dwelling per 40,000 square feet of buildable upland. Density bonuses will be allocated at the discretion of the Planning Board and only when the applicant proposes to preserve more than thirty five percent (35 percent) of the buildable upland as open space.

F. Wastewater Treatment: For the purposes of wastewater treatment, the area set aside as open space may be allocated to each of the building lots in the subdivision, proportional to the total number of building lots, provided a shared or clustered septic system is proposed.

G. Open Space: Land set aside as open space shall consist of potentially developable area equal to or greater than thirty-five (35) percent of the parcel's buildable upland. This area shall be set aside to be maintained as open space in perpetuity and shall not include land set aside for roads and/or parking uses. Open space shall be planned as continuous areas wherever possible, including buffers around wetlands or boundaries of the parcel. Connectivity with existing open space or recreational opportunities is a priority.

H. Management of Open Space: Designated open space shall be conveyed to one of the following:

1. The Town of Eastham, to be used as a park or open space upon acceptance by the Board of Selectmen and at the Town Meeting;
2. A non profit corporation, the principal purpose of which is conservation of open space;
3. A corporation or trust owned or to be owned by the owners of the lots or residential units within the development and shall be passed on to new owners and will never be developed.

In cases where the designated open space is not conveyed to the town, a conservation restriction enforceable by the town shall be recorded providing that such land be kept in an open or natural

state in perpetuity. A management plan shall be submitted describing how the open space will be maintained in accordance with good conservation practices. Also, the management plan shall also authorize the town to enter into and perform maintenance on the open space where the management program has failed, in which case, the owners of the lots will be held responsible for the cost of the maintenance.

I. Dwellings: All dwellings and accessory buildings erected under the provisions of this section shall conform to all other provisions of this bylaw not addressed in this section.

By Planning Board

Summary:

The purpose of this article is to create subdivisions that locate development in such a way so as to permanently preserve contiguous parcels of open space without intensifying the use of the lot.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 6-0

*(2/3rds majority vote required)*

Information pertaining to all of the above Zoning By-law changes can be obtained at the Eastham Town Hall Planning Department, 2500 State Highway, Eastham, MA, Monday – Friday 8:00 a.m. – 4 p.m. See Appendix B.

### **ARTICLE 36**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$98,452** for Eastham’s share of capital improvements and equipment replacement expenses for the Nauset Regional High and Middle Schools, for the following purposes and in the estimated total following amounts; or take any action relative thereto.

By Nauset Regional School Committee

Summary:

This is a continuation of the capital funding process begun last year. The items identified for acquisition this year include our share of the following items which will cost in their entirety:

High School:	Exterior Public Address System	20,000
	Improve Parking Lot Lighting	20,000
	Bus/Van Addition Replacement	80,000
	Outside Bleacher Replacement	50,000
	Locker Replacement	56,000
Middle School	Repair Rubber membrane roof	70,000
	Technology	60,000
	Refinish Gym Floor	10,000
	Replace Carpet with Tile	42,000
	Replace Outside Bleachers	10,000
	Seal Upper Parking Lot	10,000
	Replace Boiler Fire brick	11,000

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

**ARTICLE 37**

To see if the town will vote to transfer the sum of **\$10,000** from Fiscal Year 06 Hotel Motel Excise Tax so called, in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitor Services Board on the following items:

- \$7000 Monday Concerts at the Windmill, including sound system rental, and promotional materials
- \$1500 Festival of Trees (December)
- \$300 Daffodil Bulbs to plant along Route 6
- \$600 Donation to EFFI (island plantings)
- \$600 Contribution Toward Purchase of New Sign entering Eastham

or take any action relative thereto.

By Visitor Services Board

Summary:

This is an annual article that if approved by Town Meeting provides funds to the appointed Visitor Services Board for the approved items and programs.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 7-0 This program provides cultural programs for the benefit of Eastham residents and visitors, and we recommend approval.

*(majority vote required)*

**ARTICLE 38**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$12,000**, to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth; or take any action relative thereto.

By Board of Selectmen/Chamber of Commerce

Summary:

The Chamber of Commerce last year received \$12,000 and operated the information booth. They are seeking the same subsidy in this year. The town maintains ownership of the building and provides for the portable facilities, lawn and building maintenance.

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: At Town Meeting

*(majority vote required)*

**ARTICLE 39**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION V – USES, District A to include the following:

- Those uses listed as allowed in District E, except for hotels on those parcels abutting Route 6 to the east or west bounded by Assessors' Map 2, Parcel 62 and Map 5, Parcel 124 that were in lawful commercial use before April 18, 1988 and are operating as a commercial use as of May 1, 2006.

By Planning Board/Petition

Summary:

This article if passed will restore conforming status to commercial properties that were in commercial use in 1988 when the area was down zoned, and still remain in commercial use. The commercial uses are limited, and do not include hotel, motels or cottage colonies as those uses are not permitted in District E. Those properties will therefore remain as pre existing non conforming and require a special permit to alter, expand or enlarge.

PLANNING BOARD: 5-0  
BOARD OF SELECTMEN: 5-0  
FINANCE COMMITTEE: 8-0  
(2/3rds majority vote required)



**ARTICLE 40**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **One Thousand and 00/100 (\$1000.00) Dollars** or any other sum, to support the Lower/Outer Cape Community Coalition, or to take any other action relative thereto.

By Petition

BOARD OF SELECTMEN: 0-5

FINANCE COMMITTEE: 0-8 This is not a fundable article due to the fact that the Lower Outer Cape Coalition does not provide direct social services, therefore the negative vote.  
*(majority vote required)*

**ARTICLE 41**

To see if the Town will vote to amend the Eastham Zoning By-laws SECTION IX- Intensity Regulations, Part B Section 3 – Setback Requirements, by removing #3

~~3. In District C, all new construction shall be set back a minimum of fifty (50) feet from all ways. Side and rear setbacks shall not be less than twenty-five (25) feet.~~

in its entirety and replacing it so that it reads as follows:

3. In District C, all new construction shall be set back a minimum of fifty (50) feet from all ways. Side and rear setbacks shall not be less than **twelve (12) feet**.

By Petition

PLANNING BOARD: 5-0

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

*(2/3rds majority vote required)*

**ARTICLE 42**

To see if the Town will accept a donation as a gift from Jack Kitson of a print of “Fort Hill” (24” x 72” or 2’ x 6’) under clear plexiglass and framed, to be exhibited in a public space within the Town of Eastham.

By Petition

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 7-1-0

*(majority vote required)*

**ARTICLE 43**

To see if the Town will vote to accept as a town way, the private way known as Seaside Drive, formerly known as Poppy Lane, which is shown on Land Court Plan # 37906B and recorded in the Barnstable County Registry of Deeds, copies of which are on file with the Town Clerk.

By Petition

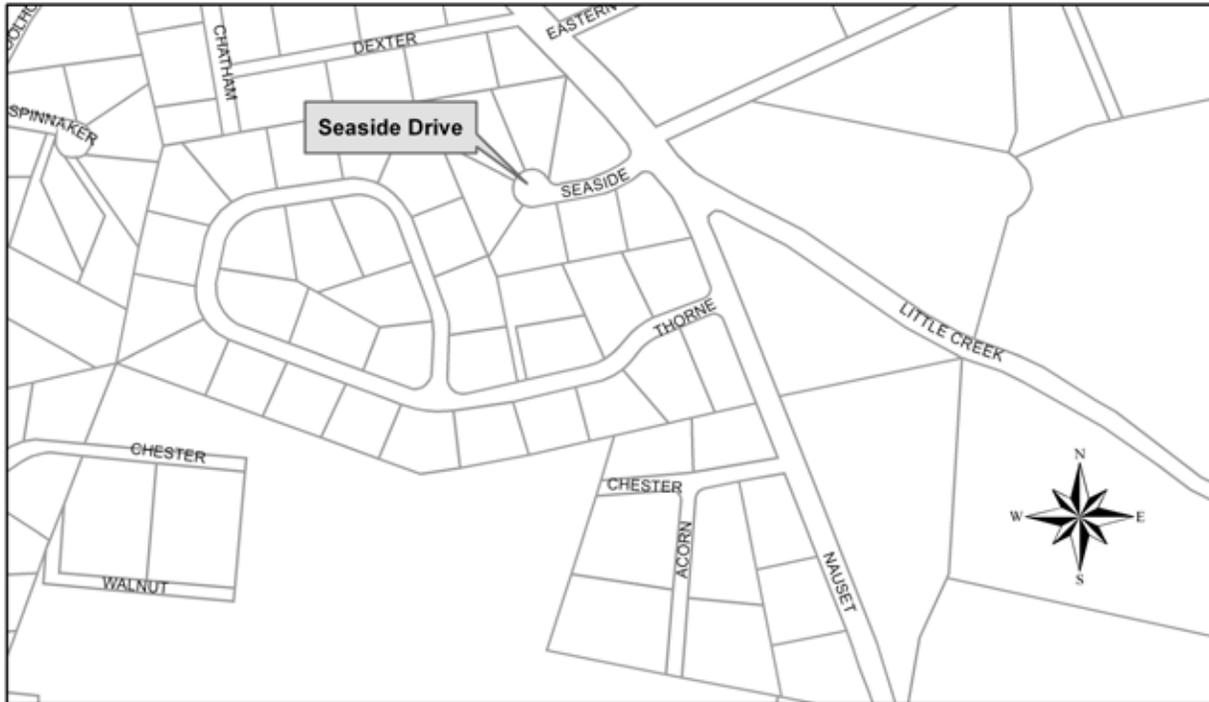
BOARD OF SELECTMAN: 5-0

BOARD OF HIGHWAY SURVEYORS: Road meets standards for acceptance

SUPERINTENDENT OF PUBLIC WORKS: Road meets standards for acceptance.

FINANCE COMMITTEE: 7-1-1

*(majority vote required)*



**ARTICLE 44**

To see if the Town will vote to rescind the vote of Article 19, Annual Town Meeting, May 3, 2004, to raise and appropriate the sum of \$125,000.00 to operate an ocean beach to be built on land owned by the Town located on Ocean View Drive.

By Petition

BOARD OF SELECTMEN: 2-3

FINANCE COMMITTEE: 2-6

*(majority vote required)*

**ARTICLE 45**

To see if the Town will vote to add to the existing Town dog by-law the following provision:  
Waste Removal - All animal owners, keepers or persons having control of an animal are responsible for immediately removing and disposing of in a sanitary manner all solid wastes produced by said animal on any property, other than the property of the animal owner. The Town of Eastham will also provide disposable plastic containers along public ways to help ensure this bylaw is obeyed.

By Petition

BOARD OF SELECTMEN: 5-0  
FINANCE COMMITTEE: 3-5  
*(majority vote required)*

**ARTICLE 46**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **Five Thousand and 00/100 (\$5,000)** Dollars to finance operational costs relative to the operation of The Juice Bar for Eastham students from the Nauset Regional School District and to authorize the Board of Selectmen to enter into a contract and expend such funds for this purpose or to take any other action relative thereto. The Juice Bar, a substance free alternative for teens of the Nauset Region located in Orleans, is operated and managed by the Nauset Together We Can Prevention Council Inc., a non-profit organization.

By Petition

BOARD OF SELECTMEN: 5-0  
FINANCE COMMITTEE: 5-3 Though a majority approval of this Article, the dissenting voters would like to see the amount reduced and other funding sources explored such as grants and the various towns who have kids attending. We have also requested additional paperwork from the Juice Bar and to date have not received it.  
*(majority vote required)*

## **RESOLUTION A**

To see if the Town will vote to support the Mashpee Wampanoag tribe's petition for federal recognition The Mashpee Wampanoag people have lived on Cape Cod practicing the traditions of their culture for many years prior to the arrival of the Europeans and continue to do so today. Research documents that they have been present in the Cape Cod area for over 10,000 years. Federal recognition will provide the tribe with health, education, and housing benefits.

By Petition

## **RESOLUTION B**

### **“Cape Care” Universal Health Care Proposal**

We, the undersigned registered voters of the Town of Eastham, do hereby petition the Board of Selectmen requesting that they place the following Article on the warrant for the Annual Town Meeting:

WHEREAS,

Health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and

Each person who lacks adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured- and underinsured people; and

The families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and

Small businesses face the soaring expenses of covering their employees' health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and

Our Town governments struggle with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget cuts; and

Our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care for all they serve is diminished.

AND WHEREAS,

These consequences represent losses in quality of life for many (if not all) members of the Cape and Islands community, and a threat to our collective welfare.

NOW THEREFORE:

We petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria:

- provide broad health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and
- control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and
- shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and
- strengthen the ability of our existing network of health care providers and institutions to provide high-quality care, by assuring adequate funding for necessary services.

We call for a public hearing process in Barnstable County, to include analysis of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

The Clerk of the Town is instructed to give Notice of Passage of this Resolution to the town's representative to the County Assembly of Delegates, the County Commissioners and the state and federal Representatives and Senators, within 30 days.

By Petition

**RESOLUTION C**  
**Urging the Cessation of Combat Operations in Iraq and the Return  
of U.S. Troops.**

We, the undersigned registered voters of the Town of Eastham, do hereby petition the Board of Selectmen requesting that they place the following Article on the warrant for the Annual Town Meeting:

WHEREAS, the Town and its Citizens recognize the sacrifices that the men and women serving in the United States Armed Forces in Iraq are making; and

WHEREAS, in October 2002, the United States Congress adopted a joint Resolution to Authorize the use of US armed forces against Iraq, relying on statements that were untrue, when in fact:

- the US was not threatened with attack by Iraq;
- Saddam Hussein had no weapons of mass destruction;
- Saddam Hussein had no role in the 9/11 attacks; and

WHEREAS, more than 2,200+ members of the United States Armed Forces have been killed and more than 15,000 members wounded along with over 100,000 Iraqi citizens killed and wounded; and

WHEREAS, more than \$200 billion has been appropriated by Congress to fund military operations and reconstruction in Iraq and Barnstable County residents' share now exceeds \$41,144,105; and

WHEREAS, the funds spent by Barnstable County taxpayers on the war and occupation in Iraq could have provided medical insurance for one year for 127,222 children or 1,913 additional housing units, according to the National Priorities Project; and

WHEREAS, the war and continued occupation have resulted in the devastation of Iraq's physical and social infrastructure and led to widespread and continuous resistance to the U.S. occupation that threatens the lives of Iraqi civilians and the men and women who comprise the ranks of U.S. and other occupying forces; and

WHEREAS, Representative William Delahunt joined more than 100 Congresspersons in voting for a House resolution on an Iraq exit strategy; therefore

BE IT RESOLVED that the Town of Eastham urges the United States government to immediately commence an orderly and rapid withdrawal of United States military personnel from Iraq; and

BE IT FURTHER RESOLVED that the Town of Eastham urges the United States government to provide the people of Iraq with all the necessary non-military material aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq; and

BE IT FURTHER RESOLVED that the financial resources used to prosecute the war be redirected to address the urgent needs of America's great urban centers and the most vulnerable portions of our population, and to include health care, education, and homeland security; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to George W. Bush, President of the United States, and members of the Massachusetts Congressional delegation.

By Petition

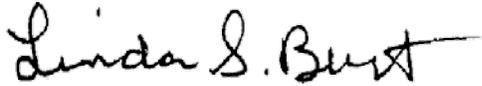
**ARTICLE 47**

To see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2005 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting.

You are directed to serve this Warrant by posting attested copies thereof at the Post Office in Eastham and North Eastham fourteen days at least before the date of holding said meeting.

Hereof, fail not and make due return of this Warrant and your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands and seals this 5<sup>th</sup> day of April in the year of our Lord, Two Thousand and Six.



Linda S. Burt  
Chair



Kenelm N. Collins  
Clerk



Joyce E. Brookshire  
Vice Chairman



Russell Sandblom



Peter Whitlock  
BOARD OF SELECTMEN

Greetings:

In a pursuance of the conditions of the foregoing warrant, I have posted attested copies, one each at the Post Office in Eastham and North Eastham fourteen days before time of said meeting.

Constable



A True Copy Attest:



Lillian Lamperti, Town Clerk

## PROCEDURES FOR ALL TOWN MEETINGS

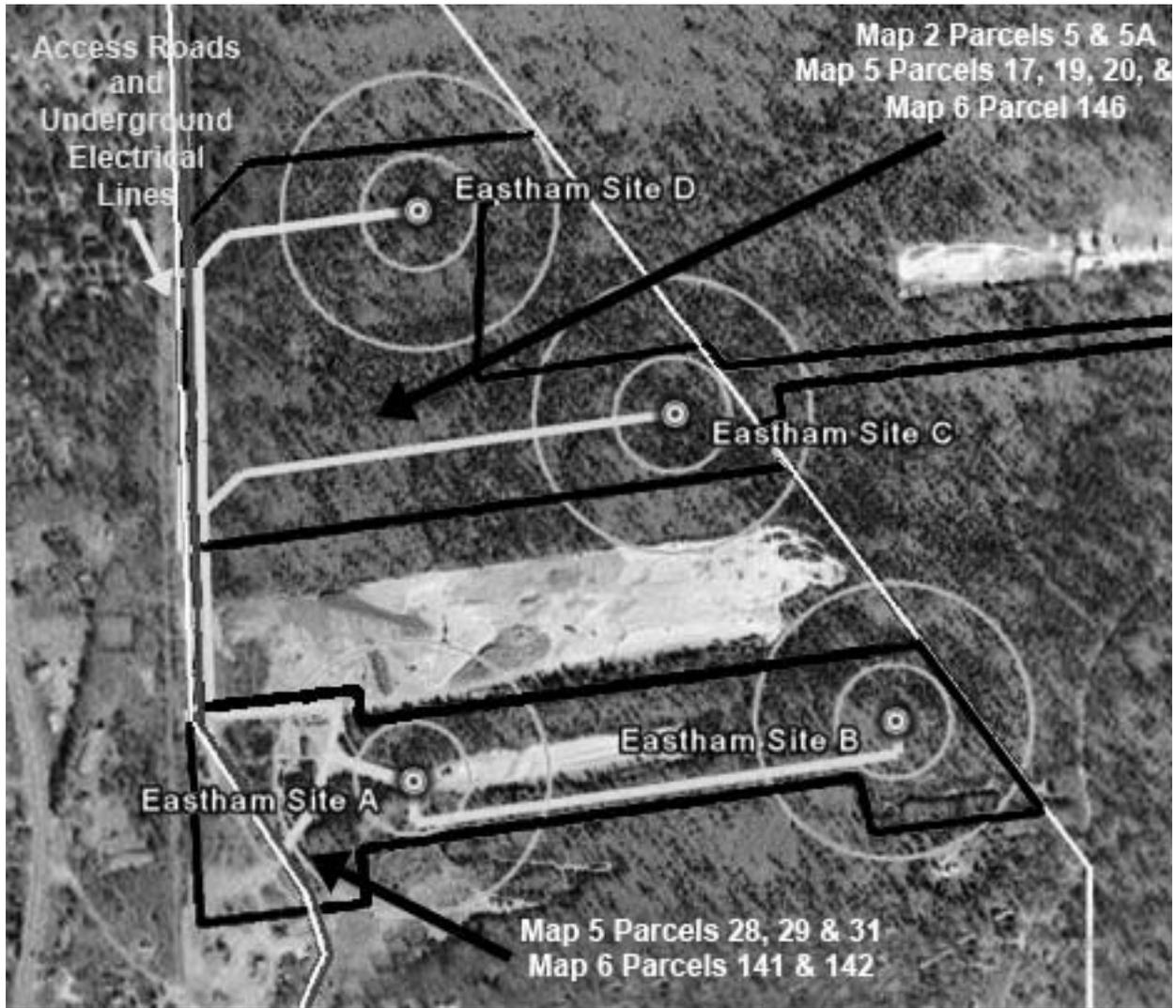
In accordance with Section 2-8-2 of the Eastham Town Charter the following procedures will be followed at all future Special and Annual Town Meetings:

1. The Open Town Meeting shall be the Legislative branch of the municipal government of the Town of Eastham, as set forth in the Charter, Section 1-6.
2. Every person wishing to speak at Town meeting shall proceed to one of the available microphones. Once recognized the person shall give his or her name and address, speak to the question for not more than five minutes, and shall not speak again until all those wishing to speak thereon have done so. See Section 2-8-3 of the Charter for exceptions—persons making the motion, and persons required to be in attendance under Section 2-8-1.
3. Discussion on each article in the Town Warrant shall terminate when there is no one wishing to speak on said article or the discussion becomes redundant in the opinion of the moderator, or someone is recognized and moves the question, or a motion to limit or extend debate has been approved by a 2/3 vote of Town meeting.
4. Votes may be taken by voice (Majority to be determined by the Moderator), or by show of hands. Articles or motions requiring a 2/3 vote will be by hand count unless unanimous. It takes seven town meeting members to question the results of a voice vote. If seven so question the results of a voice vote, we will move to an immediate hand count.
5. Only one who has voted on the prevailing side may move to reconsider an article and may do so at any time during Annual or Special Town Meeting. Reconsideration of an article may occur only once.
6. Amendments to an article must be made in writing and presented to the Moderator.
7. Eastham taxpayers who are not registered voters, may only speak at Town Meeting if permitted by a majority consent of voters. Consent will be requested on specific articles when any non resident has identified himself/herself in advance, to the Moderator.
8. TOWN MEETING TIME, A Handbook of Parliamentary Law, Third Edition, 2001, published by and for the Massachusetts Moderators Association, is the parliamentary handbook that will be used to guide Eastham Town Meetings.
9. Voters who sit in the Non-voter Section will not have their votes counted.
10. The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters.
11. Persons with handouts of any nature must be outside.

These provisions address issues that commonly arise at Town Meeting, but do not purport to address all issues that may arise.

**PLEASE BE COURTEOUS BY ALLOWING EACH SPEAKER TO PRESENT THEIR IDEAS WITHOUT INTERRUPTION.**

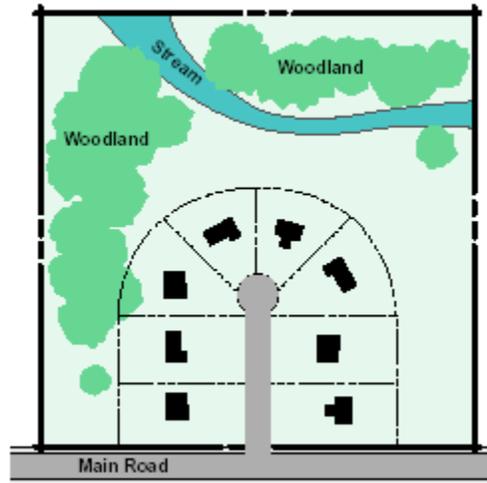
**APPENDIX A**



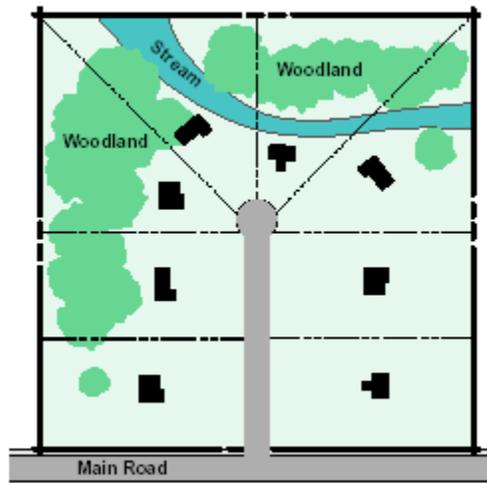
**ARTICLE 25**

## APPENDIX B

Land developed using the Open Space Residential Subdivision Development Bylaw.



Land developed using the current minimum lot requirement of 1 acre.



## ARTICLE 35