

Agenda
Board of Selectmen
January 3, 2012 4:00 pm
Town Hall Annex Meeting Room

Please Note: This meeting will broadcast live and will be available shortly thereafter for scheduled and on demand viewing. If anyone is recording the meeting, please notify the Chairman.

I. Minutes

December 20, 2011

II. Public Forum

III. New Business

- A. Shellfish Constable (Renee Gagne): Authorization to Open Muddy Creek and Champlain Creek to Shellfishing and Emergency Closure at South Beach - for Quahog Harvesting
- B. Acceptance of Bench Donation – Labyrinth Project at Chase Park
- C. Approval of Annual Licensing Renewals (non-alcohol)
- D. Chatham/Harwich Municipal Golf Courses; Consider Exploring the Feasibility of a Partnership for Shared Golf Resources; Establish Ad Hoc Committee
- E. Mitchell River Bridge Project- Update
- F. Capital Planning Review Committee (CPRC) Update by BOS Liaison as needed (Sel. Sussman)

IV. Other Business

Letter of Support for Cape Vineyard Electric Cooperative

V. Executive Session:

Litigation Update (MGL Ch.30A, §21#3)

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Town Hall Annex Meeting Room**

Members Present: Chairman Florence Seldin, Timothy Roper, Len Sussman, Sean Summers and David Whitcomb also present Jill Goldsmith, Town Manager.

Chairman Florence Seldin called the meeting to order at: 4:05 pm.

I. Minutes

December 13, 2011

MOTION by: Mr. Sussman to approve

Seconded by: Mr. Roper

Vote: 5-0-0

II. Public Forum

Ms. Seldin announced Susan Milton of the Cape Cod Times is retiring and this will be her last meeting. The BOS wishes her well.

III. New Business

- A. Committee Review – Zoning Board of Appeals, Chairman, Mr. Edward Fouhy presented the Report of the Zoning Board of Appeals. The report was updated Dec. 20, 2011. ZBA scheduled 85 hearings and public meetings through November 30, 2011.

There were seventy-six Special Permit Requests of which seventy-four were granted, twenty with conditions and three were withdrawn. There were two Requests for Modification of Existing Special Permits; both were granted with conditions.

There was one request for a Repetitive Petition, which was granted. There was one Special Permit for a Formula Business, which was granted. There were five appeals to the Sign Code Appeals Committee; all were granted.

The revenue collected for calendar year 2011 was \$16,650.00.

Mr. Sussman asked if most applications are on the residential side as opposed to commercial and if it were for additional bedrooms or general expansions.

Mr. Fouhy stated most are residential and a small percentage, approximately 20%, were for additional bedrooms with the remaining for general expansion such as.

- B. Pole Hearing 18/7 1/2 Seaview Street

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Mr. Barry Maffini, representing Verizon, requested approval of the installation of a new pole on Seaview Street to feed new the subdivision on Fairway Drive.
Mr. Whitcomb questioned if the wiring was going underground.

Mr. Maffini stated the wires would be underground on Fairway Drive.

MOTION by: Mr. Roper to approve placing a new facilities pole at 18/7 1/2 Seaview Street

Seconded by: Mr. Whitcomb

Vote: 5-0-0

C. Community Innovation Challenge Grant for Regional Permitting, Licensing and Inspection

Ed Senteio, Town of Yarmouth and Patty Daley, Deputy Director, Cape Cod Commission presented a grant opportunity for technology sharing for permits licenses and inspections among the towns on Cape Cod. They requested the BOS consider signing on to a \$500,000 Community Innovation Grant offered by the State which would serve as seed money to implement this solution. There is no risk for signing the grant application does not commit the Town to expend any dollars. OpenCape will fund the bricks and mortar - the data center, hardware, and wiring the towns over a fiber optic network. This is a competitive grant that does not require matching funds from towns.

Mr. Summers asked how the money grant money would be administered.

Mr. Senteio explained a governance group comprised of the fifteen different towns and Smarter Cape partnerships would be formed and it will decide how this gets implemented.

Ms. Daley stated the grant must be expended by Dec. 31, 2012. It has to be implemented within one year and the Cape Cod Commission has agreed to administer for the one year period.

Paul Lagg, Chatham GIS, announced the Town is expanding our web based technology and this would be a great platform. The main point is to ensure whatever regional tool is chosen is compatible with the individual towns. Most important thing is shared data. Chatham is moving in the same direction as where this grant is going.

MOTION by: Mr. Summers to support the Grant Proposal for the Community Innovation Challenge Grant

Seconded by: Mr. Roper

Vote: 5-0-0

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D. Wastewater Zoning Update

Alan McClennen, provided a background on the Flow Neutrality as it relates specifically to zero interest loans and the Town's Comprehensive Wastewater Management Program (CWMP). In 2005, water and sewer regulations and Board of Health regulations were adopted to control how development could take place in the Town of Chatham.

Nearly every town in MA has a Zoning by-law which effectively says this is the amount of development can take place within the town. In communities that are not sewered there are additional regulations that apply such as the Title V regulations dealing with on-site disposal. The Chatham BOH has adopted a provision that states for every bedroom you must have 10,000 sq. ft. of upland. The Secretary of Environmental Affairs suggested the controls in Chatham are adequate but you may want to consider additional regulations. The Town needs to ensure as it proceeds with implementation of the CWMP it doesn't inadvertently put the Town in a position where it's no longer eligible for zero interest loans.

The draft regulations remain a draft. The changes that relate to the zero interest loans are still in red. Those regulations, which are awaiting the Governor's signature, show what has to be done to prove the implementation of the wastewater plan does not inadvertently encourage additional growth. The Town needs to ensure that as the CWMP gets implemented the properties that tie into the sewer system must comply with the same regulations which are based on the Title V regulations.

Mr. McClennen submitted an amendment to the proposed by-law which would take existing water and sewer and BOH regulations and codify them and make them a part of the Zoning By-law. This zoning amendment inserts a new Section K for inclusion in the existing Zoning Bylaw. In the proposed By-law the Zoning Enforcement Officer and or the ZBA cannot bury this provision.

Ms. Seldin stated her recommendation to the BOS is to refer this back to staff for further review.

Mr. Sussman asked Mr. McClennen if the uncertainty about future growth comes down to bedroom control.

Mr. McClennen responded he doesn't believe bedrooms are the issue. He feels the issue is will unmitigated growth take place under the existing regulations.

Mr. Sussman asked what specific actions would now be prohibited that are not currently prohibited [by taking the Water and Sewer regulations and putting it into a Zoning By-law].

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Mr. McClennen replied the only reason you do this is for protection from the downside that as people become connected to the sewer system they cannot come back and say those regulations no longer apply.

Mr. Sussman questioned if the BOH regulations and the Zoning By-laws apply then would anything truly change.

Mr. McClennen explained what will change is if someone challenges the application of the water and sewer regulations to a property that is already sewerred.

Mr. Roper asked what is meant by unintended or unmitigated growth.

Mr. McClennen explained the Zoning By-law has set a maximum amount of development allowed within the town and superimpose the Water and Sewer regulations on top of that which in effect reduces the amount of development that can take place because the flow regulations are more stringent. If this current regulation is challenged by anyone who connects to the sewer by saying it doesn't apply because they are now connected to the sewer then you will have growth that was not anticipated.

Mr. Summers provided background on discussions in 2005 to imbed the regulations of Title 5 into the water and sewer regulations that were adopted by Town Meeting to prevent unintended growth. This provided the community with comfort to move forward with sewer system and provided the Town time to debate what people would like to see what happened in Town with regard to growth. He added the Town shouldn't control zoning through waste water.

Mr. Whitcomb asked about the five criteria in the O'Leary bill that the Town currently meets in order to obtain the zero percent financing.

Mr. McClennen stated the Town currently qualifies. However, the Town has to complete a do a very careful, precise build out analysis which the Town has not yet completed. In order to qualify have to show the local land use controls in effect, determine the wastewater flow from every property, Do building out analysis and prove the implementation of the wastewater plan will not incur additional growth. A lot of work still needs to be done in order to guarantee the Town will qualify for zero percent financing when the regulations become effective.

Mr. Sussman spoke about untapped potential for growth in the current zoning By-law. He suggested doing the work that needs to be done within the zoning by law rather than taking the BOH regulations which deal with health and safety and trying to control the

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size of houses by saying it's not healthy. The dimensional regulations should be reviewed to address this.

Mr. McClennen stated he is simply providing the Town with a short term solution to protect the Town in the near future. The other items mentioned by Mr. Sussman were not in his charge.

Mr. George Cooper, Co-President, Friends of Chatham Waterways, provided an overview of a letter authored by Debbie Ecker, Walter Butler, and John Sweeney to the BOS. Their opinion is more needs to be done than simply imbed the Water and Sewer Regulation into the Zoning By-law. FCW is concerned about equity between properties connected to the sewers and those that are not. FCW recommends the Town refer the issue back to staff and they take additional steps to strengthen the Town's Growth .

Mr. Summers stated the equity issue has been addressed by the flow neutral regulations.

Bill Riley, feels it is improper to incorporate flow neutral regulations into the By-law. Zoning By-law controls structural density and establishes zones for uses and creates a cap on development. What zoning doesn't do is try to control what goes on inside single family residences.

John Payson, West Chatham, questioned Mr. McClennen if passage of the proposed Zoning By-law amendment by Town Meeting establish the Title V design flows outlined in 310 CMR 203 as entitlements of sewerage flow access to the municipal sewer by right.

Mr. McClennen chose not to comment.

Mr. Payson asked for the title of the document of the draft regulation that is awaiting the governor's signature. He asked if a copy of the draft is available and if Mr. McClennen has reviewed the contents of the draft.

Mr. McClennen advised that he referred to a draft revision to 310 CMR 44.00 which is available online and has been for approximately 18 months.

Frank Messina, South Chatham, stated he generally agrees with what Mr. McClennen has put forward. This is a complex situation because there is a concern within the community, it may not be valid concern, but it was expressed at the previous meeting attended by 70-80 people. He feels the BOS has obligation to address the concern within the community. The BOS is the Water and Sewer Authority and can change regulations.

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Several members of the BOS stated they cannot unilaterally change regulations.

Mr. Messina continued a Zoning By-law requires 2/3 vote, if it does pass the community will feel confident that nothing is going to happen that wasn't anticipated. He agrees the concept of not having an appeal to any Zoning By-law would face legal challenges. He encouraged the BOS not to dismiss this and give it to the TM.

Rick Leavitt, Barn Hill Road, stated the goals of this amendment are laudable. He recommends the BOS pursue these important goals within the broader framework of the Comprehensive Plan. Patchwork legislation will lead to unintended consequences. BOS should take note of public concern and refer them to the Planning Board to ensure those concerns are properly addressed within the framework of the comprehensive plan.

Dr. Duncanson stated, at its meeting on December 19, 2011, the BOH did not take any definitive action other than asking questions of Mr. McClennen.

Mr. Richard Guilick suggested a regulation to govern sewer flow has no place in zoning. If this recommendation was adopted it would foreclose important land use recommendations in the local comprehensive plan. He recommends the matter be forwarded to the Planning Board.

Ms. Seldin stated the concern with forwarding this to the Planning Board is they are currently considering numerous articles at this time and this would be too much on their plate.

Terry Whalen announced the Planning Board currently has five articles being considered.

E. Annual Licensing Renewals

MOTION by: Mr. Roper to extend the annual licenses for Common Victualler, Lodging House, Inn Holder and Class I, II and III Auto Dealers to January 3, 2012

Seconded as amended by: Mr. Whitcomb

Vote: 5-0-0

F. Town Manager's Report

Ms. Goldsmith announced the Department reports for the month of November are included in the BOS' packet. At the December 20th department head meeting today the Town Clerk announced the first round of training for online meetings has been completed and by the end of January meetings will be posted online.

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G. Executive Session: Collective Bargaining Strategy Session (MGL Ch.30A, §21#3) - CMEA

ROLL CALL VOTE by Ms. Seldin: to adjourn to Executive Session with no public session to follow

Mr. Whitcomb: Yes

Mr. Summers: Yes

Mr. Roper: Yes

Mr. Sussman: Yes

Ms. Seldin: Yes

Vote: 5-0-0

Meeting adjourned at 6:01 pm.

Respectfully submitted

Kristin M. Sullivan



CHATHAM SHELLFISH DEPARTMENT

December 27, 2011

To: Board of Selectmen

From: Renee Gagne, Shellfish Constable

Dear Board of Selectmen,

On Tuesday January 3 of 2012, I will be seeking the Board's approval to open the area of Muddy Creek to shellfishing beginning January 10, 2012. The Division of Marine Fisheries changed the status of Muddy Creek to "OPEN TO SHELLFISHING" on December 1, 2011, though the Town has traditionally imposed a management closure to save it for winter harvesting. The area is defined as:

The waters and flats southwest of a line drawn across the mouth of the creek, as defined at low tide, and northeast of the Route 28 culverts.

I am also asking the Board to approve the opening of the area east of the bulkhead adjacent to the parking lot at the harbormaster's office on Stage Harbor on January 10, 2012. The area has been close for a number of years due to high bacterial counts flowing out from Champlain's Creek. The Division of Marine Fisheries has taken a series of test and has found the waters safe for the harvesting of shellfish for human consumption. This area will most likely be closed, along with other "CONDITIONALLY APPROVED" areas on June 1.

Also at this time, the Shellfish Advisory Committee seeks your approval on their recommendation to close South Beach to the harvesting of quahogs on the flats above the low tide line. This management closure was enacted last year over the cold winter months to protect a healthy set of quahogs comprised of a high percentage of seed (undersized quahogs). Long exposure to freezing temperatures could impact the survival of this healthy resource. I hesitate to bring this management closure before you at this time due to the unseasonably warmer than average temperatures we are experiencing and feel delaying the closure for a few weeks would suffice. Therefore, I seek your approval to close the area of South Beach specific to the flats above low tide to the taking of quahogs only, on January 15, 2012.

I look forward to discussing these matters with the Board on January 3.



TOWN OF CHATHAM
OFFICE OF THE SELECTMEN
TOWN MANAGER
549 Main Street, Chatham, Massachusetts, 02633
508-945-5100



SHELLFISH RULES AND REGULATIONS

January 3, 2012

OPEN

EFFECTIVE JANUARY 10, 2012

The waters and flats of **Muddy Creek** southwest of a line drawn across the mouth of the creek, **as defined at low tide**, and northeast of the Route 28 culverts are open to the taking of shellfish by permit holders, until further notice.

BOARD OF SELECTMEN



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SHELLFISH RULES AND REGULATIONS

January 3, 2012

OPEN

EFFECTIVE JANUARY 10, 2012

The water, flats and all tributaries of Champlain Creek northwest of a line drawn from the outermost piling at the town boat ramp northeasterly to the “No Shellfishing” sign in the marsh on the opposite shore are open to the taking of shellfish by permit holders, until further notice.

BOARD OF SELECTMEN



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SHELLFISH RULES AND REGULATIONS

January 3, 2012

CLOSED

EFFECTIVE JANUARY 15, 2012

South Beach south of the “No Shellfishing” sign located at 41°38’400N and 69°57’500W (approximately) to South Monomoy Island and above the mean low tide line is closed to the taking of quahogs only, until further notice.

BOARD OF SELECTMEN

Kristin Sullivan

From: Anne G Bonney <annegbonney@gmail.com>
Sent: Friday, December 09, 2011 12:44 PM
To: Kristin Sullivan
Cc: Richard Clifford; Dawn Tolley; Kathe Rhinesmith
Subject: Labyrinth Project --Agenda

On behalf of the Chatham Labyrinth Project and in keeping with the Board of Selectmen requirements that all gifts to The town of Chatham must be approved by The Board, Rev. Anne Bonney and Richard Clifford request to be placed on the agenda as soon as feasible.

As a compliment to the labyrinth project in Chase Park, two benches are proposed; one on the east side and one on the west side of the labyrinth, approximately 8 feet from the perimeter. The locations were determined by an on-site evaluation of compatibility with the natural landscape, other adjacent uses and in consultation with Parks and Recreation staff. The custom benches will be 8 feet long, constructed of mahogany and built by the Chatham/Harwich Newcomers Woodworkers Group. On Tuesday, December 6th, The Parks and Recreation Commission gave its unanimous approval.

A set of plans will be available prior to the assigned meeting date.

Thank you for your consideration.

Rev. Anne Bonney and Richard Clifford



TOWN OF CHATHAM

OFFICE OF THE SELECTMEN
TOWN MANAGER

549 Main Street, Chatham, Massachusetts, 02633
508-945-5100



TO: Honorable Board of Selectman

FROM: Kristin M. Sullivan, Licensing Agent

DATE: December 30, 2011

SUBJECT: Renewal of Annual Licenses (non-alcohol)

Attached are the listings for Common Victualler, Innholder, Lodging House, and Class I, II and III Auto Dealers for approval of the BOS. All licenses are valid through December 31, 2012.

KMS

Common Victualler

Common Victualler	
Asian Paradise Restaurant	1587 Main Street
Batter Up	14 Chatham Bars Avenue
Brick Block Cream	14 Chatham Bars Avenue
Buffy's Ice Cream	456 Main Street
Captain's House Inn	369 Old Harbor Road
Carmines BRB of Chatham, Inc.	595 Main Street
Carriage House Inn	407 Old Harbor Road
Chatham Beach & Tennis Club	12 Main Street
Chatham Cookware	524 Main Street
Chatham Hometowne Bakery	69 Crowell Road
Chatham Village Café	400 Main Street
Larry's PX	1592 Main Street
D'angelos of Chatham	1615 Main Street
Dunkin Donuts	595 Main Street
Dunkin Donuts	1563 Main Street
Emack & Bolio's	2 Kent Place
Hangar B	240 George Ryder Road
Marion's Pie Shop	2022 Main Street
Monomoy Coffee Company	447 A Main Street
Old Harbor Café	75 Old Harbor Road
Old Harbor Inn	22 Old Harbor Road
Pampered Palate	637B Main Street
Ridgevale Beach Snack Bar	434 Ridgevale Road
Sandi's Diner	639 Main Street
Short n' Sweet	2334 Main Street
Sweet Tomatoes Too	790 Main Street

Innholder	
Business	Address
Bow Roof House	59 Queen Anne Road
Captain's House Inn	371 Old Harbor Road
Carriage House Inn	407 Old Harbor Road
Chatham Tides Motel	394 Pleasant Street
Chatham Guest House	49 Queen Anne Road
Chatham Highlander	946 Main Street
Chatham Highlander II	958 Main Street
Chatham Motel	1487 Main Street
Cove Motel	215 Stony Hill Road
Cyrus Kent House	63 Cross Street
Forest Beach Motel	72 Forest Beach Road
Hawthorne Motel	196 Shore Road
Mary Rockwell Stuart House	314 Main Street
Moses Nickerson House	364 Old Harbor Road
Nantucket House	2647 Main Street
Old Anglers Inn	813 Old Queen Anne Road
Old Harbor Inn	22 Old Harbor Road
Port Fortune Inn	201 Main Street
Priscilla House	PO Box 2790
Seafarer Motel	2079 Main Street
Surfside Motor Inn	25 Holway Street
The Ark	137 North Skyline Drive
The Calico Cat	193 Main Street
The Moorings	326 Main Street
Whit's End Bed and Breakfast	170 Vineyard Avenue
Lodging House	
Harding House	2661 Main Street

Class I, II and III Auto Dealer Licenses

Class I	
Chatham Ford	781 Main Street
Class II	
Cape Auto Brokers	1700 Main Street
Chatham Antique and Classic Auto	
Chatham Citgo Station	211 Orleans Road
Clark's Auto Service Class II	2262 Main Street
Kelsey Auto Rental, Inc.	75 Commerce Park South
Al's Body Shop	149 Enterprise Drive
Unique Automotive Gallery	95 Commerce Park, Unit 4
William Martin	148 School Street
Class III	
Clark's Auto Service Class III	2262 Main Street

Jill Goldsmith

From: James Merriam <jmerriam@town.harwich.ma.us>
Sent: Wednesday, December 14, 2011 6:12 PM
To: Jill Goldsmith
Cc: 'C'
Subject: golf rates
Attachments: Chatham - Harwich golf rates.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jill. On Monday night, the Harwich Board of Selectmen accepted a proposal from the Harwich Golf Committee Chair Clem Smith in the context of approving the 2012 Cranberry Valley fees to offer to form a joint committee with Chatham to review and approve golf membership rates favorable to residents of both communities. Please call with any questions. Jim

Recommend the following to the Harwich and Chatham Board of Selectman:

- Form a committee to explore the feasibility of a partnership for both communities to share golf resources.
- The composition of the committee would be three members from each community, for Harwich: one selectman, one member from golf committee and the Director of Golf.
- The charge for this committee is to return a recommendation for working together by April 1, 2012.
- This date takes into account the benefit of resolving any issues prior to the May 1, 2012 membership start date.

CONTRACT – GOLF COURSE MANAGEMENT

This AGREEMENT made this 25th day of March, 2010 by and between the Town of Chatham, Massachusetts hereinafter called the Town and Sports Management Group, Inc., 209 Seaview Street, Chatham, Massachusetts 02633 (hereinafter called the Manager).

WITNESSETH as follows:

TERM AND FEE

- 1) The Town agrees to allow Manager manage the nine (9) hole golf course known as Chatham Seaside Links golf course situated in Chatham, Massachusetts for a term of Five (5) years from the _____ day of April 2010 to the 31st day of March 2015 at an annual fee as follows:

April 1, 2010 through March 31, 2011	\$93,000
April 1, 2011 “ March 31, 2012	\$98,000
April 1, 2012 “ March 31, 2013	\$103,000
April 1, 2013 “ March 31, 2014	\$108,000
April 1, 2014 “ March 31, 2015	\$113,000

Said fee is due and payable at the office of the said Town of Chatham 549 Main Street, Chatham, MA. First year payment shall be paid in three equal payments of \$31,000 payable on April 30, 2010, May 30, 2010 and June 30, 2010. All future year’s payments shall be paid in full on the first day of April at the beginning of each year.

MANAGER AGREEMENT

- 2) The Manager agrees:
- (a) that it will pay said fee at the times and in the manner aforesaid.
 - (b) that it will operate said golf course in accordance with the related specifications as outlined in the Request for Proposal, which is incorporated herein by reference and is made a part of this Agreement, and the Manager shall be bound by all terms of said proposal.
 - (c) that it will provide to the Town annual financial statements prepared by a Certified Public Accountant, certifying the revenues of the course within six (6) months of March 31 in each year.
 - (d) the golf course shall be open all year (weather permitting – this decision to be made by the Manager). The course shall be open from dawn until dusk seven (7) days per week from April 1 to November 1 and that off-season operation of the

course will be provided subject to weather conditions and/or conditions where off-season operations might adversely affect the condition of the course.

- (e) that it will pay all utility costs including water, electricity, gas, and, telephone.
- (f) that it will provide all equipment, materials, supplies, and appliances needed for operation of the course and in compliance with the aforementioned Maintenance Standards.
- (g) that it agrees to hold the Town free and harmless from any lien, judgments or encumbrances created or suffered by the Manager, and from any and all liability, penalties, losses, damages, costs and expenses, causes of actions, claims or judgments arising from injury to persons of any nature occasioned by any act or acts, omission or omissions of the Manager or of its employees, agents or servants, or contractors, and growing out of the operation of the course, and also against all legal costs and charges including counsel fees, reasonably incurred in and about such matters, and defense of any action arising out of the same or in discharging the Town from any and all liens that may be placed therein for charges by the Manager.
- (h) that it shall, during the said term, insure and keep insured in the name of the Manager and the Town, the following insurance and amounts:
 - i. Public Liability Insurance in an amount not less than three million (\$3,000,000) dollars for personal bodily injury;
 - ii. Property Damage Insurance in an amount not less than one hundred thousand (\$100,000) dollars for damage on account of any one accident and in an amount not less than three hundred thousand (\$300,000) dollars for any damage on account of all accidents;
 - iii. Workers Compensation Insurance – Manager shall be required to provide Workers Compensation Insurance in accordance with Massachusetts State Law to all persons employed under this agreement;
 - iv. Motor Vehicle Insurance – Manager shall have motor vehicle insurance in the amount of one hundred thousand, three hundred thousand (\$100,000/\$300,000) dollars for all vehicles used on said premises;
 - v. Water Pollution Liability Insurance – As required by Massachusetts Laws for pesticide application (if available). Copies of the policies of insurance shall be delivered to the Owner at the signing of this contract.
- (i) that it shall not assign the whole, or any part of, the agreement.
- (j) A Performance Bond in the amount of 100% of the value of the first year payment will be provided within (30) days of the execution of this contract by the Manager. Bond must be obtained from a surety company qualified to do business in the Commonwealth of Massachusetts and satisfactory to the Town. If Manager fails to furnish the bond required this contract will be null and void.

X

GOLF COURSE FEES

X

- 3) The parties agree that fees for the use of the course shall be determined and set by the Manager. Notwithstanding the foregoing, the fees for said use shall not exceed the following unless reviewed by the Golf Advisory Committee and approved by the Board of Selectmen:

\$19 – Nine (9) holes

\$30 – Eighteen (18) holes

Annual Membership – Taxpayers and/or Residents Only

\$300 – Single Membership

\$450 – Family Membership

Family is defined as a husband and or wife and all children 21 years of age or under principally residing in the family home.

The maximum rates may be renegotiated by an agreement, in writing, between the parties to this instrument.

- 4) The Manager shall pay for all labor performed and materials used by or furnished to the Manager or any contractor employed by the Manager and shall hold the Town and the premises harmless and free from any lien or claim of lien therefore.

DEFAULT AND BANKRUPTCY

- 5) In the event that:
- (a) The Manager shall default in the payment of any installments of fees or other sums herein specified and such default shall continue for ten (10) days after written notice thereof; or
 - (b) The Manager shall default on the observance or performance of any other of the Manager agreements, or obligations hereunder and such default shall not be corrected within thirty (30) days after written notice thereof, a mutually agreed upon completion date, or
 - (c) The Manager shall be declared bankrupt or insolvent according to the law, or if any assignment shall be made of Manager's property for the benefit of creditors, to reenter and take complete possession of the managed premises, to declare the term of this agreement ended, and remove the Manager's effects without prejudice to any remedies which might be otherwise used for arrears of payment or other default. The Manager shall indemnify the Owner against all loss of fees and other payments which the Owner may incur by reason of such termination during the residue of the term. If the Manager shall default, after reasonable notice thereof, in the observance or performance of any conditions or

covenants on Manager's part to be observed or performed under or by virtue of any of the provisions in any article of this contract, the Owner, without being under any obligation to do so, and without thereby waiving such default, may remedy such default for the account at the expense of the Manager if the Owner makes any expenditures or incurs any obligations for the payment of money in connection therewith, including, but not limited to, reasonable attorney's fees, in instituting, prosecuting, or defending any action or proceeding, such sums paid or obligations insured with interest at the rate of nine (9%) percent per annum and costs shall be paid to the Owner by the Manager as additional fees.

MANAGER'S OBLIGATION AT THE END OF THE TERM

- 6) The Manager shall, at the expiration of said term, peaceably remove itself and its equipment from the golf course and the building.
- 7) So far as the same are not inconsistent with the provisions of this contract as hereinbefore provided, the Manager, at the expiration of this lease or within a period of fifteen (15) days thereafter, shall have the right to remove all fixtures, trade or otherwise, which it has installed upon or brought to the golf course during the term of this contract.

AGREEMENTS AND CONDITIONS

- 8) All of the agreements and conditions of this contract shall accrue to the benefit of and be binding upon the respective parties hereto.
- 9) This Management Contract shall be deemed a Massachusetts contract and governed by the laws of the Commonwealth of Massachusetts.
- 10) In the event that the Owner is required to initiate legal action for any breach on this Contract, the Manager shall be obligated to pay any and all reasonable legal fees incurred by the Owner in prosecuting such an action.

WITNESS our hands and seal this 25th day of MARCH 2010.

Town of Chatham



William G. Hinchey, Town Manager

OWNER

Approved as to form:

 3-23-10

Bruce P. Gilmore, Town Counsel

Sports Management Group, Inc.



President

POB MARIA SETHOMAS
MANAGER

Client#: 14006

2CHATSE

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/07/2009

PRODUCER Dowling & O'Neil Insurance Agency 973 Iyannough Rd., PO Box 1990 Hyannis, MA 02601	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED Sports Management Group, Inc. D/B/A Chatham Seaside Links 209 Seaview Street Chatham, MA 02633	INSURER A: Praetorian Insurance Company	
	INSURER B: Guard Insurance Group	
	INSURER C: Safety Insurance Company	
	INSURER D:	
	INSURER E:	

COVERAGES

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

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	BINDER290289	05/07/09	05/07/10	EACH OCCURRENCE \$1,000,000
					DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$1,000,000
C	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	3953143	05/25/08	05/25/09	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
					BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
A	EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10000	BINDER290290	04/16/09	04/16/10	EACH OCCURRENCE \$1,000,000
					AGGREGATE \$1,000,000 \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	SPWC021950 NO	04/10/09	04/10/10	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder is named additional insured for general liability.
 Operations performed by the named insured subject to policy conditions and exclusions.

CERTIFICATE HOLDER

CANCELLATION

Town of Chatham
 Golf Advisory Committee
 549 Main Street
 Chatham MA 02633

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

E

Jill Goldsmith

From: dsantiago@dot.gov
Sent: Wednesday, December 28, 2011 10:17 AM
To: Jill Goldsmith
Cc: joseph.pavao.jr@state.ma.us
Subject: Chatham - Mitchell River Bridge - Conference Call

From: Santiago, Damaris (FHWA)
Sent: Wednesday, December 28, 2011 10:13 AM
To: 'Jim igoe'; 'Norman Pacun'; 'James Cooper'; 'Paul Brandenburg'; 'Betsy Merritt'; 'kitty@historicbridgefoundation.com'; 'Pease Boatworks & Railway'; 'Dorr Fox'; 'George Myers'; 'Don Aikman'; Lagg, Paul <chatham-ma.gov>; 'Theodore Keon'; 'David Whitcomb'; 'Florence Seldin'; 'Leonard Sussman'; 'Sean Summers'; 'Tim Roper'; 'Roberta Lane'; 'Carol Legard (clegard@achp.gov)'; 'Simon, Brona @ SEC'
Cc: Naber, MaryAnn (FHWA); Stephenson, Pamela (FHWA); Marquis, Rick (FHWA); Hoyle, Jim (FHWA); Adeyemi, Olu.A (FHWA); Arpino, Michael (FHWA); 'Pavao, Jr., Joseph (DOT)'; 'Shrimpton, Jeffrey (DOT)'; Madden, Diane (DOT); 'Bastoni, Michael (DOT)'; 'mark.shamon@urs.com'; Walsh, Kevin M. (DOT)
Subject: Chatham - Mitchell River Bridge - Conference Call

Dear consulting parties,

As recommended by the Advisory Council on Historic Preservation, we would like to hold a conference call to discuss issues raised after our submission containing the Adverse Effect Finding and draft Memorandum of Agreement for the Mitchell River Bridge replacement project.

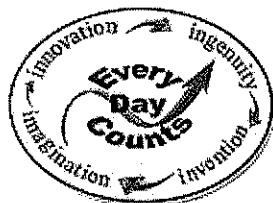
The conference call will be held on January 4th 2012, at 10am, Eastern Time.

A call-in number will be provided in advance of the meeting. Please reply to me to let me know if you will be able to participate.

Thank you,
Damaris

Damaris Santiago
Environmental Engineer

55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov



 Please consider the environment before printing this email



Preserving America's Heritage

December 19, 2011

Ms. Pamela S. Stephenson
Division Administrator
Federal Highway Administration
Massachusetts Division
55 Broadway, 10th Floor
Cambridge, MA 02142

REF: Proposed Replacement of the Mitchell River Drawbridge
Mass DOT Project File No. 603390
Chatham, Massachusetts

Dear Ms. Stephenson:

On November 10, 2011, we received your letter proposing construction of Alternative 3 for replacement of the Mitchell River Bridge, and requesting the Advisory Council on Historic Preservation (ACHP) review and comment on FHWA's Finding of Adverse Effect and draft Memorandum of Agreement (MOA). We apologize for the delay in responding, however, we wanted be sure that the views of all consulting parties were submitted before commenting on your request to move forward and to conclude the Section 106 review process.

Based upon our review of the background documentation supporting the selected alternative, we recommend that FHWA schedule a teleconference or meeting to respond to questions raised by the Indiana Historic SPANs Task Force, the Historic Bridge Foundation, the National Trust for Historic Preservation (jointly referred to as the "IHN"), and the Friends of the Mitchell River Wooden Drawbridge regarding the selection of Alternative 3. Since several consulting parties expressed concern about FHWA's decision not to select Alternative 1B, it would be productive to discuss with the signatories to the MOA and the Section 106 consulting parties whether the recommendations of IHN for modifying alternative 1B can be accommodated.

While Section 106 f does not require the concurrence of all consulting parties in the outcome, it does require that FHWA have an administrative record of its efforts to consult with other parties in matters that arise in the Section 106 process. As such, the ACHP would be remiss not to utilize the Section 106 process to try, one last time, to resolve concerns regarding the design of the replacement bridge. Further, the IHN has expressed to us that it believes the consultation process would appear truncated without this additional meeting now that FHWA has a selected a preferred option.

We appreciate the hard work of FHWA and the Massachusetts Department of Transportation (MassDOT) to develop and consider alternatives that would address the interests and concerns of all consulting

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

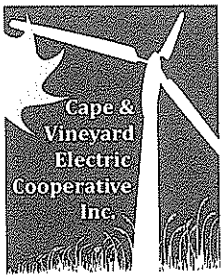
parties. FHWA's selection of Alternative 3 rather than 1B has raised concerns related to the Town of Chatham's ability to maintain the continuous line of wooden drawbridges that have spanned the river crossing for over 150 years. This continuity of material and function was determined to be an important aspect of the history of the Mitchell River span. Accordingly, if consulting parties can discuss the factors that made one replacement preferable to another, it would allow the ACHP to move forward in making a decision.

We would like to suggest that the teleconference or meeting be scheduled for the week of January 3rd. This schedule will enable FHWA to proceed with concluding its environmental reviews without protracted delays. Further, it will enable the other consulting parties to review their position based upon additional information. If you have any questions or require further assistance, feel free to contact me at 202-606-8533 or Carol Legard, our FHWA Liaison, at 202-606-8503 or clegard@achp.gov.

Sincerely,

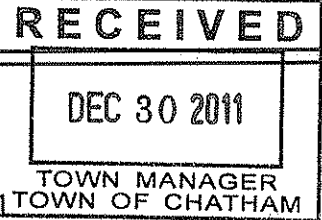
A handwritten signature in cursive script that reads "Charlene Dwin Vaughn". The signature is written in black ink and is positioned above the typed name and title.

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance
Office of Federal Agency Programs



IV. Other
BUSINESS

Cape & Vineyard Electric Cooperative, Inc.
Superior Courthouse . P.O. Box 427 . Barnstable, MA 02630
508.375.6648 . www.cvecinc.org



December 29, 2011

Ms. Jill R. Goldsmith
Town Manager
549 Main Street
Chatham MA 02633

Dear Town Manager:

Over fourteen years ago your town worked collaboratively with other Cape towns to form the Cape Light Compact ("Compact"). More recently, several towns established the Cape & Vineyard Electric Cooperative, Inc. ("CVEC"), and your town elected to join this public cooperative corporation. The Board of Selectmen, or you, appointed a resident to represent your town on each of these entities. As discussed below, the very important work of these two organizations is under attack. I am therefore writing today to request that you take time from your very busy schedule to attend the January 4, 2012 Assembly of Delegates meeting of the Special Committee on Inquiry into the Compact and CVEC in order to offer your comments and hopefully your support for the efforts of CVEC and the Compact. I am also respectfully requesting you invite each member of your Board of Selectmen to this meeting so that their comments can be heard. This meeting will be held at 2:00 pm in the Assembly of Delegates meeting room in the First District Courthouse in Barnstable Village.

Over the years the collaborative efforts of Compact have resulted in, among other things, the return of and re-investment of over \$65 million in ratepayer energy efficiency funds. Additionally, CVEC's pursuit of renewable energy projects has resulted in a contract with a vendor to develop approximately 16 MW of solar photovoltaic panels on various town lands. These solar projects will save member towns in excess of \$25.7 million dollars over the twenty-year life of the contracts and will provide the option to purchase the projects and continue to operate them for a longer period, yielding additional savings. Equally exciting is an RFP currently on the street, responses to which are now under evaluation and which may result in an even larger deployment of solar projects. Additionally, regardless of whether their town is a member of CVEC, all ratepayers will also see an estimated \$40 million savings benefit over the life of the contracts in avoided energy supply costs.

Unfortunately, the hard work and efforts of your representatives on both of these entities are being attacked by residents and non-residents of Cape Cod complaining about CVEC's pursuit and support of the Town of Brewster's wind turbine project. These complaints were cloaked in accusations of lack of transparency, conflicts of interest, openness, public participation and accountability on the part of CVEC and the Compact

(which helped to form CVEC and to fund its initial renewable energy development efforts). There can be absolutely no doubt that the real purpose of the critics was, and still is, to kill the Town of Brewster Wind Turbine project and the supporting agencies (CVEC and the Compact) behind the project.

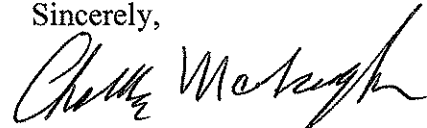
A Special Committee on Inquiry into the Compact and CVEC was established by the Barnstable County Assembly of Delegates to examine the charges leveled by the critics and hearings have been held over the last several months. The public hearing scheduled for January 4th may well be the last opportunity to present your views, and hopefully your support, of the work of and the extraordinary results achieved by the dedicated, unpaid volunteers appointed by the town to the Compact and CVEC.

In conclusion, it is my unwavering view that all of the town representatives to the Compact and CVEC, together with staff and advisors, have worked tirelessly to achieve the goals of each organization in order to directly benefit the member towns and ratepayers. These individuals have at all times conducted themselves scrupulously within the bounds of Massachusetts General Laws and according to the highest ethical standards.

It is vitally important that your opinions be heard on the subject of the inquiry. I urge you to attend the January 4th meeting in support of the efforts of your representatives, who have volunteered countless hours to advance energy efficiency, lowered costs, rate stabilization and predictability, and renewable energy on Cape Cod, and to call upon the Assembly to conclude its inquiry so that the Compact and CVEC boards and staff can concentrate on the important challenges which lie ahead.

Thank you for considering my comments.

Sincerely,



Charles S. McLaughlin, Jr.
Town of Barnstable CVEC
Director
President of CVEC

Jill Goldsmith

From: Peter Cocolis <pkcocolis@hotmail.com>
Sent: Friday, December 30, 2011 7:53 AM
To: 'Florence seldin'; Jill Goldsmith
Cc: Kristin Sullivan; Robert Duncanson; John Scott
Subject: RE: Assembly of Delegates Jan. 4 Meeting

I apologize for sending this prematurely – haste makes waste. John Scott is on the CVEC Board and probably received the letter from Maggie also. The information I have readily available on CLC and CVEC savings for Chatham follow:

- FROM the CVEC PRESS RELEASE: Chatham joined CVEC in 2010. In 2011, CVEC announced the award of a solar PV project to American Capital Energy (ACE). The 18.3 MW project will be located at 10 proposed sites in 7 CVEC member Towns on Cape Cod and Martha's Vineyard with \$1.42M in savings the first year. The respective Chatham numbers are 1.75MW with a \$148,742 savings the first year. The project has been approved by the Chatham Planning Board and commercial operations expected the summer of 2012. The financing for this large scale renewable energy project will not affect the towns' individual debt obligations. All the town projects will be financed and maintained by CVEC with Chatham and the other towns signing a Power Purchase Agreement at a fixed rate for their electricity use.
- 2010 CLC data: A member of the Energy Committee is Chatham's representative to the cape-wide organization, **Cape Light Compact**. CLC is funded in part by a small surcharge on electric bills. It competitively negotiates residential and municipal electricity rates and provides grants to fund energy conservation projects. CLC funded the installation of energy efficient pumps at Chatham well sites, **and it will subsidize** an efficient HVAC system at the new police station. CLC has also funded more efficient lighting at the community center and energy audits for Chatham households. Overall the Compact provided approximately \$306,961 and brought savings to 360 participants of \$86,526 or about 432,629 kilowatt-hours. Eighteen Chatham small businesses received incentives of \$78,457.41 and realized energy savings of 109,802 kilowatt-hours.
- The subsidized amount for the Police Annex mentioned above has either arrived or will shortly – I heard it is expected to be around \$60K.
- In 2011, Chatham Bars Inn is working with CLC to replace existing lights with LED types – at a considerable savings – I need to get the amount.

I will get back with more data.

Peter

From: Peter Cocolis [mailto:pkcocolis@hotmail.com]
Sent: Friday, December 30, 2011 7:31 AM
To: 'Florence seldin'; 'Jill Goldsmith'
Cc: 'ksullivan@chatham-ma.gov'; 'Robert Duncanson'; John Scott (johnhscott@comcast.net)
Subject: RE: Assembly of Delegates Jan. 4 Meeting

Florence/Jill,

I will attend the Assembly of Delegates meeting and plan to speak as a CLC Board member. A letter from the town is appreciated and appropriate given our positive experiences with CLC and CVEC.

I'm traveling today and part of tomorrow, but will make it back by First Night. The following is some data you can use – I do not have the specifics on all the Town's savings in 2011, since they normally send it out later in January. I will ask them to send it to us ASAP.

From: Florence seldin [<mailto:florencecape@comcast.net>]
Sent: Thursday, December 29, 2011 6:31 PM
To: Jill Goldsmith
Cc: Peter Cocolis; ksullivan@chatham-ma.gov; Robert Duncanson
Subject: Re: Assembly of Delegates Jan. 4 Meeting

We could certainly send a letter indicating Chatham's experiences with CLC and CVEC. These have been very positive saving money for both individual homeowners, businesses and certainly the Town.

Jill, Peter and Bob could probably provide dollar amounts should they not be in the file somewhere. Peter has reported to BOS several times.

Florence

On Dec 29, 2011, at 1:00 PM, Jill Goldsmith wrote:

Florence/Peter – I received this request below to provide comments or a letter of support for the Cape & Vineyard Electric Cooperative (CVEC). This week, the Town and American Capital Energy received notice of MADEP approval of the solar voltaic array proposed for the capped landfill. I am not familiar with the issues surrounding the Brewster Wind Turbine, but please let me know if you want to add this to the BOS agenda for 1/3/12 or I can send a letter under my signature. Thx

Jill R. Goldsmith
Chatham Town Manager
549 Main Street
Chatham MA 02633
508.945.5105 ph
508.945.3550 fx
774.212.6066 cell
www.chatham-ma.gov

Kindly remember that the Secretary of State has deemed most email a public record.

From: Maggie Downey [<mailto:mdowney@barnstablecounty.org>]
Sent: Thursday, December 29, 2011 12:51 PM
To: Jill Goldsmith
Subject: Assembly of Delegates Jan. 4 Meeting

Attached please see a letter from Charlie McLaughlin, President, CVEC.

Charlie is requesting your support and for you and the members of the Chatham Board of Selectmen to attend the January 4th Barnstable County Assembly of Delegates Subcommittee meeting on the inquiry into the activities CLC & CVEC.

The meeting will be held Wednesday, January 4th at 2:00 PM in the Assembly Chambers located in First District Courthouse.

I also strongly encourage you to attend this meeting and speak under the public comment section of the meeting, or submit a letter to the subcommittee along the lines of attached letter.

If you have any questions, please let me know.

Maggie

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FUTURE BOS AGENDA ITEMS as of December 28, 2011

Tuesday, January 10 at 4:00pm

- Committee Review:
- Economic Sustainability (Development) Committee; Establish Advisory Committee and Set Mission/Charge
- Town Manager's Report
- Executive Session: To consider the purchase, exchange, lease or value of real property (MGL Ch.30A, §21#6)

Tuesday, January 17 at 4:00pm

- FY13 Budget – Town Manager's Budget Message

Tuesday, January 24 at 4:00pm

- Local Comprehensive Plan Status – All Departments/Committees
- Wastewater Project Update – Quarterly
- FY 2011 Auditor's Report

Pending

Note: Committee Reviews – 2nd meeting of every month
Water and Sewer – Quarterly (or more frequent as needed)
Wastewater Project Update – Quarterly (March 2012)

Future

- BOS/CPRC: Review of Coordination & Communications
- Cable TV Channels 17/18 Update by Terry Duenas, Cape Cod Media Center
- Council on Aging Expansion Study
- Depot Street Fire Headquarters/EMS Options
- Ethics Training
- Film Permit Process (end of January)
- Fish Pier Permitting
- Hawkers/Vending Permit - Mobile Food Business Regulations (*February*)
- Media Relations Policy
- Mooring Fees (January)
- Open Cape Advisory Committee - charge & membership
- Open Meeting Law- Updates
- Outside Consultant Hiring: Standards & Procedures
- Regional Dispatch - County Sheriff's Operation
- Ryder's Cove Landing/Park
- Upwelling Facility (Overview of Operations – Shellfish Advisory Committee)
- Vendors/Sales of Goods on Town Property and Sign Policy/Regulations (*February*)
- Wastewater (Sewer) Construction Project – Mitigation/Advertisements

Periodic Updates

- Annual: Affordable Housing Trust Guidelines