

TOWN OF EASTHAM

ANNUAL TOWN MEETING WARRANT

AND FINANCE COMMITTEE REPORT AND RECOMMENDATIONS

7:00 P.M.

MAY 4, 2009

NAUSET REGIONAL HIGH SCHOOL AUDITORIUM

ANNUAL TOWN ELECTION

MAY 19, 2009

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**

Please bring this warrant to Town Meeting

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 4, 2009

TOWN WARRANT

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TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 4, 2009 TOWN WARRANT

TOWN OF EASTHAM FINANCE COMMITTEE REPORT

The role of the Finance Committee varies from town to town as determined by each town's charter. While the Commonwealth of Massachusetts allows for a range of activities and responsibilities, the only statutory requirement of a finance committee is to provide the citizens of the town with recommendations on each article presented in the town warrant at the time of the annual town meeting. The Eastham Charter limits the Finance Committee to this minimum statutory requirement.

The FY10 Budget process started with a great deal of uncertainty. The Board of Selectmen, the Town Administrator and our town employees have brought to Town Meeting a budget that is only slightly increased from FY09 while maintaining essentially the same service levels. This was accomplished through a variety of ways, including deferral of purchases to FY11 where possible and very careful scrutiny of all budget requests. The regional schools were able to bring a budget to Town Meeting with slightly increased impact over FY09 by taking advantage of ever-decreasing numbers of students, stimulus money from the Federal government and a reduction in the special education budget at the local level. The amount of Free Cash required to support the FY10 budget is very close to the usual guidelines.

The means used to bring in the FY10 budget at a level not requiring a Proposition 2 1/2 override will place increased pressure on the FY11 budget. The use of federal stimulus money and the deferral of purchases of equipment in FY10 and the possibly one-time reduction in special education expenses all will come due in FY11. Based on the Town Administrator's current forecast, we estimate that the Town will need an override of less than \$500,000 in FY11. This estimate is based on a projected budget increase of 3.5%. This year's budget increased by less than 1%.

Several large capital projects loom on the horizon. These are multi-million dollar projects, e.g., municipal water, waste water treatment, a new library and beach re-nourishment, which must be phased in as other debt is retired to maintain a stable bond rating.

As costs continue to escalate, there will be increasing pressure to find creative ways to fund operations and particularly to identify and encourage the growth of new revenue sources. Eastham is a very efficiently run Town, and the Town Administrator is continually looking for ways to improve our performance, but this alone will not forestall the need for more revenue. The options for increasing revenue are some combination of new revenue sources, increased fees, or proposition 2½ overrides,

One of the sources that could provide significant future revenue to the Town is wind energy. We live in an area that has a reliable and abundant natural resource of renewable green energy from wind. The federal and state regulatory environment strongly supports all renewable energy, including wind power, and this legislative focus on issues such as energy independence and global warming are improving the potential for these energy facilities to provide millions of dollars of direct revenue to the Town. This year there are three articles on the Town Meeting warrant, two from the Board of Selectmen and one submitted by initiative petition. We strongly recommend approval of these articles and hope they will lead to renewable energy to benefit the residents of Eastham.

Another significant revenue-generating option is the Room Occupancy Tax on seasonal private rentals. Our review of town records suggests that new fee revenue of at least \$400,000 annually is possible if this pass-through tax on summer visitors is enacted. Considering the budget shortfalls currently projected we strongly support passage of Article 22.

Respectfully submitted April 6, 2009

Norman Newell, Chair
Joseph Bayne, Vice Chair
Susan Beyle
Judy Cannon
John Dowman
Brian Eastman
John Knox
William (Gary) Krum
Randy Smith

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 4, 2009

TOWN WARRANT

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 fourth day of May, Two Thousand and Nine, 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 nineteenth day of May next, then and there to elect the following Town Officers;

Selectman (Three Year Term: Vote for One)
Eastham Elementary School Committee (Three Year Term: Vote for One)
Eastham Housing Authority (Two Year Unexpired Term: Vote for One)
Eastham Housing Authority (Three Year Unexpired Term: Vote for One)
Nauset Regional School Committee (Three Year Term: Vote for One)
Public Library Trustee (Three Year Term: Vote for One)

Question 1: Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to finance the completion of the permit requirements for a town-wide municipal water system, including without limitation pump tests and quality tests relating to potential water supply production wells?

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: 9-0

(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 take any action relative thereto.

By Board of Selectmen

Summary:

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

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 3

To see if the Town will vote to accept the provisions of G. L. Chapter 71, Section 16B, which would reallocate the sum of members 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 2011; 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 2011, rather than as determined by the State's Education Reform Formula. The regional agreement allocation has been used since 1994, the inception of the Education Reform Act.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 4

To see if the Town will vote to reauthorize the Council On Aging/Lower Cape Adult Day Center Revolving Account, through the Town Accountant's office, in accordance with G. L. Chapter 44, Section 53 E ½ to be expended under the direction of the Council On Aging Director in order to place anticipated revenues collected from program income

which shall be used to further the operation of programs under the Council On Aging, and to establish the limit on expenditures from said account for Fiscal Year 2010 at **\$15,000**; or take any action relative thereto.

By Board of Selectmen

Summary:

This revolving account is required in order to receive and disburse funds generated through programs supported by the revolving fund such as educational and cultural programs and health and fitness programs. The Council on Aging Director will manage this account.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 5

To see if the Town will vote to reauthorize the Recreation Bottles and Cans Revolving Account, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ to be expended under the direction of the Recreation Department in order to place anticipated revenues from the collection of bottles and cans, which shall be used to further the operation of programs under the Beach and Recreation department, and to establish the limit of expenditures from said account for Fiscal Year 2010 at **\$10,000**; or take any action relative thereto

By Board of Selectmen

Summary:

This revolving account is required in order to receive and disburse funds generated from the collection of bottles and cans by the Recreation Department.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 6

To see if the Town will vote to reauthorize the Home Composting/Bin Recycling Revolving Account, through the Town Accountant's office, in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½ to be expended under the direction of the Board of Selectmen or their designee, in order to place anticipated revenues collected from the sale of compost bins which shall be used to purchase additional compost bins, advertise the availability of such bins, or undertake recycling related activities and to establish the limit on expenditures from said account for FY2010 at **\$9,000**; or take any action relative thereto.

By Board of Selectmen

Summary:

This account is necessary to accept receipts from the sale of composting bins obtained by state grants or otherwise, which may be used to purchase additional compost bins or other items to enhance town-wide recycling efforts.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds **\$97,294** for Eastham's share of capital improvements and equipment replacement expenses for the Nauset Regional School District, to undertake capital improvements in FY10, replacement of the heating system at the high school as previously shown on the multi-year capital improvement plan for the Nauset Regional School District; or take any action relative thereto.

By the Nauset Regional School Committee

Summary:

This is a continuation of the capital funding process designed to mirror the capital planning process used by most member towns. However, due to the need for a new boiler at the high school, the only item to be purchased this year at a cost of \$657,000 will be this item. The four towns' commitment of \$459,000 is unchanged and any budget shortfall for the item will be funded from other school sources or the project will be phased.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(Majority vote required)

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer **\$50,000** to the Stabilization Fund as provided for in G.L. 40, 5B; or take any action relative thereto.

By Board of Selectmen

Summary:

Undesignated fund balances have a positive impact on our bond rating and also provide a "rainy day" fund for many different purposes. The current balance in the stabilization fund is \$124,763.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(2/3rds majority vote required)

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 4, 2009

TOWN WARRANT

ARTICLE 9

To see if the Town will vote to apply for membership in the Cape & Vineyard Electric Cooperative, Inc. (the "Cooperative"), and further to authorize the Board of Selectmen to negotiate terms and conditions of its membership in the Cooperative; or take any action relative thereto.

By Board of Selectmen

Summary

The Board is reviewing the full range of advantages of becoming a member of this cooperative. Of particular interest is that as a member, the town will be able to enjoy the benefits of a Cape wide approach to the location of a full array of alternative energy generation facilities and thereby the state benefits of qualifying as a "Green Community" while taking the pressure off any specific town to host facilities which may be more effective in alternate locations. The Electric Cooperative will be a separate entity with borrowing capability and the members of the Board of Selectmen and the Finance Committee have expressed concern about this. All members of the Co-op will participate in financial decision making and responsibility.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-1

(majority vote required)

ARTICLE 10

To see if the town will vote to transfer **\$10,000** from Fiscal Year 08 Hotel Motel Excise Tax (free cash 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: \$7,500 for Monday concerts including sound system rental and promotional materials, \$600 for beautification projects including donation to EFFI (Island Plantings) and holiday decorations and \$750 for holiday decorations, and \$1,150 for bikeway trail maps; 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 listed items and programs in FY10.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 11

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;

Moderator	\$ 150.00
Town Clerk	\$ 61,610.00
Treasurer/Tax Collector	\$ 73,730.00
Selectmen (5) \$1,500 each	\$ 7,500.00
Total	\$142,990.00

or take any action relative thereto.

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 salaries reflect a 1% increase. All other salaries in this article are unchanged from last year.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(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, **\$19,005,006**, and further to transfer from the dog receipts reserved (free cash so called) the additional sum of **\$2,500** to the library; or take any action relative thereto.

By Board of Selectmen

Summary:

Article 12, the operating budget is up .63 percent. Specific areas of spending are up significantly such as retirement (Line 88) and Health Insurance (Line 90), a 12.79 percent and 6.32 percent increase respectively. The retirement increase is due in large part to the reduced investment earnings in the current stock and bond markets. These investment earnings offset increases in retirement assessments. In a down market such as this, the retirement assessment increases to maintain the fund balance in a healthy and solvent position.

Property Insurance (Line 91) is down 5 percent as we continue to refine our values, reduce our costs through staff training and accident prevention seminars, and assess market conditions to obtain the best price for all lines of necessary property and liability insurance.

The growth in basic general spending including Line 1-29 is up .60 percent. This was achieved by not funding the Assistant Town Administrator position and cutting the expense budget for Selectmen travel, dues and memberships. Another savings was made in Data Processing expense as the cell phone plan and provider were reevaluated, and some cell phones were eliminated. While other minor savings were made throughout the budget lines, this sector carries a significant increase in bulk fuel. This budget includes all gasoline, diesel, and heating fuel. The price changes during the year suggested that a significant increase in this line was necessary, and the budget reflects that revised projection of spending. Employees will continue to try to conserve fuel in vehicles by reducing idling times whenever possible, and planning trips. All buildings are constantly being evaluated for energy efficiency in order to save on fuel use.

Public Sector and Inspectional Services Lines 30-46 are down 2.56 percent. This is due primarily to the reduction in one patrol position. (We are currently seeking a grant to fund that position under the Federal Cops Fast Program.) Also, the replacement of two patrol vehicles included in the FY09 budget will be delayed until late in the fiscal year to eliminate the need to purchase two vehicles in FY10. FY09 was the final payment year on an administrative vehicle in the Fire Department Capital Budget.

Educational Services Lines 47-50 include Eastham Elementary, Nauset Region and Cape Cod Tech are up overall .92 percent. This takes into account the decline in our capital assessment as the debt continues to decline. We have fewer students in Cape Cod Tech this year so the assessment is down. The Nauset Region Assessment is up slightly at .51 percent. This was achieved with significant staff cuts at the regional level. Eastham Elementary in up 3.14 percent over last year. When the debt amount is excluded the operating budgets for the three schools is up 1.18 percent.

Public Works & Sanitation Lines 51 – 59 includes DPW and Transfer Station Operations, Streetlights, and Snow and Sanding. This budget sector is down 1.96 percent.

Without adding any street lights, the cost of operations climbs due to the rising cost of electricity to residential and commercial clients alike. The budget is up \$1,400 to reflect the projected cost this year. The DPW salary is up slightly and the Transfer Station Salary is down as there has been a shift in personnel between the two areas. The highway and transfer station areas are fully staffed now, but have been working short staffed for the past two years.

Health and Human Services Lines 60-72 include the Health Department, Council on Aging and Adult Day Care Program Operations. This area is up 1.56%. A cut was made to town nurse services, which is a contracted service from the VNA. For the past two years we have not spent the full allocation, as we have skilled staff in the COA and ADC areas who have been able to take on some of the previously contracted services. The main VNA service which we hire is for skilled nursing assistance for the annual Flu Clinics. The budgeted amount of \$5,000, is more than adequate to continue these clinics.

Culture and Recreation Lines 73-76 include Library Services and Beach and Recreation. This sector is up 1.41 percent, due primarily to increases in the Library budget which is mandated by our state recognition of the Library. This recognition requires that library spending increase by a minimum amount each year equal to 2.5 percent of the three year average and further that the spending on materials be at least 20 percent of that budgeted amount. This budget satisfies both requirements. The Library, however, continues to rely on volunteers to fill needed staffing positions.

Debt and Banking Services Lines 77 – 86 includes principal and interest on all long term and short term debt. No new debt was issued this year nor is any new debt anticipated next year. Therefore the decline reflects the continuing pay off of existing debt. Each year we appropriate \$10,000 to be used for short term borrowing costs, but have not needed those funds for the past several years as the timely issuance of tax bills and the timely payment of same provides sufficient operating capital so that borrowing is not needed.

Article 12 plus other fiscal articles in the warrant are covered by available tax levy and other revenues. There is a minor deficit of less than \$80,000 which will be covered by a cash transfer. Free Cash was certified at 1.8 million as of June 30th. Capital and operating assistance for all warrant spending, including the operating budget will use \$862,000 leaving a balance of \$992,000.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

FY10 ARTICLE 12 - SELECTMEN'S OPERATING BUDGET

LINE		APPROVED	SELECTMEN'S	FIN COMM
#		FY09 BUDGET	FY10 BUDGET	RECOM
<i>GENERAL GOVERNMENT</i>				
1	SELECTMEN/TN ADMINISTRATOR OFFICE SALARY	\$322,366.25	\$253,769.00	7-0
2	SELECTMEN/TOWN ADMINISTRATOR EXPENSE	\$18,030.00	\$15,275.00	7-0
3	RESERVE FUND	\$65,000.00	\$65,000.00	7-0
4	TOWN ACCOUNTANT OFFICE SALARY	\$113,276.80	\$109,004.00	7-0
5	TOWN ACCOUNTANT EXPENSE	\$29,650.00	\$29,650.00	7-0
6	ASSESSOR OFFICE SALARY	\$165,846.20	\$171,664.00	7-0
7	ASSESSOR EXPENSE	\$26,045.00	\$27,653.00	7-0
8	TREASURER/COLLECTOR OFFICE SALARY	\$97,315.40	\$100,728.00	7-0
9	TREASURER/COLLECTOR EXPENSE	\$10,034.88	\$9,467.00	7-0
10	CERTIFICATION OF NOTES	\$200.00	\$200.00	7-0
11	LEGAL SERVICES EXPENSE	\$65,000.00	\$65,000.00	7-0
12	DATA PROCESSING SALARY	\$80,516.80	\$83,338.00	7-0
13	DATA PROCESSING EXPENSE	\$108,234.00	\$99,710.00	7-0
14	TAX TITLE EXPENSE	\$5,000.00	\$5,000.00	7-0
15	TOWN CLERK/ELECTIONS OFFICE SALARY	\$74,766.70	\$76,044.00	7-0
16	TOWN CLERK /ELECTIONS EXPENSE	\$10,170.00	\$7,925.00	7-0
17	CENTRAL PURCHASING SUPPLY & SERVICE	\$51,212.40	\$51,213.00	7-0
18	CONSERVATION COMMISSION SALARY	\$22,709.89	\$23,528.00	7-0
19	CONSERVATION COMMISSION EXPENSE	\$1,690.00	\$1,730.00	7-0
20	NATURAL RESOURCES SALARY	\$279,520.84	\$284,826.00	7-0
21	NATURAL RESOURCES EXPENSE	\$33,813.22	\$28,992.00	7-0
22	NATURAL RESOURCES CAPITAL EXPENSE	\$11,770.00	\$11,770.00	7-0
23	PLANNING/ZONING SALARY	\$66,759.42	\$66,398.00	7-0
24	PLANNING /ZONING EXPENSE	\$2,181.00	\$1,758.00	7-0
25	MUNICIPAL BUILDINGS SALARY	\$125,401.20	\$128,881.00	7-0
26	MUNICIPAL BUILDINGS EXPENSE	\$81,295.00	\$87,720.00	7-0
27	BULK FUEL OIL EXPENSE	\$139,600.00	\$213,400.00	7-0
28	TOWN REPORT EXPENSE	\$15,000.00	\$15,000.00	7-0
29	ENGINEERING & SUPPORT SERVICES EXPENSE	\$4,000.00	\$4,000.00	7-0
		\$2,026,405.00	\$2,038,643.00	
<i>PUBLIC SAFETY & INSPECTIONAL SERVICES</i>				
30	POLICE SALARY	\$1,220,875.26	\$1,149,923.00	9-0
31	POLICE EXPENSE	\$139,947.80	\$98,968.00	7-0
32	FIRE SALARY	\$1,520,370.98	\$1,537,289.00	7-0
33	FIRE EXPENSE	\$99,880.75	\$105,244.00	7-0
34	FIRE CAPITAL EXPENSE	\$80,632.95	\$70,476.00	7-0
35	DISPATCHING SALARY	\$266,074.59	\$270,479.00	7-0
36	DISPATCHING EXPENSE	\$7,420.00	\$7,644.00	7-0
37	BUILDING INSPECTION SALARY	\$96,785.84	\$100,722.00	7-0
38	BUILDING INSPECTION EXPENSE	\$7,500.00	\$7,885.00	7-0
39	GAS/PLUMBING INSPECTION EXPENSE	\$29,500.00	\$29,943.00	7-0
40	WIRE INSPECTION EXPENSE	\$37,856.00	\$38,424.00	7-0
41	EMERGENCY MANAGEMENT EXPENSE (CIVIL DEFENSE)	\$100.00	\$100.00	7-0
42	TREE WARDEN EXPENSE	\$400.00	\$400.00	7-0
43	DUTCH ELM DISEASE EXPENSE	\$10.00	\$10.00	7-0
44	INSECT/PEST/POISON IVY CONTROL	\$10.00	\$10.00	7-0
45	HARBORS & LANDINGS SALARY	\$6,720.00	\$6,720.00	7-0
46	HARBORS & LANDINGS EXPENSE	\$1,357.00	\$1,357.00	7-0
		\$3,515,441.17	\$3,425,594.00	
<i>EDUCATIONAL SERVICES</i>				
47	ELEMENTARY SCHOOL OPERATIONS	\$3,158,665.00	\$3,257,915.00	9-0
48	NAUSET REGIONAL CAPITAL ASSESSMENT	\$62,174.00	\$43,557.00	9-0
49	NAUSET REGIONAL OPERATING ASSESSMENT	\$3,395,643.00	\$3,413,052.00	9-0
50	CAPE COD REGIONAL TECHNICAL SCHOOL	\$271,835.00	\$236,905.00	9-0
		\$6,888,317.00	\$6,951,429.00	

LINE #		APPROVED FY09 BUDGET	SELECTMEN'S FY10 BUDGET	FIN COMM RECOM
<i>PUBLIC WORKS & SANITATION</i>				
51	GENERAL MAINTENANCE SALARY	\$425,479.36	\$437,733.00	7-0
52	GENERAL MAINTENANCE EXPENSE	\$115,860.00	\$115,173.00	7-0
53	GENERAL MAINTENANCE CAPITAL	\$69,020.88	\$69,021.00	7-0
54	SNOW & SANDING SALARY	\$30,912.00	\$31,200.00	7-0
55	SNOW & SANDING EXPENSE	\$16,500.00	\$16,500.00	7-0
56	STREET LIGHTING EXPENSE	\$7,100.00	\$8,500.00	7-0
57	WASTE COLLECTION & DISPOSAL SALARY	\$155,524.77	\$145,847.00	7-0
58	WASTE COLLECTION & DISPOSAL EXPENSE	\$351,738.00	\$353,527.00	7-0
59	WASTE COLLECTION & DISPOSAL CAPITAL EXPENSE	\$28,909.64	\$0.00	
		\$1,201,044.65	\$1,177,501.00	
<i>HEALTH & HUMAN SERVICES</i>				
60	VETERANS' GRAVE OFFICER	\$75.00	\$75.00	7-0
61	OLD CEMETERIES EXPENSE	\$600.00	\$0.00	7-0
62	TOWN NURSE SERVICES	\$10,500.00	\$5,000.00	7-0
63	PUBLIC HEALTH SALARY	\$163,233.51	\$170,192.00	7-0
64	PUBLIC HEALTH EXPENSE	\$17,350.00	\$17,835.00	7-0
65	INSPECTION OF ANIMALS EXPENSE	\$500.00	\$250.00	7-0
66	COUNCIL ON AGING SALARY	\$123,283.60	\$128,805.00	6-0-1
67	COUNCIL ON AGING EXPENSE	\$20,662.52	\$21,827.00	6-0-1
68	LOWER CAPE ADULT DAY PROGRAM SALARY	\$137,205.42	\$137,309.00	6-0-1
69	LOWER CAPE ADULT DAY PROGRAM EXPENSE	\$11,268.00	\$11,272.00	6-0-1
70	VETERANS' SERVICES - EXPENSE	\$15,839.23	\$16,728.00	7-0
71	VETERANS' SERVICES - BENEFITS	\$9,000.00	\$9,000.00	7-0
72	HUMAN SERVICES AGENCIES	\$53,500.00	\$53,500.00	7-0
		\$563,017.28	\$571,793.00	
<i>CULTURE & RECREATION</i>				
73	LIBRARY SALARY	\$191,426.66	\$198,126.00	7-0
74	LIBRARY EXPENSE	\$67,444.00	\$71,385.00	7-0
75	BEACH & RECREATION SALARY	\$237,713.80	\$234,639.00	7-0
76	BEACH & RECREATION EXPENSE	\$70,156.50	\$70,554.00	7-0
		\$566,740.96	\$574,704.00	
<i>DEBT AND BANKING SERVICES</i>				
77	FIRE STATION	\$150,000.00	\$150,000.00	7-0
78	LANDFILL CAPPING	\$65,269.12	\$63,158.00	7-0
79	ROACH PROPERTY ACQUISITION	\$80,000.00	\$80,000.00	7-0
80	TRANSFER STATION	\$125,000.00	\$120,000.00	7-0
81	INTEREST EXPENSE (LONG/SHORT TERM)	\$449,105.19	\$415,161.00	7-0
82	TAX ANTICIPATION NOTES	\$10,000.00	\$10,000.00	7-0
83	SEPTIC BETTERMENT LOANS	\$20,401.00	\$20,401.00	7-0
84	PURCELL LAND PURCHASE	\$30,000.00	\$30,000.00	7-0
85	EASTHAM ELEMENTARY SCHOOL RENOVATION	\$410,000.00	\$410,000.00	7-0
86	BANK FINANCING CHARGES	\$2,486.26	\$2,500.00	7-0
		\$1,342,261.57	\$1,301,220.00	
<i>OTHER EXPENSES (GENERAL GOVERNMENT)</i>				
87	EMPLOYEE BENEFITS	\$19,500.00	\$13,500.00	7-0
88	BARN. COUNTY RETIREMENT ASSESSMENT	\$830,623.00	\$936,887.00	7-0
89	TOWN INSURANCE - UNEMPLOYMENT EXPENSE	\$10,000.00	\$10,000.00	7-0
90	TOWN INSURANCE - EMPLOYEE EXPENSE HEALTH	\$1,573,090.00	\$1,672,435.00	7-0
91	TOWN INSURANCE - TOWN PROTECTION (PROP & LIAB)	\$350,009.00	\$331,300.00	7-0
		\$2,783,222.00	\$2,964,122.00	
	TOTAL	\$18,886,449.63	\$19,005,006.00	0.63%

ARTICLE 13

To see if the Town will vote to raise and appropriate and/or transfer from available funds of \$531,400 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:

This is the annual article to fund capital purchases. All items on the list have previously been shown on the five-year plan so the article requires a majority vote. Funds will be

used to purchase computer hardware and software as needed, undertake building repairs, replace bulletproof vests and acquire equipment for the fire department. Elementary School projects on the plan include repair of the basketball court and upgrades of computer hardware and software. DPW equipment on the list includes an excavator, roadside mower replacement, and a one ton dump truck.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

FY10 CAPITAL ACQUISITION						
ITEM	DEPARTMENT		ITEM			FY10
1	DATA PROCESSING		COMPUTER HARDWARE/SPECIALIZED SOFTWARE/SERVER REPLACEMENTS			\$50,000.00 F
2			UPGRADE TELEPHONE SYSTEM - ALL BLDGS (VOIP)			\$20,000.00 F
3	NATURAL RESOURCES		4X4 PICK UP TRUCK			\$30,000.00 F
4			DREDGING ROCK HARBOR (SET ASIDE)			\$5,000.00 EX
5			BOAT MOTOR 50 H P (CHANGED TO 9 HP)			\$3,000.00 EX
6			HERRING RUN GATE REPLACEMENTS			\$3,000.00 F
MUNICIPAL BUILDINGS IMPROVEMENTS						
7			PROJECT CONTINGENCY: MAJOR REPAIRS ,PAINTING ETC.			\$30,000.00 F
8			FLOOR MACHINE REPLACEMENT			\$1,400.00 F
9			REMOVE TANKS PD/ ADD SPILL APRON @ GAS DOCKS DPW			\$23,000.00 F
10	COA		OUTSIDE M& R SHINGLE SIDE, ROOF, CORNER BDS			\$20,000.00 F
11	DPW/NR		EXTERIOR MAINTENANCE - STUCCO			\$10,000.00 F
EASTHAM ELEMENTARY SCHOOL						
12	SCHOOL		BASKETBALL COURT REPAIR			\$25,000.00 F
13			COMPUTER HARDWARE/REPLACEMENTS/UPGRADES			\$20,000.00 F
14	BEACHES RECREATION		BACKSTOP REPLACEMENT/FENCING			\$15,000.00 F
15	DPW		ONE TON DUMP W/PLOW (REPLACES 2001)			\$53,000.00 F
16			LAWN MOWER LARGE FORMAT FOR LARGER FIELDS			\$18,000.00 F
17			ORDINARY ROAD M & R (NOT CHAP 90)			\$40,000.00 T
18			ROADSIDE MOWER REPLACEMENT (5400) (REPLACES 1996)			\$60,000.00 F
19		*	EXCAVATOR, & SKID STEER LOADER W/TRAILER			\$75,000.00 F
			lease/purchase 3 yearchanged from 963 TRACK CRAWLER			
20	POLICE		BULLET PROOF VEST REPLACEMENT (ALL)			\$20,000.00 F
21	FIRE (EQUIP)		AIR BAGS (LIFTING CARS)			\$4,000.00 A
22			RADIO REPLACEMENT/UPGRADES			\$6,000.00 A
TOTAL CAPITAL FUNDS NEEDED BY SOURCE (KEY)						
		F = FREE CASH				\$473,400.00
		A = AMBULANCE RECEIPTS				\$10,000.00
		EX = BOAT EXCISE				\$8,000.00
		T = TAX LEVY				\$40,000.00
TOTAL						\$531,400.00

ARTICLE 14

To see if the Town will in accordance with Chapter 6-6A of the Eastham Home Rule Charter, vote to accept the Capital Improvement Plan for FY11-FY15 as printed below; or take any action relative thereto.

By Board of Selectmen

Summary:

Following is the five-year capital improvement plan. The funding source for many of

the items in this plan is free cash. Ambulance receipts cover many of the items for the rescue/fire department. Police vehicles which are purchased each year are funded within the tax levy. We also identify grants, boat excise, and the Land Acquisition and Maintenance Fund, as potential funding sources for some items.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

TOWN OF EASTHAM ANNUAL TOWN MEETING MAY 4, 2009

TOWN WARRANT

FIVE YEAR CAPITAL PLAN FY11-FY15												
ITEM	DEPARTMENT	ITEM	FY11	FY12	FY13	FY14	FY15					
DATA PROCESSING												
1		COMPUTER HARDWARE/SPECIALIZED SOFTWARE	\$20,000.00	F	\$20,000.00	F	\$20,000.00	F	\$20,000.00	F	\$20,000.00	F
2		GIS DIGITIZATION/AERIAL PHOTO/PEOPLE GIS SOFTWARE			\$20,000.00	F						
3		SERVER UPGRADES/REPLACEMENTS					\$10,000.00	F				
4		UPGRADE TELEPHONE SYSTEM - ALL BLDGS (VOIP)					\$10,000.00	F				
5		REPLACE PLOTTER/SCANNER(S)				\$10,000.00	F					
SUB-TOTAL			\$20,000.00		\$40,000.00		\$30,000.00		\$40,000.00		\$20,000.00	
COA/ADULT DAYCARE												
6		VAN REPLACEMENT				\$26,000.00	HST					
SUB-TOTAL			\$0.00		\$0.00		\$26,000.00		\$0.00		\$0.00	
TOWN CLERK												
7		VOTING MACHINE (NEW DISABILITY REQ.)				\$10,000.00	F					
SUB-TOTAL			\$0.00		\$0.00		\$10,000.00		\$0.00		\$0.00	
ASSESSING												
8		VIDEO/CAMERA REPLACEMENT				\$1,000.00	F					
9		TABLET PC Rugged outdoor use									\$1,500.00	F
10		DATA COLLECTOR VEHICLE									\$15,000.00	F
SUB-TOTAL			\$0.00		\$0.00		\$1,000.00		\$0.00		\$16,500.00	
NATURAL RESOURCES												
11		4x2 PICK UP TRUCK	\$35,000.00	F								
12		4X4 PICK UP TRUCK			\$36,000.00	F			\$39,000.00	F		
13		SAND DRIFT FENCE - VARIOUS LOCATIONS			\$15,000.00	L			\$20,000.00	L		
14		HEMENWAY HATCHERY/GROWOUT GREENHOUSE SUPPLIES									\$10,000.00	F
15		BOAT MOTOR 130HP	\$12,000.00	F								
16		BOAT MOTOR 50 H P									\$4,000.00	F
17		HERRING RUN GATE REPLACEMENTS							\$3,000.00	F		
18		PORTABLE BOAT HULL REPLACES D-25			\$15,000.00	F						
19		PORTABLE GPS									\$2,500.00	F
SUB-TOTAL			\$47,000.00		\$66,000.00		\$0.00		\$62,000.00		\$16,500.00	
HARBOR IMP.												
20		ROCK HARBOR FLOATING DOCK REPLACEMENT			\$250,000.00	D						
21		DREDGE ROCK HARBOR	\$5,000.00	EX	\$5,000.00	EX	\$5,000.00	EX	\$5,000.00	EX	\$5,000.00	EX
SUB-TOTAL			\$5,000.00		\$255,000.00		\$5,000.00		\$5,000.00		\$5,000.00	
MUNICIPAL BUILDINGS EQUIPMENT												
22		VACUUM/CARPET CLEANERS/ LADDERS	\$2,000.00	F								
23		VAN REPLACEMENT	\$25,000.00	F			\$28,000.00	F				
24		COPIERS/POSTAGE METERS									\$10,000.00	F
25		FLOOR MACHINE/SNOW BLOWER			\$1,400.00	F						
SUB-TOTAL			\$27,000.00		\$1,400.00		\$28,000.00		\$0.00		\$10,000.00	
MUNICIPAL BUILDINGS IMPROVEMENTS												
26		IRRIGATE THREE (3) MUNICIPAL BLDGS - (TH, POLICE, FIRE)							\$30,000.00	F		
27		PROJECT CONTINGENCY: MAJOR REPAIRS .PAINTING ETC.	\$20,000.00	F	\$25,000.00	F	\$20,000.00	F	\$25,000.00	F	\$25,000.00	F
28		GREEN ENERGY ENHANCEMENTS	\$45,000.00	F			\$50,000.00	F				
SUB-TOTAL			\$65,000.00		\$25,000.00		\$70,000.00		\$55,000.00		\$25,000.00	
29	T.H.	MECHANICAL SYSTEMS OVERHAUL					\$10,000.00	F				
30		REFURBISH/REFURNISH TOWN HALL			\$150,000.00	F						
31		REPLACE FURNACE/BOILER	\$23,000.00	F								
32		REPLACE VAULT A/C UNITS							\$9,000.00	F		
33		REPLACE CIRCULATOR PUMPS							\$3,000.00	F		
34		REPLACE HOT WATER TANK	\$3,800.00	F								
35		REPLACE EXISTING A/C UNITS			\$30,000.00	F						
ANNEX/RECREATION BLDG												
36		MAJOR MAINTENANCE & REPAIRS	\$20,000.00	F								
SUB-TOTAL			\$46,800.00		\$180,000.00		\$10,000.00		\$12,000.00		\$0.00	
37	COA	HEAT/AIR CONDITIONING/OVERHAUL					\$15,000.00	HST				
38		ELECTRICAL UPGRADE					\$12,000.00	F				
39		INTERIOR UPGRADES CARPET/FURNITURE									\$28,500.00	F
40		RESURFACE DRIVEWAY							\$30,000.00	F		
41		RENOVATION/EXPANSION OF SENIOR CENTER					\$3,000,000.00	D				
42		APPLIANCE REPLACEMENTS									\$6,000.00	F
43		GENERATOR REPLACEMENT/MAJOR OVERHAUL									\$30,000.00	F
SUB-TOTAL			\$0.00		\$0.00		\$3,027,000.00		\$30,000.00		\$64,500.00	

ITEM	DEPARTMENT	ITEM	FY11	FY12	FY13	FY14	FY15
44	DPW/NR	COPIER REPLACEMENT			\$5,000.00	F	
45		AIR/HEATING SYSTEM OVERHAUL/REPLACE			\$20,000.00	F	
46		EXTERIOR MAINTENANCE - STUCCO		\$10,000.00	F		
47		EXPANSION DPW GARAGE SPACE				\$500,000.00	D
SUB-TOTAL			\$0.00	\$10,000.00	\$25,000.00	\$500,000.00	\$0.00
	INFO/WMILL	GEN BLDG MAIN & REPAIR					
48		WINDMILL/INFO/ANCIENT CEMETERIES R&M/BANDSTAND				\$5,000.00	F
49	POLICE	REPLACE OVERHAUL AIR/HEAT CIRCULATOR PUMPS			\$30,000.00	F	
50		REPLACE DIESEL GENERATOR W/GAS		\$40,000.00	F		
51		REPLACE OUTDOOR LIGHTING		\$4,200.00	F		
52		REPLACE ALL CARPET UPSTAIRS					\$10,800.00
53		REPLACE ALL CARPET DOWNSTAIRS					\$6,800.00
54		REFURNISH/REFURBISH	\$80,000.00	D			
55		REPLACE HOT WATER TANK			\$3,000.00	F	
56		REPLACE FRONT/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		
SUB-TOTAL			\$107,000.00	\$57,200.00	\$33,000.00	\$5,000.00	\$17,600.00
	FIRE						
59		BUILDING MAINTENANCE (VARIOUS ITEMS BLDG 5+ YRS OLD.)		\$20,000.00	A		
SUB-TOTAL			\$0.00	\$20,000.00	\$0.00	\$0.00	\$0.00
	LIBRARY						
60		RENOVATION/EXPANSION	\$10,000,000.00	D			
		HEATING SYSTEM OVERHAUL					
		OUTSIDE LIGHTING UPGRADES					
		AIR CONDITIONING UPGRADE					
SUB-TOTAL			\$10,000,000.00	\$0.00	\$0.00	\$0.00	\$0.00
	SCHOOL						
61		ROUTINE PAINTING ROTATION	\$10,000.00	F	\$10,000.00	F	\$15,000.00
62		BASKETBALL COURT REPAIRS/REBUILD					\$15,000.00
63		REPLACE PLAYGROUND EQUIP				\$25,000.00	F
64		GYM FLOOR REFINISHING	\$18,000.00	F			
65		COMPUTER HARDWARE/REPLACEMENTS/UPGRADES	\$20,000.00	F	\$20,000.00	F	\$20,000.00
SUB-TOTAL			\$48,000.00	\$30,000.00	\$30,000.00	\$60,000.00	\$35,000.00
	BEACHES/RECREATION						
66		UPGRADE/ADA BATH HOUSES	\$40,000.00	F			
67		PARKING LOT REPAIRS (VARIOUS LOCATIONS)			\$10,000.00	F	
68		ADA BEACH CHAIR		\$3,000.00	F		
69		4 X 4 TRUCK LEASE		\$14,000.00	F	\$13,000.00	F
70		4 X 4 TRUCK LEASE		\$12,000.00	F	\$12,000.00	F
71		B-BALL RESURFACE/BASEBALL BACKSTOP REPL/FENCING					\$15,000.00
72		BEACH GATE SHACKS		\$3,000.00	F		\$3,000.00
73		WALKWAYS/DUNE MAINTENANCE FENCING	\$6,000.00	F			\$23,000.00
74		BEACH CLEANER				\$80,000.00	F
SUB-TOTAL			\$46,000.00	\$32,000.00	\$35,000.00	\$105,000.00	\$41,000.00
	DPW						
75		REPLACE/REFURBISH HYDRAULIC TRUCK LIFT			\$45,000.00	F	
76		REPLACE CATCH BASIN CLEANER				\$110,000.00	F
77		REPLACE ROLL OFF TRUCK			\$55,000.00	F	
78		ONE TON DUMP (SMALLER 5500 SERIES 6 WHEEL)			\$55,000.00	F	\$55,000.00
79		3/4 TON PICK UP	\$35,000.00	F			\$35,000.00
80		SANDER				\$15,000.00	F
81		INTERNATIONAL DUMP (LEASE PURCHASE 2) 6 WHEEL LARGE				\$95,000.00	F
82		EXTRA LARGE DUMP 10 WHEELER (LEASE PURCHASE 5 YR)					\$25,000.00
83		ORDINARY ROAD M & R (NOT CHAP 90)	\$100,000.00	T	\$110,000.00	T	\$120,000.00
84		NEW TRASH TRAILERS		\$60,000.00	F		\$60,000.00
85		TRACTOR TRAILER HORSE (FOR YARD USE ONLY)		\$40,000.00	F		
86		REPLACE/ADD RECYCLING COMPACTOR	\$25,000.00	F		\$30,000.00	F
87		ROADSIDE MOWER REPLACEMENT (5400)					
88		963 TRACK CRAWLER REPLACEMENT W/TRAILER	\$75,000.00	F	\$75,000.00	F	
89		LOADER REPLACEMENT (444)	\$140,000.00	D			
90		TWO (2) 40 YARD OPEN TOP ROLL OFF CONTAINERS		\$14,000.00	F		
91		NEW EQUIPMENT STORAGE BLDG AT TRANSFER STATION		\$200,000.00	F		
92		ONE (1) 40 YARD CLOSED TOP ROLL OFF CONTAINER		\$6,300.00	F		\$6,300.00
93		STORM DRAIN UPGRADE/IMPROVEMENT/REPLACEMENTS				\$50,000.00	F
94		MOWER REPLACEMENTS					\$20,000.00
95		SWEEPER REPLACEMENT (FIVE YEAR LEASE)					\$30,000.00
SUB-TOTAL			\$375,000.00	\$505,300.00	\$275,000.00	\$430,000.00	\$461,300.00
	POLICE						
96		UNMARKED ADMINISTRATIVE VEHICLE 4X4(3 YR LEASE)		\$12,000.00	T	\$12,000.00	T

ITEM	DEPARTMENT	ITEM	FY11	FY12	FY13	FY14	FY15
97		CRUISER/w video	\$31,500.00 T	\$33,000.00 T	\$35,500.00 T	\$35,500.00 T	\$36,000.00 T
98		CRUISER	\$34,000.00 T	\$34,500.00 T	\$35,500.00 T	\$35,500.00 T	\$36,000.00 T
99		4 X4 VEHICLE (REPLACE 2001)	\$36,000.00 F				
100		PORTABLE RADIOS (2)	\$6,000.00 F				
101		LAP TOP COMPUTER IN CAR REPLACEMENT	\$25,000.00 T				
102		BULLET PROOF VEST REPLACEMENT (ALL)					\$20,000.00 F
103		SURVEILLANCE EQUIPMENT (HERRING RUNS ELSEWHERE)	\$2,000.00 F				\$20,000.00 F
SUB-TOTAL			\$134,500.00	\$79,500.00	\$83,000.00	\$83,000.00	\$112,000.00
FIRE (EQUIP)							
104		REPLACE AMBULANCE (CHG BUY TWO SAME TIME)	\$120,000.00 A	\$120,000.00 A	\$120,000.00 A		\$120,000.00 A
105		REPLACE 1986 ENGINE (5 YR LEASE PURCHASE)					
106		ENGINE REPLACEMENT (1992) (5 YR LEASE PUR, \$425,000)		\$75,000.00 A	\$75,000.00 A	\$75,000.00 A	
107		SQUAD 1 REPLACEMENT (TRUCK 160)			\$15,000.00 A		
108		ADMINISTRATIVE VEHICLE REPLACEMENT	\$13,000.00 A	\$13,000.00 A	\$13,000.00 A		
109		TANKER REPLACEMENT (98) 5 YR LEASE					\$40,000.00 A
110		REPLACE SPECIAL HAZARDS TRUCK (91) 5 YR LEASE				\$40,000.00 A	
111		REPLACE COPIER	\$8,000.00 A				
112		UPGRADE AIR PACKS - 4.5L		\$28,000.00 A			
113		THERMAL IMAGER	\$25,000.00 A				
114		UPGRADE AND REPLACE TURNOUT GEAR (AS NEEDED)		\$5,000.00 A			
115		HYDRANT STANDPIPE SYS -ON SITE WELLS/BURIED TANKS		\$12,000.00 A	\$12,000.00 A		
116		REPLACE GAS METER			\$2,000.00 A		
117		COMPUTER SOFTWARE ENHANCEMENTS					\$20,000.00 A
118		COMPUTER HARDWARE ENHANCEMENT/ADDITIONS	\$5,000.00 A				
119		FIRE SUPPRESSION UPGRADES/REPLACEMENT/FOAM	\$7,000.00 A	\$5,000.00 A			
		RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT					
120		CARDIAC MONITORS (2)	\$60,000.00 A				\$30,000.00 A
121		JAWS	\$35,000.00 A				
122		AIR BAGS (LIFTING CARS)					\$5,000.00 A
123		SPECIALTY GEAR, TURNOUT SUITS, SURVIVAL SUITS		\$5,000.00 A			\$5,000.00 A
124		BOAT REPLACEMENT (rigid hull inflatable)	\$30,000.00 A				
125		RADIO REPLACEMENT/UPGRADES		\$8,000.00 A			\$8,000.00 A
126		FIRE HOSE (VARIOUS SIZES) CONTINUOUS REPL.	\$7,000.00 A	\$8,000.00 A			
127		PORTABLE GENERATOR (REPLACEMENT)			\$2,500.00 A		
128		PORTABLE WATER TANK					\$4,000.00 A
SUB-TOTAL			\$310,000.00	\$279,000.00	\$239,500.00	\$115,000.00	\$232,000.00
129		RESOURCE LAND MANAGEMENT PLANS			\$35,000.00 F		
130		LONG RANGE PLAN IMPLEMENTATION ASSISTANCE	\$40,000.00 F	\$30,000.00 F		\$25,000.00 F	
131		LAND ACQUISITION(OPEN SPACE, RECREATION, MAINTENANCE)			\$75,000.00 F		
132		LAND ACQUISITION HOUSING/AFFORDABLE HOUSING PURCHASES			\$75,000.00 F		\$75,000.00 F
133		COASTAL EROSION PLANNING/MITIGATION	\$100,000.00 C		\$100,000.00 C		
134		MUNICIPAL WASTE WATER/ WATER/PLANNING/IMPLEMENTATION	\$5,000,000.00 D				
135		NORTH EASTHAM VILLAGE CTR IMPLEMENT/municipal bldgs, housing, infrastructure				\$3,000,000.00 D	
136		ALTERNATIVE/GREEN ENERGY INITIATIVES			\$2,000,000.00 D		
TOTAL			\$16,371,300.00	\$1,610,400.00	\$6,212,500.00	\$4,527,000.00	\$1,131,400.00
TOTAL CAPITAL FUNDS NEEDED BY SOURCE (KEY)							
		F = FREE CASH	\$545,800.00	\$851,900.00	\$624,000.00	\$804,000.00	\$822,400.00
		C = COMMUNITY PRESERVATION FUND	\$100,000.00		\$100,000.00		
		HST + HUMAN SERVICES GIFT FUND	\$0.00		\$41,000.00		
		A = AMBULANCE RECEIPTS	\$310,000.00	\$299,000.00	\$239,500.00	\$115,000.00	\$232,000.00
		EX = BOAT EXCISE	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
		T = TAX LEVY	\$190,500.00	\$189,500.00	\$203,000.00	\$83,000.00	\$72,000.00
		D = CAPITAL DEBT EXCLUSION	\$15,220,000.00	\$250,000.00	\$5,000,000.00	\$3,500,000.00	
		L=LAND ACQUISITION FUND		\$15,000.00		\$20,000.00	
		G = GRANT/OTHER	\$0.00	\$0.00	\$0.00		
TOTAL			\$16,371,300.00	\$1,610,400.00	\$6,212,500.00	\$4,527,000.00	\$1,131,400.00

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 2009; 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 transfer from available funds \$75,000, for the period beginning July 1, 2009, 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 has been included in the warrant to allow the town to continue negotiations with collective bargaining units and settle those contracts after town meeting. The request is to set aside the sum of \$75,000 for this purpose. The funds would be transferred from free cash.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 17

To see if the Town will vote to appropriate a sum of money to complete the permit requirements for a town-wide municipal water system, including without limitation pump tests and quality tests relating to potential water supply production wells; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Abatement Trust or otherwise; to determine whether any such borrowing shall be made contingent upon a vote of the Town to exclude the payment of the principal of and interest on any such borrowing from the limitation on total taxes imposed by G.L. c.59Section 21C (Proposition 2/12); or take any other action relative thereto.

By Board of Selectmen/Water Resources Management Committee

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Summary:

This article for the sum of \$3.15 million, if approved by vote and debt exclusion ballot, will involve two elements:

- (1) conduct pumping tests to establish the quantity and quality of water available from water supply wells in Eastham Water Protection Districts G, H, and Nauset Regional High School and work to include completing all required permitting and environmental reviews necessary to provide up to 1 million gallons per day (gpd) from each supply site.
- (2) conduct an evaluation to determine all costs and the feasibility of obtaining 500,000 gallons per day or more of water from the Town of Orleans.

With knowledge of the quality and quantity of resources available both from Eastham and Orleans in this initial phase of determining availability of water supply a comparative cost benefit analysis can be applied to determine the best option or options to supply a town wide water system. The town wide system would be designed to provide 1.8 million gallons per day peak capacity with extra design capacity to reach 2.5 million gallons per day. This article also provides for the Board of Selectmen to act as Water Commissioners and once the system is operational, to assess charges and collect fees. (Projected Debt Schedule in Appendix at end of warrant.)

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-1

BOARD OF HEALTH 4-0

(2/3 majority vote required)

ARTICLE 18

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of G.L. Chapter 44B (6) from the FY2009 estimated community preservation revenues to reserves, the following amounts: **\$62,505** for open space purposes, **\$62,505** for historic preservation purposes, **\$62,505** for affordable housing purposes, and **\$437,535** to the FY2010 community preservation budgeted reserve for appropriation as recommended by the community preservation committee; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article seeks to set aside 10% of the estimated community preservation revenue for open space, historic resources, and affordable community housing, with the remaining estimated revenue reserved for the budgeted reserve for appropriation as required by G.L. Chapter 44B (6).

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

(majority vote required)

ARTICLE 19

To see if the Town will vote to appropriate and transfer **\$18,900** from the Community Preservation Fund Historic Preservation Reserve Fund for the preservation, restoration and rehabilitation of the Cove Burying Ground and Bridge Road Cemetery including restoration of gravestones in Bridge Road Cemetery, and a ground penetrating radar (GPR) study of the Cove Burying Ground and Bridge Road Cemetery to locate meeting house building remnants, lost graves and markers; with a copy of the restoration project and the GPR 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 grants \$18,900 from Community Preservation Funds, for the continuing work at the two ancient cemeteries; this is Phase 4. Of the total appropriation, \$16,000 will be spent on further conservation of gravestones and the remaining \$2,900 will fund the GPR survey work.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

COMMUNITY PRESERVATION COMMITTEE: 6-0

(majority vote required)

ARTICLE 20

To see if the Town will vote to appropriate and transfer **\$20,000** from the Community Preservation Fund Balance for the purpose of administrative expenses; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary:

This article permits use of \$20,000 of the Community Preservation Funds by the committee for administrative purposes. The State Legislation permits up to five percent (5%) of all funds for that purpose. The Committee has never requested that much and has used very little each year. The remainder each year reverts to the Community Preservation Fund.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

COMMUNITY PRESERVATION COMMITTEE: 6-0

(majority vote required)

ARTICLE 21

To see if the Town will vote to raise and appropriate or transfer from available funds **\$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 Selectman/Chamber of Commerce

Summary:

The Chamber of Commerce has operated the Information Booth for the past several years. Significant cosmetic improvements to the building have been made and the seasonal operating hours have been increased. The Chamber has now assumed responsibility for all salary and benefit costs while the Town continues to provide building support and insurance, outside maintenance of the yard and structure and portable facilities.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0-1

(majority vote required)

ARTICLE 22

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation substantially in the following form:

Notwithstanding any general or special law to the contrary, the Town of Eastham may impose a room occupancy tax, in addition to any such occupancy tax currently allowed by law, on any vacation or leisure accommodation, including but not limited to apartments, single or multiple family housing, cottages, condominiums and timeshare units or any other such temporary occupancy not currently defined in General Laws Chapter 64G; vacation or leisure accommodation being defined as occupancy for a price to be paid and intended at the time of contract to be for a period of ninety consecutive days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee; and the maximum room occupancy tax for such occupancy shall be at the same rate as the municipal portion of the room occupancy for the Town under General Laws Chapter 64G; and provided further that this special act and any tax thereunder shall not apply to accommodations provided to seasonal employees by employers; and that any tax authorized by this or any other bylaw under Chapter 64G, shall not take effect until January 1, 2010; and provided, further, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

and/or; to accept a local option statute, if such be in effect on the date of town meeting vote under this article, providing authority for the Town to impose a room occupancy tax substantially as described above in the text of the proposed special act; or take any action relative thereto.

By Board of Selectmen

Summary:

One or more legislative bills are pending at the time this warrant was published, which, if enacted and in effect on the date of Town Meeting vote, would allow, by local acceptance, the same additional taxing authority as provided by the terms of the special act, which you are also asked to authorize by petition of the Board of Selectmen under this article. The special act or local acceptance of a statutory option will allow the Board of Selectmen, to impose the same room occupancy tax on single family and condo units rented on a seasonal basis as is currently imposed on hotels and motels. This article exempts seasonal worker housing and provides that the tax rate for such short term rentals shall be at the same municipal tax rate portion of four percent (4%) as other accommodations currently subject to Chapter 64G.

BOARD OF SELECTMEN: 4-1

FINANCE COMMITTEE: 8-0-1

(majority vote required)

ARTICLE 23

To see if the Town will vote to accept the provisions of MGL Chapter 40 Section 57 and pursuant thereto, to adopt this bylaw:

In accordance with the provisions of M.G.L., C.40, § 57, as amended, the Town may deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of M.G.L. c.40 § 21D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected to pay any local taxes, fees, assessments, betterments or any other municipal charges.

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A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "tax collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the Appellate Tax Board.

B. The licensing authority may deny, revoke or suspend any license or permit which it has the authority to issue, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector as required by applicable provisions of law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

C. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

D. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L.A. C. 268, § 1, in the business or activity conducted in or on said property.

E. As limited by Chapter 40 Section 57, this bylaw shall not apply to licenses and permits for the following: open burning, bicycles permits, sales of articles for charitable purposes, children work permits, chubs, associations dispensing food or beverage, dog licenses, fishing, hunting, trapping licenses, marriage licenses, and theatrical events, public exhibition permits.

or take any action relative thereto.

By Board of Selectmen/Treasurer Tax Collector

Summary:

The acceptance of this statute and adoption of this bylaw will allow the town to withhold certain permits from owners who owe back taxes or fees to the town. Such fees must be more than twelve months in arrears and notice shall have been given to the tax collector. Parties assessed under this bylaw may, by entering into a payment agreement with the collector, obtain denied permits.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

(majority vote required)

ARTICLE 24

To see if the Town will vote to amend the Town of Eastham Code, Chapter 96 Noise as follows:

delete in its entirety Section 96-2 Violations and Penalties, which reads as follows:
 96-2 Any person violating this bylaw shall be punished by a fine of not more than \$50 for each offense. Prior to any action being taken under this bylaw, a copy of said bylaw will be delivered to the location of the alleged violation and shall be considered a warning.

and replace it with the following:

92-2 Any person or persons violating this bylaw shall be punished as follows:

First Offense – Warning including delivery of a copy of this bylaw.

Second and subsequent offense(s) - \$100 fine.

or take any action relative thereto.

By Board of Selectmen/Police Department

Summary:

This amendment to the Noise Bylaw will increase fines for violations and change the fine structure so that the first incident is a warning, with no fine. Second and each subsequent violation fine is increased from \$50 to \$100.

BOARD OF SELECTMEN:

FINANCE COMMITTEE: At Town Meeting

(majority vote required)

ARTICLE 25

To see if the Town will vote to amend the Eastham Zoning By-law by adding a new section, Section XX – General Wind Facilities (WFs) as follows:

Section XX – General Wind Facilities (WFs)

A. Purpose and Intent.

It is the express purpose of this section to accommodate Wind Facilities (WFs) in appropriate land-based locations, while protecting public health, safety, welfare, the character of neighborhoods, property values, preservation of environmental, historical and scenic resources and minimizing adverse impacts of WF's. All WF's shall require issuance of a special permit by the Planning Board, acting as the Special Permit Granting Authority (SPGA) under Section XIII of the Eastham Zoning By-law. This section is intended to be used in conjunction with other regulations adopted by the Town, including, but not limited to, historic district, special permit, conservation and other applicable by-laws and regulations designed to encourage appropriate land use and environmental protection. Further, it is the express intent of this section that any special permit hereunder granted runs with the land and that any subsequent owner of said land be bound by the terms and conditions of said special permit.

B. Use Regulations.

WFs shall require a building permit. The construction of any WF may be permitted in all zoning districts, subject to issuance of a special permit by the Planning Board and provided the proposed use complies with provisions of this section and any other applicable provisions of this chapter. Any subsequent change or modification of a WF shall be subject to Planning Board approval of a modification to the original special permit.

C. Dimensional Requirements

1. Type: Tilt-up towers, fixed-guyed towers, free standing towers, or other designs may be considered for approval.
2. Setback: The base of any WF shall be set back from any property line or road layout line by not less than one-hundred percent (100%) of the proposed height of the WF. Guy wires or any WF-related construction not wholly below grade, as may be required by the proposed design, shall be set back at least twenty (20) feet from property lines, and thirty (30) feet from road layout lines.
3. Height: No WF may exceed seventy-five (75) feet in height, except in District C where they may not exceed one-hundred (100) feet.

District	A	B	C	D	E	F	G	H
Height	75'	75'	100'	75'	75'	75'	75'	75'

D. General Requirements.

1. Proposed WF's shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
2. Maintenance Plan – Appearance and Operation. A written maintenance plan shall be submitted with the application for a special permit for review and approval by the SPGA and shall be made a condition of said special permit. The maintenance plan shall include:

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- a. Planned shutdowns. All planned shutdowns for more than three (3) months shall be outlined in the maintenance plan. The WF will not be considered abandoned during these planned shutdown periods.
 - b. General maintenance. The general maintenance of the WF as recommended by the manufacturer shall be included in the maintenance plan.
 - c. Maintenance of appearance of exterior of the WF.
3. Complaints. Upon written notification of a complaint detailing non-compliance with the terms of the special permit or the requirements of this chapter, the Building Inspector or his designee shall record the filing of such complaint and shall promptly investigate the complaint. If the Building Inspector determines that the WF is not in compliance, the owner of the property shall be notified in writing to correct the violation. If the violation is not remedied within thirty (30) days from the date of notification, the Building Inspector may require the WF be rendered inactive and shall remain so until such time as the Building Inspector determines the WF is in compliance.

If, upon investigation of said complaint, the Building Inspector determines that the WF is operating in compliance with the special permit and the requirements of this chapter, notice in writing shall be provided to the person who has filed such complaint and to the owner of the property stating that no further action is required, all within thirty (30) days of the receipt of the written notification of complaint. Any person aggrieved by the Building Inspector's decision may appeal such decision to the SPGA.

4. Professional consulting fees. The SPGA may retain a technical expert / consultant to review and verify information submitted by the applicant. The cost for such a technical expert / consultant shall be at the expense of the applicant pursuant to Section XII.G of the Eastham Zoning By-law.
5. All building-mounted turbine applications shall be accompanied by a written certification by a licensed structural engineer that states that the structure to which the turbine is to be fastened is sound and safely able to withstand the installation and continued operation of the turbine.

E. Design Standards

1. Visual Impact. The applicant shall demonstrate through project siting, facility design and proposed mitigation that the WF minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering and lighting. All electrical conduits shall be underground.
2. Color. WFs shall be of non-reflective muted colors that blend with the sky, without graphics or other decoration. A single color shall be used on the blades and a single color on the tower.
3. Equipment Shelters. All equipment necessary for monitoring and operation of the WF shall be contained within the turbine tower. If this is infeasible, at the discretion of the SPGA, ancillary equipment may be located outside the tower, provided it is either contained within an underground vault or enclosed within a structure or behind a year-round landscape or vegetated buffer.
4. Lighting and Signage.
 - a. Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The applicant shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
 - b. Lighting of equipment, structures and any other facilities on site (including lighting required by the FAA, if possible) shall be shielded from abutting properties.
 - c. No signage except as allowed by the SPGA.
5. Guy Wires. Guy wires utilized in the construction of any tower shall be left totally unadorned. Nothing shall be hung from or attached to said wires, except that, in order to prevent unintended contact by persons who may be on the site, they may be wrapped with a colored sleeve only, which shall extend to a height not greater than ten (10) feet above grade.

F. Environmental Standards.

1. Sound. The WF and associated equipment shall not generate sound in excess of ten (10) decibels (DB) above ambient sound level at the property line. In order to demonstrate compliance with these sound standards, the applicant shall provide to

the SPGA, as part of the special permit application, an analysis which is consistent with Massachusetts Department of Environmental Protection guidance for sound measurement (310 CMR 7.10).

2. Shadow/Flicker Impact. WF shall be sited in a manner that does not result in significant shadowing or flicker impact. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through shadow/flicker modeling and/or siting and/or landscaping mitigation.

G. Safety Standards.

1. No hazardous materials or waste shall be discharged on the site of any WF. If any hazardous materials or waste is to be used on site, there shall be provisions for full containment of such materials or waste. The provisions of this by-law regarding Groundwater Protection Districts shall apply.
2. Climbing access to any tower shall be limited by placing climbing apparatus no lower than ten (10) feet from the ground.
3. A Clear Area, being the distance from the lowest point of the blade tip to the ground, shall not be less than fifteen (15) feet.
4. The wind turbine shall conform to FAA Safety Standards, as amended.
5. Building mounted turbines may require a safety fence as determined by the SPGA.

H. Condemnation

1. Upon a finding by the Building Inspector that the WF has been abandoned or has been left in disrepair or has not been maintained in accordance with the approved maintenance plan, the owner of said WF shall be notified in writing by certified mail that the WF shall be brought up to standard. If required repairs or maintenance are not accomplished within forty-five (45) days of the date of said notification, the WF shall be deemed condemned and shall be removed from the site within ninety (90) days thereafter. The aforementioned periods of time may be extended at the request of the owner and at the discretion of the Building Inspector. "Removed from site" shall mean:
 - a. Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;
 - b. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations and
 - c. Restoration of the location of the wind energy conversion facility to its natural condition, except that landscaping and grading may remain in the after-condition at the discretion of the SPGA.
2. If an applicant fails to remove a WF in accordance with the provisions of this section, the Town shall have the authority to enter the subject property and physically remove and dispose of the facility. As a condition of the special permit, the SPGA may require the applicant to provide a cash escrow account or bond at the time of construction to cover the costs of removal from the site, as specified in Subsection 1 above, in the event said removal must be done by the Town. The amount of such escrow or bond shall be equal to one-hundred and fifty percent (150%) of the cost of removal and disposal of the WF and restoration of the site. The applicant shall submit a fully inclusive estimate of said costs as part of the special permit application. The escrow account shall be maintained by the Town until the WF is removed by the applicant to the satisfaction of the Building Inspector or until, after due notice to the applicant pursuant to this by-law, the SPGA determines that the applicant has failed to take appropriate measures to remove and dispose of the WF, whereupon the Town may utilize the sums in said escrow account for the purpose of removing and disposing of the WF and restoring the site by such means as it deems appropriate. Any unexpended balance of the escrow account remaining after the Town has completed dismantling / removal of the WF shall be returned to the applicant or the successor(s) in interest; or take any action relative thereto.

By Planning Board

Summary:

The purpose of this bylaw is to regulate the development and use of wind facilities. This bylaw will regulate wind energy facilities while minimizing the adverse impacts on the character of the neighborhoods, property values, scenic, historic and environmental resources of the Town of Eastham. The construction of such facilities may not begin until a special permit has been issued by the Planning Board under this bylaw. Said permit will require a public hearing(s) with notice to abutters prior to issuance or denial.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

PLANNING BOARD: 6-0

(2/3 vote required)

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ARTICLE 26

To see if the Town will vote to amend the Eastham Zoning By-law by adding a new section, Section XXI – Municipal Wind Facilities (MWFs) as follows:

Section XXI – Municipal Wind Facilities (MWFs)

A. Purpose and Intent.

It is the express purpose of this section to accommodate Municipal Wind Facilities (MWFs) in appropriate land-based locations owned by the Town of Eastham, while protecting public health, safety, welfare, the character of neighborhoods, property values, preservation of environmental, historical and scenic resources and minimizing adverse impacts of MWF. All MWF shall require issuance of a special permit by the Planning Board, acting as the Special Permit Granting Authority (SPGA) under Section XIII of the Eastham Zoning By-law. This section is intended to be used in conjunction with other regulations adopted by the Town, including, but not limited to, historic district, special permit, conservation and other applicable by-laws and regulations designed to encourage appropriate land use and environmental protection. Further, it is the express intent of this section that any special permit hereunder granted runs with the land and that any subsequent owner of said land be bound by the terms and conditions of said special permit.

B. Use Regulations.

MWF shall require a building permit. The construction of any MWF may be permitted in zoning districts B, C, and H subject to issuance of a special permit by the Planning Board and provided the proposed use complies with provisions of this section and any other applicable provisions of this chapter. Any subsequent change or modification of a MWF shall be subject to Planning Board approval of a modification to the original special permit.

C. Dimensional Requirements

1. Type: Tilt-up towers, fixed-guyed towers, free standing towers, building mounted turbines or other designs may be considered for approval.
2. Setback: The base of any MWF shall be set back from any property line or road layout line by not less than one-hundred fifty percent (150%) of the proposed height of the MWF. Guy wires or any MWF-related construction not wholly below grade, as may be required by the proposed design, shall be set back at least twenty (20) feet from property lines, and thirty (30) feet from road layout lines.
1. Height: No MWF may exceed two hundred fifty (250) feet in height.

D. General Requirements.

1. Proposed MWFs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
2. Maintenance Plan – Appearance and Operation. A written maintenance plan shall be submitted with the application for a special permit for review and approval by the SPGA and shall be made a condition of said special permit. The maintenance plan shall include:
 - a. Planned shutdowns. All planned shutdowns for more than three (3) months shall be outlined in the maintenance plan. The MWF will not be considered abandoned during these planned shutdown periods.
 - b. General maintenance. The general maintenance of the MWF as recommended by the manufacturer shall be included in the maintenance plan.
 - c. Maintenance of appearance of exterior of the MWF.
3. Complaints. Upon written notification of a complaint detailing non-compliance with the terms of the special permit or the requirements of this chapter, the Building Inspector or his designee shall record the filing of such complaint and shall promptly investigate the complaint. If the Building Inspector determines that the MWF is not in compliance, the owner of the property shall be notified in writing to correct the violation. If the violation is not remedied within thirty (30) days from the date of notification, the Building Inspector may require the MWF be rendered inactive and shall remain so until such time as the Building Inspector determines the MWF is in compliance.

If, upon investigation of said complaint, the Building Inspector determines that the MWF is operating in compliance with the special permit and the requirements of this chapter, notice in writing shall be provided to the person who has filed such

complaint and to the owner of the property stating that no further action is required, all within thirty (30) days of the receipt of the written notification of complaint. Any person aggrieved by the Building Inspector's decision may appeal such decision to the SPGA.

4. Professional Consulting Fees. The SPGA may retain a technical expert / consultant to review and verify information submitted by the applicant and/or successor(s). The cost for such a technical expert / consultant shall be at the expense of the applicant pursuant to Section XII.G of the Eastham Zoning By-law.
5. All turbine applications shall be accompanied by a written certification by a licensed structural engineer that states that the turbine structure is sound and safely able to withstand the installation and continued operation of the turbine.

E. Design Standards

1. Visual Impact. The applicant shall demonstrate through project siting, facility design and proposed mitigation that the MWF minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering and lighting. All electrical conduits shall be underground.
2. Color. MWFs shall be of non-reflective muted colors that blend with the sky, without graphics or other decoration. A single color shall be used on the blades and a single color on the tower.
3. Equipment Shelters. All equipment necessary for monitoring and operation of the MWF shall be contained within the turbine tower. If this is infeasible, at the discretion of the SPGA, ancillary equipment may be located outside the tower, provided it is either contained within an underground vault or enclosed within a structure or behind a year-round landscape or vegetated buffer.
4. Lighting and Signage.
 - a. Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The applicant shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
 - b. Lighting of equipment, structures and any other facilities on site (including lighting required by the FAA, if possible) shall be shielded from abutting properties.
 - c. No signage except as allowed by the SPGA.
5. Guy Wires. Guy wires utilized in the construction of any tower shall be left totally unadorned. Nothing shall be hung from or attached to said wires, except that, in order to prevent unintended contact by persons who may be on the site, they may be wrapped with a colored sleeve only, which shall extend to a height not greater than ten (10) feet above grade.

F. Environmental Standards.

1. Sound. The MWF and associated equipment shall not generate sound in excess of ten (10) decibels (DB) above ambient sound level at the property line. In order to demonstrate compliance with these sound standards, the applicant shall provide to the SPGA, as part of the special permit application, an analysis which is consistent with Massachusetts Department of Environmental Protection guidance for sound measurement (310 CMR 7.10).
2. Shadow/Flicker Impact. MWFs shall be sited in a manner that does not result in significant shadowing or flicker impact. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through shadow/flicker modeling and/or siting and/or landscaping mitigation.

G. Safety Standards.

1. No hazardous materials or waste shall be discharged on the site of any MWF. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste. The provisions of this by-law regarding Groundwater Protection Districts shall apply.
2. Climbing access to any tower shall be limited by placing climbing apparatus no lower than ten (10) feet from the ground.
3. A Clear Area, being the distance from the lowest point of the blade tip to the ground, shall not be less than fifteen (15) feet.
4. The wind turbine shall conform to FAA Safety Standards, as amended.

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5. Building-mounted turbines may require a safety fence as determined by the SPGA or take any action relative thereto.

By Planning Board

Summary:

This proposed bylaw seeks to regulate the placement of wind facilities on Town-owned property. The construction of such facilities may not begin until a special permit has been issued by the Planning Board under this bylaw. Said permit will require a public hearing(s) with notice to abutters prior to issuance or denial.

BOARD OF SELECTMEN: 5-0

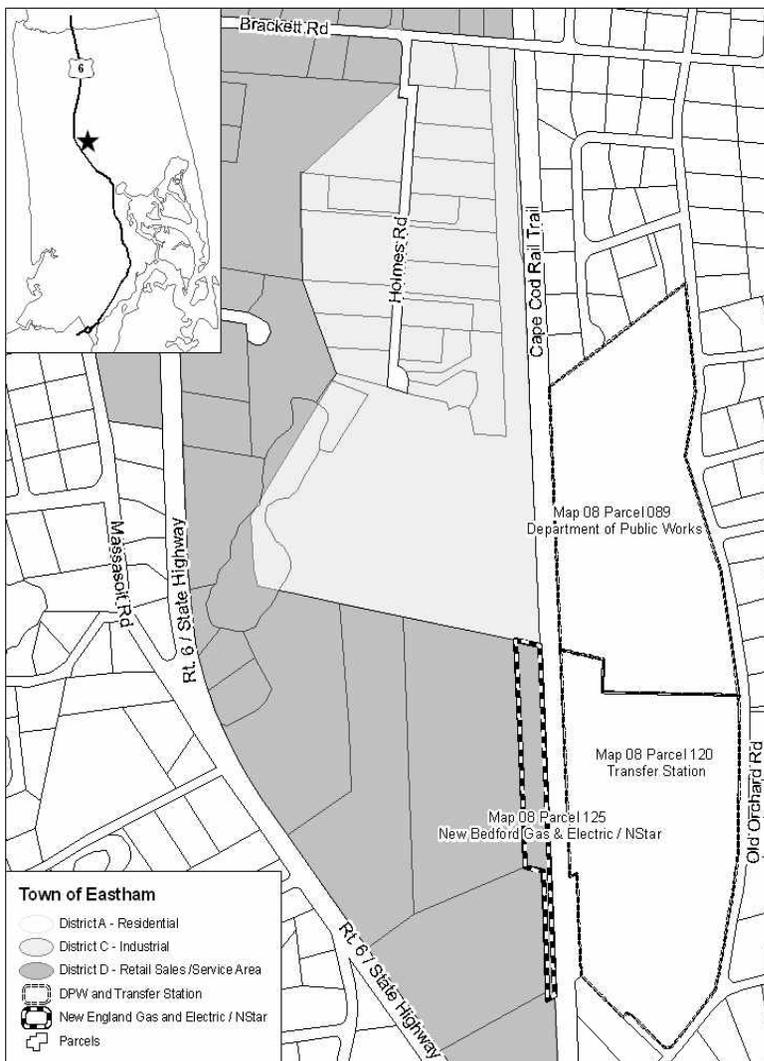
FINANCE COMMITTEE: 9-0 The Finance Committee strongly recommends approval of this Article as it represents real potential revenue of approximately \$200,000 annually. Giving the town the option of siting at least one wind facility on town property offers significant financial benefit and tax relief over the life of the installation. In addition, by replacing the fossil fuel powered electricity used in town buildings and in commercial establishments in the town with wind powered, renewable, energy, we can eliminate our share of carbon polluting the atmosphere and reduce our dependence on foreign fuel suppliers. The article provides for site plan review and public hearing input before any permits can be issued.

PLANNING BOARD: 7-0

(2/3 vote required)

ARTICLE 27

To see if the Town will vote to amend the Town of Eastham Bylaw Appendix (Zoning District Boundaries) by rezoning Map 08 Parcel 120 (Transfer Station) and Map 08 Parcel 089 (Department of Public Works) from Residential District A to Industrial District C and, further, by rezoning Map 08 Parcel 125 (New Bedford Gas & Electric/ NStar) Retail Sales/Service Area D to Industrial District C and to amend the Town of Eastham Zoning Map to reflect this change;



or take any action relative thereto.

By Planning Board

Summary:

The proposed changes to the bylaw and map would reflect the current (and historic) use of the subject properties. The designation of District C (Industrial) more accurately reflects the current use of the property.

BOARD OF SELECTMEN: 4-1

FINANCE COMMITTEE: 9-0

PLANNING BOARD: 5-1

(2/3 vote required)

ARTICLE 28

To see if the Town will vote to amend Section III of the Town of Eastham Zoning By-laws by adding the following definitions in appropriate alphabetical order:

FULLY SHIELDED LIGHT FIXTURE – A light fixture closed at the top with shielding so that the lower edge of the shield is at or below the center line of the light source or lamp so as to minimize the light rays emitted above the horizontal plane.

GLARE – Light emitted from a lamp with intensity great enough to produce a reduction in a typical viewer’s ability to see.

LAMP – A bulb, which is a component of a light fixture. It consists of an outer glass envelope and a metal base enclosing a filament or arc tube and electrodes.

LIGHT FIXTURE – A lighting device that may be secured to a wall, ceiling, pole, or post and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

LIGHT TRESPASS – The shining of direct light produced by a light fixture onto an abutting lot, parcel, or street.

MUNICIPAL WIND FACILITY - Any wind facility on Town-owned property.

or take any action relative thereto.

By Planning Board

Summary:

This article amends the definitions section of the Town of Eastham’s Zoning By-laws by adding critical definitions which will assist in clarifying limitations related to municipal wind facilities and outdoor lighting .

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 7-2

PLANNING BOARD: 6-0

(2/3 vote required)

ARTICLE 29

To see if the Town will vote to amend Section XIII of the Town of Eastham Zoning By-laws by adding after G.4, the following section:

G.5. Control of Glare and Light Trespass.

A. To the greatest extent feasible, all light fixtures shall be equipped with whatever shielding, lenses, or cutoff devices are necessary to eliminate light trespass onto any street or abutting lot or parcel and to minimize glare to persons on any street or abutting lot or parcel.

B. All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded, and directed downward, except that architectural features such as building sections, spires, American flags, or landscaping features may be up-lit to a limited extent, provided that the applicant demonstrates that glare and light trespass are minimized to the extent reasonably possible and consistent with the purposes of this bylaw.

C. All light fixtures shall also be positioned on the site so as to direct light into the site, lot or parcel and away from the property boundaries of the site and away from abutting properties.

or take any action relative thereto.

By Planning Board

Summary:

This article will require proper placement and shielding for outdoor lighting for new projects. The Site plan review provisions of the bylaw will make use of these stated limits when reviewing new projects.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-1

PLANNING BOARD: 6-0

(2/3 vote required)

ARTICLE 30

To see if the Town will vote to amend Section XII.G of the Town of Eastham Zoning By-laws by removing the following words from the first sentence, after the word Authority, “under Sections XIII, XX and XXI of this by-law,” so that it reads as follows:

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G. The Planning Board when sitting as a Special Permit Granting Authority may impose a reasonable fee on the applicant for the employment of outside consultants. Upon the selection of an outside consultant by majority vote of the Planning Board, the applicant has 30 days to appeal the selection to the Board of Selectmen pursuant to the grounds set forth in M.G.L. c. 44, sec. 53G.

or take any action relative thereto.

By Planning Board

Summary:

This article will allow the use of outside consultants when the Planning Board is acting as the Special Permit Granting Authority. This provision was previously adopted but its application was limited to Commercial Site Plan Approval and Wind Energy projects. State statute allows the hiring of such experts at the expense of the applicant.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-1

PLANNING BOARD: 6-0

(2/3 vote required)

ARTICLE 31

To see if the Town will vote to amend the Town of Eastham Zoning By-laws by deleting Section XIII.B in its entirety, and replacing it with the following:

B. PROJECTS REQUIRING SITE PLAN SPECIAL PERMITS:

- 1. No building permit shall be issued for any of the following uses unless a Site Plan Special Permit has been granted by the Planning Board. The Planning Board shall not issue a special permit until all necessary zoning relief has been granted from the Zoning Board of Appeals.

or take any action relative thereto.

By Planning Board

Summary:

This article will reverse the order in which permits are sought. Applicants will be allowed to seek zoning board approval of projects, if necessary, before incurring the expense of the more complex Site Plan Review process.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

PLANNING BOARD: 7-0

(2/3 vote required)

ARTICLE 32

To see if the Town will vote to amend Chapter 13 Section 1 of the Eastham Bylaws by eliminating the word parking so that the section reads as follows:

It shall be unlawful for any person to consume alcoholic beverages on public highways or in public parking places including vehicles thereon within the town of Eastham.

or take any action relative thereto.

By Board of Selectmen/Police Department

Summary:

This change is to correct a minor typographical error limiting unlawful consumption of alcoholic beverage consumption to parking places instead of as intended, in public places.

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 8-0

ARTICLE 33

To have the Alternative Energy Committee, or other entity, research the feasibility and financial reward of installing one or more utility-scale wind turbines, with location and aesthetic considerations. Also, to research the benefits of joining the Cape and Vineyard Electric Cooperative, especially as regards to reduced and fixed electric rates for local residents; or take any action relative thereto.

By Petition

BOARD OF SELECTMEN: 5-0

FINANCE COMMITTEE: 9-0

ARTICLE 34

To see if the Town will vote to purchase water from the Town of Orleans and establish a water system for the Town and to appropriate \$4,000,000 for establishing such a system for the Town, including, without limitation, the construction of water towers, the laying and relaying of water mains, the purchase and installation of water meters, fire hydrants and other water department equipment, and design and engineering and other costs incidental thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; to determine whether any such borrowing shall be subject to a Proposition 2 1/2 debt service exemption vote; to determine whether the Board of Selectmen should be authorized to

act as water commissioners and to exercise all of the powers of water commissioners pursuant to General Laws chapter 41, section 69B; and to determine whether the Town should accept the provisions of General Laws chapter 40, sections 42A through 42I and 42K to authorize the collection of water rates and to permit the assessment of betterments for the water supply and water distributing system; to take any action relative thereto.

By Petition

BOARD OF SELECTMEN: 0-5

FINANCE COMMITTEE: 6-3

(2/3rds vote required)

ARTICLE 35

To see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2008 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 10th day of April in the year of our Lord, Two Thousand and Nine.

Linda S. Burt
Linda S. Burt
Chair

Martin F. McDonald
Martin F. McDonald
Vice Chair

Carol F. Martin
Carol F. Martin

David W. Schropfer
David W. Schropfer
Clerk

Aimee J. Eckman
Aimee J. Eckman
BOARD OF SELECTMEN

Greetings:

In 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.

Lt. Kent J. Rolib
Constable

A True Copy Attest:

Lillian Lamperti
Lillian Lamperti, Town Clerk

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PROCEDURES FOR TOWN MEETING

In accordance with Section 2-8-2 of the Eastham Town Charter the following procedures will be followed:

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 registered voter wishing to speak at Town Meeting shall proceed to one of the available microphones. Once recognized the voter shall give his or her name and address, speak to the question for not more than three 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. Eastham taxpayers who are not registered voters may only speak at Town Meeting if permitted by majority consent of voters. Consent will be requested when any non-resident has identified himself/herself in advance to the Moderator.
4. Registered voters will be seated first. Special seating may be available for non-registered parties; however, that seating will be made available only after the Town Clerk has determined that there are an adequate number of seats for all registered voters in attendance. Voters who sit in the Non-Voter Section will not have their votes counted.
5. 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.
6. Votes may be taken by voice (Majority to be determined by the Moderator) or by a 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.
7. Only persons who have voted on the prevailing side may move to reconsider an article. Reconsideration of an article may occur only on the same night during which the article was considered.
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. The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters. Persons with handouts of any nature must be outside the building or in a designated area.

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.

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TOWN WARRANT

NOTES

