



Board of Selectmen

2015 AUG 21 AM 10:44

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, August 25, 2015 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

- I. **Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. **Public Hearing(s) [7:05]**
 - A. Proposed amendment to combine Marina Regulations and Mooring Regulations [Marina Advisory Committee] *hearing continued from 8/11/15*
- III. **Licenses/Appointments/Reappointments/Use of Town Property**
 - A. Licenses
 - B. Appointments
 - 1) Laecio T. De Oliveira to Full Time Police Officer with term ending August 25, 2016.
 - 2) John Wolf to the Marina Advisory Committee to fill unexpired term to June 30, 2018. Currently an alternate member.
 - 3) Captain David Stamatis to Marina Advisory Committee Alternate Member with term ending June 30, 2018; one vacancy available
 - 4) John Martens to Marina Advisory Committee Alternate Member with term ending June 30, 2018; one vacancy available
 - C. Reappointments
 - D. Use of Town Property
 1. Request of Paul Curley of American Lung Association to use White Crest Beach parking lot on September 27, 2015 from 8 am to 11 am for the 31st Annual Escape Bike Trek; event fee TBD.
- IV. **Business**
 - A. Mayo Creek Restoration Committee status update [Riehl]
 - B. Appointment of a screening committee to screen applicants for the Treasurer position [TA]
 - C. Consent for Town Counsel's representation of Towns of Provincetown, Eastham, Wellfleet and Truro in connection with Police Mutual Aid Agreement [TA]
 - D. Acceptance of Aid to Firefighters Grant for self contained breathing apparatus.[Fire Chief]
 - E. Discussion of possible liability insurance requirement for aquaculture grants [Murphy]
- V. **Town Administrator's Report**
- VI. **Future Concerns**
- VII. **Correspondence and Vacancy Report**
- VIII. **Minutes [August 11, 2015]**
- IX. **Executive session**
 - A. Wellfleet Employees Association Unit B - Appeal of grievance denial to the Board.
- X. **Adjournment**



TOWN OF WELLFLEET

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To: Board of Selectmen
From: Harry Sarkis Terkanian, Town Administrator
Subject: Revised Marina & Mooring Regs
Date: August 17, 2015
CC:

In light of the uncertainty at the August 11, 2015 Board of Selectmen's meeting I have gone through the proposed regs that were before the Board to understand how they are organized and to identify what, if anything has changed. There are three areas (indicated by *italics*) where amendment is necessary to correct technical or typographical issues. Items which are new are indicated in **bold**. I have the following observations and comments.

If the proposed regulations are approved by the Board, the revision date in the title and definitions should be the date the revisions are adopted by the Selectmen.

The definition of "Enforcing Agents" now includes the addition of "or their appointees."

The definition of "Wellfleet Waterways" is new.

II General Rules, subsection C. adds the words "failing mooring" before lines.

II General Rules, subsection K now refers to "consumption" rather than "use" of alcohol.

III Mooring Regulations introductory paragraph is slightly revised for readability.

III Mooring Regulations, subsection D, item 3 (dinghy/tender stickers.) This section is new.

III Mooring Regulations, subsection E, item 3. \$50 fine used to be \$15/vessel plus \$5 per diem with a max of \$150. Changed to ease administration and because the per diem fines occasionally added up to a punitive amount which was difficult to collect.

III Mooring Regulations, subsection H, item d, (live aboards.) This section is new.

III Mooring Regulations, subsection I, item a. A definition of "Service vessels" has been added.

III Mooring Regulations, subsection I, item d used to apply only to vessels > 100 sq. feet. This change is consistent with navigational rules which require an all around white light to be displayed at night by vessels anchored outside a designated anchorage.

IV Fees, subsection A, item 2 has the word "transients" added.

IV Fees, subsection A, item 3. The definition of "season" is new. The old regulations use the term "year." Different fees apply during the "off" season.

IV Fees, subsection C which covers cancellation of rental agreements should be amended to include the words "or lease" after the words "rental agreement" in the first sentence.

Language in the current mooring regulations (section 3. D) on lease cancellation was not carried forward as a separate provision.

IV Fees, subsection F first sentence now uses "season" instead of "year" (See previous comment on Fees subsection A item 3.)

V Safety, subsection B should read "Owners should prepare for storms and high winds when expected" rather than "and expected." This paragraph also appears to be revised for readability.

VI Sanitation, subsection A "during office hours" added at the end.

**TOWN OF WELLFLEET
MARINA AND HARBOR RULES AND REGULATIONS
INCLUDING MOORING REGULATIONS
Revised February 2015**

THESE REGULATIONS SHALL SUPERCEDE ALL PREVIOUS REGULATIONS

The Town of Wellfleet welcomes those who will use the facilities and services of the Wellfleet Marina. For the benefit of all who use these facilities, the following Rules and Regulations have been established in order to provide the most efficient and optimal utilization of the harbor, to provide for the safety of moored and berthed vessels and those using them, to protect the environment and water quality, and to provide space of all users of the harbor.

Any person wishing to view or copy The Town of Wellfleet Marina Rules and Regulations, Slip and Mooring holders' names List, Slip and Mooring Waiting Lists, Marina Fee Schedules, or The Town of Wellfleet Harbor Management Plan may do so at The Town of Wellfleet Marina Harbormasters Office, Town Pier, Wellfleet, Massachusetts. This information is also available on the town website: www.wellfleet-ma.gov

I. DEFINITIONS

"Berth"- the space allotted to a vessel tied up at the L-Pier.

"Commercial vessel" – Vessel used to make a profit or to provide a livelihood or means of employment for the applicant. Charter boats, shell fishing boats and skiffs used to make a living are considered commercial.

"Enforcing Agent"- Harbormaster, Assistant Harbormaster, and the Wellfleet Police Department or their appointees.

"Fee Schedule"- a fee schedule for all charges relating to the Marina. This will be published by February 1st of each year beginning in 2011. Checks or money orders should be made to the Town of Wellfleet and paid to the Harbormaster or his assistant. The schedule will be posted on the Town of Wellfleet's website under the Marina heading and in the Harbormaster's office.

"Harbor" shall hereinafter refer to the embayment or bay defined as the area from Billingsgate Shoal to Jeremy Point to Great Island and clockwise around the shore to - around to Lieutenant Island to the Wellfleet/Eastham town line and back across the water to Billingsgate Shoal.

The "Harbormaster" is the person authorized to supervise the Marina and Harbor and enforce the Rules and Regulations relating to both. The duties and responsibilities of the Harbormaster herein stated conform to the Harbormaster duties and responsibilities as stated in applicable sections of Massachusetts General Laws, Chapter 90B, Chapter 91 and Chapter 102.

"Lease" - a contract granting the seasonal use of a slip, berth, or mooring to a vessel owners in the Marina or Harbor. This may be renewed as indicated in the Marina and Harbor Rules and Regulations.

"Length" or "LOA" (Length Over All) shall refer to the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, or other similar fittings and attachments that are not part of the hull envelope.

The "Marina" is a collection of wharves, docks, slips, and moorings designed around a protective sea-wall located within the area of Chipman's Cove, Duck Creek, and extending to a line from the outer end of the breakwater to the first groin northwest of the L-Pier in Wellfleet Harbor.

"Mooring" - space allotted in the Marina or Harbor for securing a vessel by anchor.

"Owner" - ~~the~~ owner of any vessel berthed, moored, docked or using the Marina or Harbor or the authorized representative of the owner.

"P & I insurance" - property and indemnity insurance for vessel owners, contractors, and charterers against liability arising out of the operation of the vessel for loss of life of any person, illness or injury to passengers and crew, damage to cargo while loading carrying or unloading cargo, damage to piers and docks, and removal of wreckage as required by law.

"Rental Agreement" - short term rental agreement allowing transient vessels access to a slip, berth, or mooring on a daily or weekly basis

"Resident" - any individual able to demonstrate residence in the Town of Wellfleet by showing a current real estate tax bill, rental payment slip, or valid lease for residential property with the Town.

"Rules and Regulations" - the Town of Wellfleet Marina and Harbor Rules and Regulations including mooring regulations as updated and revised in February 2015.

"Slip" - the space allotted to a vessel docked in the Marina other than at the L-Pier.

"Taxpayer"- any individual listed as a property owner in the Wellfleet Assessor's Office with property having a minimum annual tax amount owed of \$400.00.

"Town" shall hereinafter refer to the Town of Wellfleet acting by and through its authorized representatives.

"Vessel" shall refer to watercraft of every description used or capable of being used as a means of transport of persons or property.

"Wellfleet waterways" means areas outside the Marina proper and within Wellfleet territorial boundaries.

2II. GENERAL RULES AND REGULATIONS

A. All vessels, persons, and vehicles entering or using the Wellfleet Harbor and/or Marina shall be governed by the Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations, and orders of the court, if any, concerning the operation of vessels and the use of piers, slips, berths, and moorings, including, without limitation, those promulgated by the United States Coast Guard (USCG), the Environmental Protection Agency (EPA), the Massachusetts Division of Environmental Protection (DEP), the Department of Homeland Security (DHS), the Commonwealth of Massachusetts, and the Town of Wellfleet.

B. When a vessel enters the Marina or Harbor area, it immediately comes under the jurisdiction of the Harbormaster and shall be secured only where assigned and maneuvered as directed. The speed limit for all vessels within the limits of the Marina shall be no more than 5 miles per hour, and vessels shall leave no wake. Vessels and persons shall obey all lawful commands of the Harbormaster or the Harbormaster's assistants.

C. Only vessels in good condition, as determined by the Harbormaster, and under their own power, shall be admitted to slips, moorings, and berthing areas. In the event of an emergency during the owner's absence, i.e., breakdown of bilge pump, leaks, failing mooring ~~bad~~-lines, etc., the vessel owner will be assessed a reasonable charge for any emergency service rendered.

D. To be admitted and to continue as an occupant of the Marina or Harbor areas a vessel must be actively used for pleasure, commercial fishing, shellfishing and aquaculture, chartered fishing, or sightseeing trips and must be registered, identified, marked, equipped, and operated and maintained as required by law and standard practice and subject to periodic inspection by the Harbormaster to determine the maintenance of proper safety conditions.

E. All vessels will be secured in their assigned space or mooring in a manner acceptable to the Harbormaster. For information regarding and regulations specific to moorings refer to Section 4 of these regulations.

F. -Liability insurance or P&I insurance in an amount of at least \$250,000 shall be required on all motorized or self-propelled vessels over fourteen feet in length whose owners lease slips, berths, moorings, or seasonal launch privileges in the Marina or the Harbor. A certificate of insurance from the insuring agent naming the Town of Wellfleet as "additional insured" must be submitted to the Harbormaster before the lease is granted.

G. The owner (and guests for whom he is responsible) agrees to conduct himself at all times when in the Marina, or on any vessel operating in the Marina or Harbor, so as to create no annoyance, nuisance or hazard to the Marina or Harbor or to any other persons.

H. The fueling of vessels, except in designated areas, is prohibited in the Marina.

I. The Marina does not provide launch service.

J. Registration with the Harbormaster or his representative is required for overnight stays, at any time, on any vessel within the Marina or Harbor.

K. The useconsumption of alcoholic beverages is prohibited on any Town landing, float, pier, building, or parking areas owned by or under the jurisdiction of the Town.

3. FEES AND LEASES

~~A. Fees for leasing or renting slips, berths, or moorings shall be based on the published schedule and shall be paid in advance to cover a full season or part thereof. Leases shall not be canceled unless a suitable replacement can be obtained promptly and new fees collected. After the new fees are collected, proportional reimbursement for the unused seasonal lease will be made or, in the case of a lease for a portion of the season, an amount equal to the fees received will be reimbursed. All such reimbursements will have a ten percent administrative fee deducted.~~

~~i. Each owner or operator leasing space in the Marina or Harbor is responsible for providing the Harbormaster with a current and accurate "address of record" annually.~~

~~ii. Daily rates for transients start at 12 noon. Check out time is 12 noon of the following day.~~

~~iii. The season runs from May 15 to October 15 every year. For operations~~

outside that time frame, see the Harbormaster or his assistants and consult the fee schedule.—

—iv. The fee schedule is revised annually. Check at the Harbormaster's office for the latest revision.—

B. To be eligible for "Taxpayer" rates an applicant must qualify as a taxpayer as defined above.

C. In the event of violation of Marina and Harbor Rules and Regulations, the Harbormaster may cancel a rental agreement on twenty four hours notice providing that the renter has made no effort to correct the identified problem when called to his/her attention. Refusal to correct a problem upon notification by the Harbormaster or Assistant Harbormaster will lead to immediate steps for removal of the vessel as set forth in Section 9—Vessel Removal Procedures, except that the notice provisions of Sections 9A and 9B will not apply. Reasons for such cancellation include, but are not limited to, violation of Wellfleet Marina and Harbor Rules and Regulations and non payment of fees when due.—

D. The Harbormaster has the right to revoke a lease for any violation of the Town of Wellfleet Marina and Harbor Rules and Regulations, including the non payment of lease fees when due. Revocation shall follow the process outlined in Section 9—Vessel Removal Procedures.—

E. The Harbormaster has the right to reassign slips, berths, and moorings for best utilization of Marina and Harbor resources.

F. Subleasing of slips, berths and moorings is strictly prohibited.—m

G. A lease holder's vessel may be absent for one year from a slip, berth or mooring provided the lease fee for the season during which the vessel is absent has been paid in full in advance of that season.

H. Marina leases are transferable only under the following circumstances:

—
i. Commercial slip, berth or mooring requests shall be put in writing and presented to the Harbormaster. Transferees must meet at the minimum the following criteria:

a. When a commercial fishing vessel 35 feet or longer is sold and currently

~~occupies a slip, berth or mooring that slip, berth or mooring may be transferred to the new owner of the vessel.~~

~~b. The vessel being sold shall remain a commercial fishing vessel. It cannot revert to sport fishing or other type of commercial venture.~~

~~c. Applicant shall be a Wellfleet resident.~~

~~d. Applicant shall have held a Wellfleet and/or state commercial fishing license for a minimum of five years.~~

~~e. Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.~~

~~ii. In the case of the death of a slip, berth, or mooring lease holder, the lease may be transferred one time only to the surviving spouse of the lease holder and will be terminated upon the death of the said surviving spouse. In the event that the lease holder does not have a surviving spouse at the time of his/her death, the lease will be terminated at the end of the then current season, or, if the lease holder dies prior to the start of the season, the lease will be terminated immediately and will not be renewed. Such transfer may be to an individual only and not to any trust, corporation, or other entity.~~

~~All requests for slip, berth, and mooring transfers are subject to prior review by the Marina Advisory Committee. This review does not include transfers referred to in H ii above. Recommendations by the Harbormaster and the Marina Advisory Committee will be presented to the Board of Selectmen for a final decision on the transfer.~~

2.III. MOORING REGULATIONS

It shall be the responsibility of the applicant/boat owner to ensure compliance with the law and these regulations.

~~These regulations/specifications are the minimum and boaters may exceed same except where it would be unsafe or hazardous to do so. Each boater is encouraged to contact their own specialist in such matters for advice as may relate to the particulars of their vessel and location. While the Town has made reas~~While the town has made reasonable ~~attempts to develop specifications believed proper, they are not a guaranty or assurance of a safe mooring, safety or assistance. Due to weather, use, and other factors over which the Town has no control, ultimate responsibility and liability rests on the individual boat owner.~~

A. MOORING PERMITS:

(For a chart of the Town Mooring Basin and the Federal Anchorage, see Appendix A.)

1. Any person wishing to moor a vessel in the Wellfleet Harbor mooring basin or Wellfleet waterways must first obtain permission from the Harbormaster to place and maintain such a mooring. Mooring assignments will be fair and equitable and open to all and assigned on a first-come, first-served basis.

2. All moorings must be registered with the Harbormaster Department. All applications for moorings in the Town of Wellfleet must be submitted in writing on an approved form from the Harbormaster Department..

3. All mooring permits are issued for the exclusive use of the vessel indicated on the permit. The use of the mooring by any other vessel is prohibited and will be grounds for the revocation of the mooring permit. Mooring permits are issued for one boat per mooring.

4. Moorings assigned to a service company or corporations are to be used for the mooring of the company's boats only and for no other purpose. Any deviation will result in the loss of said moorings.

5. Falsifying information on a mooring permit application or failure to submit a fully completed mooring permit application shall be cause for denial or revocation of such application.

6. Vessel owners are required to submit the following documentation with new applications or renewal applications when applicable.

a. Copy of the state registration or documentation of the vessel.

b. Completed mooring application.

c. Proof of insurance as defined in Marina Rules and Regulations.

B.

~~4.~~ COMMERCIAL VESSELS

~~1.A.~~ On the south facing portion of the L-Pier, no vessel longer than 75' in length (LOA) will be accommodated. Any vessel over that length may be directed by the Harbormaster to anchor in a designated area, if and as available, as determined by the Harbormaster.

~~2B.~~ In addition to liability or P & I insurance, all commercial vessels are required to maintain oil spill insurance coverage and a certificate of insurance from the insuring

agent must be submitted to the Harbormaster annually.

~~3C~~. Fueling of vessels from the fuel truck is permitted in the designated area only. The ~~fueling~~ vessel being fueled must be tied in the fueling area and the hose will not be allowed to pass over any rafted vessels. Violators will be subject to a fine of \$100, and repeat violators risk losing all Marina and Harbor privileges.

~~4D~~. No part of the Marina or Harbor, ashore or afloat, nor any vessel therein shall be used for the conducting or solicitation of business of any kind except for the normal operation of commercial fishing, charter fishing or sightseeing vessels, and no signs or other advertising material will be permitted without the permission of the Harbormaster, who will control size and placement. Nothing in this section shall prohibit an owner from contracting for or using such services as his vessel may require from the businesses or resources regularly available in the area or to him privately.

~~E5~~. -See Fee Schedule for unloading fees for commercial vessels on the L-Pier.

~~F6~~. Transient commercial vessels may rent dock space, if available, at the discretion of the Harbormaster.

C. MOORING SPECIFICATIONS

1. All moorings shall meet the minimum standards before placement. These standards are for normal weather conditions. In case of gale winds, hurricanes, or extreme tides it is the mooring owner's responsibility to ensure certain precautions are taken. (See storm precautions in Section V, B.) The Town of Wellfleet realizes that mooring loads are variable, that it is impossible to say all boats of equal length require the same size mooring and that such standards cannot be applied to all boats. The Harbormaster reserves the right to require a boat owner to increase the minimum mooring standard for any vessel should the Harbormaster feel the minimum standard would be inadequate for the vessel because of unusual design, but not limited to excessive weight, windage, or draft.

2. All moorings minimum sizes:

<u>Length of vessel</u>	<u>Mushroom</u>	<u>mooring Chain size</u>	<u>Line size</u>
<u>14' - 16'</u>	<u>#75</u>	<u>5/16"</u>	<u>1/2"</u>
<u>17' - 19'</u>	<u>#100</u>	<u>5/16"</u>	<u>1/2"</u>
<u>20' - 25'</u>	<u>#150</u>	<u>3/8"</u>	<u>5/8"</u>
<u>26' - 30'</u>	<u>#200</u>	<u>1/2"</u>	<u>5/8"</u>

31' – 40'

#250

½"

¾"

3. All moorings must use mushroom anchors. All pennants shall be made of non-floating line.

4. Pennant length shall be two times the free board at the bow plus the distance to the mooring cleat.

5. Pennants shall have proper chafing gear so as to cover an area one foot either side of the bow chocks.

6. Total length of chain and line shall be three times the depth at mean high water. The length of the chain should be a minimum of six feet and a maximum of ten feet.

7. All chains, shackles, shackle pins, line, thimbles, swivels, buoys and pennants shall be in good condition and of proper size.

8. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.

9. Moorings found to be inadequate to the Town of Wellfleet specifications shall be corrected immediately. Responsibility and liability for corrective action rests with the individual boat owner.

10. Mooring buoys shall be inflated, formed, molded, or fabricated from white Styrofoam, rubber, plastic or fiberglass. Each buoy shall be white with a one-inch horizontal blue stripe. The first three (3) letters of the permit holders last name, three inches high, in a contrasting color shall be visible at all times.

D. MOORING TAGS AND BOAT STICKERS

1. Each permitted mooring shall have attached on the mooring buoy, above the waterline and visible at all times, a numbered annual mooring tag issued by the Harbormaster Department.

2. Each vessel for which a mooring permit has been issued shall have attached on the stern in a visible location, an annual sticker issued by the Harbormaster Department. The sticker shall display the mooring permit number, vessel registration or documentation number, make, length, color and owners name.

3. Each owner having a mooring permit may pick up a free sticker for his/her tender at

the Harbormaster's Office. Tenders without stickers will be ticketed. Please note that part of the Town's Environmental Protection legislation includes a "Small Vessel Identification and Permitting Program (Section 2.06)" The rule states that all such vessels must be stored in assigned areas and have a sticker, or they may be removed and the owners fined.

E. CANOES AND BOATS IN GREAT PONDS:

1. No boats, kayaks, or canoes may be left on or moored off of public landings at any great pond in the Town of Wellfleet with the exception of Gull Pond Landing.

2. All boats, kayaks, and canoes at Gull Pond must have a Town of Wellfleet boat sticker as described in the regulations. (See Section D and the Town's Environmental Protection Regulations, Section 2.06. This is available on the Town website under the Conservation Commission heading.)

3. Any boat, kayak, or canoe left or moored at Gull Pond without a boat sticker or at any other great pond will be confiscated by the Town and if unclaimed after six months from the date of confiscation may be sold at auction.

Confiscated boats, kayaks, or canoes may be claimed by their owners

i. After proper identification and

ii. At the convenience of the Harbormaster or Beach Administrator and

iii. Only during regular business hours: 8AM TO 4PM, Monday through Friday

The owner must pay a fine of \$50 before any confiscated vessel can be returned. The Town of Wellfleet is not responsible for any theft or damage to any confiscated vessels.

FE. PLACEMENT OF MOORINGS IN THE TOWN OF WELFLEET/CORPS OF ENGINEERS MOORING BASIN:

a. No mooring shall be placed, altered or shifted except under the direction of the Harbormaster. The Harbormaster may relocate permitted moorings if in his opinion it is warranted due to congestion, to ease navigation, or as a measure of public safety.

b. Renewal applicants will be reassigned their previous mooring location.

c. New moorings are assigned on a "move up" policy, based on date of application, physical characteristics of the boat and purpose of the boat, whether commercial or recreational. The Harbormaster Department shall maintain a mooring waiting list

providing for the fair and equitable distribution of mooring assignments open to all and assigned on a first-come, first-served basis. Persons making application for a different vessel from that of the previous year will not automatically be granted space. If the new vessel is larger than the capacity of the original mooring space, an effort will be made to effect a switch in the mooring space, but there is no guarantee that this can be done. If there is a decrease in boat size, a switch may be made to assure the best overall use of the mooring basin.

d. The Town of Wellfleet is under no obligation to provide any applicant specialized space. The Harbormaster Department will do its best to accommodate within the framework of available space and physical situation prevailing at any given time.

e. All moorings shall be removed at the end of the boating season except those with commercial uses. These may remain with the written permission of the Harbormaster Dept. All other moorings may be removed at season's end by the Harbormaster Dept. at the owner's expense.

F. G. PLACEMENT OF MOORINGS IN WELLFLEET WATERWAYS:

a. No mooring shall be placed within 200 feet of a public recreational beach at mean high water.

b. No mooring shall be placed within 100 feet of the nearest edge of a marked channel or federal channel.

c. No mooring shall be placed nearer than 50 feet from the any other mooring.

d. No mooring shall be placed on any private property other than that of the applicant if the owner of the property objects.

e. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.

f. No mooring shall be located so that a boat lying on it shall be less than 50 feet from a licensed shellfish area (grant) designated by the Shellfish Constable. This restriction shall not apply to moorings permitted to the licensee of a grant and placed within or adjacent to said grant.

H. G. TRANSIENT MOORINGS:

The Town of Wellfleet shall maintain eighteen transient moorings available for use from May 15 to October 15. They shall be used for transient vessels only and in the following

manner. Fifteen moorings are to be placed on the northern end of the dredged basin.

Three shall be 500# mushroom anchors with a maximum vessel length of 55 feet.

Three shall be 300# mushroom anchors with a maximum vessel length of 32 feet.

Nine shall be #200 mushroom anchors with a maximum vessel length of 25 feet.

The Town of Wellfleet Marina shall also maintain 3 or more transient moorings in the area of the harbor southwest of the breakwater and west of Buoy R 12 and the navigation channel for vessels not wishing to moor within the Marina. All transient buoys shall be marked "TRANSIENT" and numbered.

a. A fee shall be charged for the use of transient moorings. (See fee schedule on Town website.)

b. Reservations and assignment of transient moorings shall be made by the Harbormaster Department depending on availability and on a first come, first served basis. Reservations shall be made by mail or in person and include the first night's rental fee as a non-refundable deposit. The Harbormaster Department shall maintain a radio watch on channel 09 VHF to book daily transient rentals. Short term transient moorings (not to exceed five hours) shall be allowed when available for a fee.

c. A transient mooring log shall be maintained by the Harbormaster Department.

d. Transient moorings are to be rented for a period not to exceed thirty consecutive days in a season with the following exception:

Live-aboards will be allowed in the slip area or on transient and waterway moorings. Live-aboard vessels may be no longer than 55 feet and will be charged the daily transient vessel rate (see Fee Schedule). Live-aboard mariners wishing to commit to a 30 day stay will be charged a flat \$1,000 fee with an additional \$100 for the month if they wish to use the dinghy dock. The thirty day contract may be renewed throughout the season (May 15 to October 15) at the Harbormaster's discretion. No live-aboard may be moored in the Town Mooring Area. Waterways live-aboard vessels must use town moorings assigned by the Harbormaster.

e. The Town of Wellfleet accepts no responsibility for the safety of transient moorings during periods of extreme weather including, but not limited to, gale winds, hurricanes and extreme high water.

II. MOORING OF RAFTS, FLOATS AND BARGES:

- a. Service vessels, hereafter defined as rafts, floats and barges without power, whose sole use is to support the propagation and harvest of shellfish, may be granted permission to moor on the owner's shellfish grant after obtaining a Floats and Rafts permit at no cost from the Harbormaster Department.
- b. Service vessels shall be properly moored according to the specifications of the Town of Wellfleet Mooring Regulations and any special conditions required by the Harbormaster.
- c. Service vessels shall have the owner's name and grant number affixed to one side of the vessel, above the water line, with letters and numbers a minimum of 3 inches high.
- d. Service vessels shall display at night a 360 degree white anchor light at least 10 feet above water level.
- e. Service vessels shall have no more than 200 square feet of storage and work space per licensed area. Permission to moor service vessels larger than 200 square feet may be granted by the Harbormaster with the consultation of the Marina Advisory Committee and the Shellfish Advisory Board.
- f. Winter storage on Town property or on Town landings of service vessels used for the purpose of shellfish propagation and harvesting is prohibited without the express written permission of the Harbormaster.
- g. Service vessels are not permitted in the federal anchorage or channel.

J. MOORING INSPECTIONS:

- a. Before a mooring permit, mooring tag or boat sticker is issued; the mooring owner must submit his/her mooring buoy, pennant, chafing gear, chain, line and connecting hardware for an out of the water inspection by the Harbormaster Department prior to placement of the permitted mooring.
- b. If, as a result of such inspection, in the opinion of the Harbormaster, any anchor, link of chain, shackle, swivel or any other piece of mooring gear has become damaged or worn, it shall be replaced. Failure to replace worn or damaged pieces shall be grounds for revocation of mooring permit.
- c. The Town of Wellfleet assumes no responsibility or liability for inspected moorings

that fail.

J. K. ANCHORING

No vessel shall anchor in the waters of Wellfleet for a period of greater than one week without notifying the Harbormaster. Permission may be granted for a brief extension. No anchoring is allowed in Wellfleet mooring basins.

IV. FEES AND LEASES

A. Fees for leasing or renting slips, berths, or moorings shall be based on the published schedule and shall be paid in advance to cover a full season or part thereof. Leases shall not be canceled unless a suitable replacement can be obtained promptly and new fees collected. After the new fees are collected, proportional reimbursement for the unused seasonal lease will be made or, in the case of a lease for a portion of the season, an amount equal to the fees received will be reimbursed. All such reimbursements will have a ten percent administrative fee deducted.

1. Each owner or operator leasing space in the Marina or Harbor is responsible for providing the Harbormaster with a current and accurate address annually.

2. Daily rates for transients start at 12 noon. Check out time is 12 noon of the following day.

3. The season runs from May 15 to October 15 every year. For operations outside that time frame, see the Harbormaster or his assistants and consult the fee schedule.

4. The fee schedule is revised annually. Check at the Harbormaster's office for the latest revision.

B. To be eligible for "Taxpayer" rates an applicant must qualify as a taxpayer as defined above in Section I, Definitions.

C. In the event of violation of Marina and Harbor Rules and Regulations, the Harbormaster may cancel a rental agreement on twenty four hours notice providing that the renter has made no effort to correct the identified problem when it is called to his/her attention. Refusal to correct a problem upon notification by the Harbormaster or Assistant Harbormaster will lead to immediate steps for removal of the vessel as set forth in Section 9 - Vessel Removal Procedures, except that the notice provisions of Sections 9A and 9B will not apply. Reasons for such cancellation include, but are not limited to, violation of Wellfleet Marina and Harbor Rules and Regulations and non-payment of fees when due.

D. The Harbormaster has the right to reassign slips, berths, and moorings for best utilization of Marina and Harbor resources.

E. Subleasing of slips, berths and moorings is strictly prohibited

F. At the discretion of the Harbormaster, a mooring owner may request permission to leave the mooring vacant for a period of not more than one season. The mooring owner is required to apply and pay for the mooring permit for that period. Failure to make such application and pay the fee shall result in the forfeiture of the mooring location. Any subsequent mooring permit application shall be considered a new mooring and shall be subject to the usual constraints. of such.

G. Marina leases are transferable only under the following circumstances:

1. Commercial slip, berth or mooring requests shall be put in writing and presented to the Harbormaster. Transferees must meet, at minimum, the following criteria:

a. When a commercial fishing vessel 35 feet or longer is sold and currently occupies a slip, berth or mooring, that slip, berth or mooring may be transferred to the new owner of the vessel.

b. The vessel being sold shall remain a commercial fishing vessel. It cannot revert to sport fishing or other type of commercial venture.

c. Applicant shall be a Wellfleet resident.

d. Applicant shall have held a Wellfleet and/or state commercial fishing license for a minimum of five years.

e. Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.

2. In the case of the death of a slip, berth, or mooring lease holder, the lease may be transferred one time only to the surviving spouse of the lease holder and will be terminated upon the death of the said surviving spouse. In the event that the lease holder does not have a surviving spouse at the time of his/her death, the lease will be terminated at the end of the then current season, or, if the lease holder dies prior to the start of the season, the lease will be terminated immediately and will not be renewed. Such transfer may be to an individual only and not to any trust, corporation, or other entity.

All requests for slip, berth, and mooring transfers are subject to prior review by the Marina Advisory Committee. This review does not include transfers referred to in G 2 (above). Recommendations by the Harbormaster and the Marina Advisory Committee will be presented to the Board of Selectmen for a final decision on the transfer.

5.V. SAFETY

A. The Town and the Harbormaster will take all reasonable precautions to ensure the security and safety of all vessels in the Marina and Harbor, but neither the Town nor the Marina assumes any responsibility for the safety or security of any vessel or property in the Marina and Harbor and will not be held liable for fire, theft, trespass, or damage to any vessel or vehicles or its equipment arising from any cause whatsoever. All vessel owners, operators, and their guests are to be attentive to potential safety issues including, especially, aquaculture equipment that is properly marked and conforms to all other rules and regulations, fire risks, and careless operation which may endanger others.

B. Owners should prepare for storms and high winds are expected and Plan and be prepared to make _____ storm plans with ~~their~~ your boatyard or mooring contractor, enabling them to do one or more of the following. In the event of a storm the Harbormaster recommends that owners; haul your vessel, add lines, move your vessel to a more protected area, etc.

☐ ~~haul the Take your boat, out of the water~~ if at all possible, and place it well above high water taking into account extreme tidal conditions and storm surge. Remember, haul out areas and ramps will be ~~extremely~~ very busy. If the boat cannot ~~can~~'s be hauled, you can't haul your vessel. You should remove from your b

1. All sails, roller furlings, etc.,

☐

2. All dodgers, biminis and enclosures,

3. ~~A~~Antennas and electronics,

☐ 4. All non-permanent equipment (deck chairs, rafts, boxes, etc.),

☐ 5. Ship's papers and valuables.

6. Portable fuel tanks. (~~G~~gasoline, propane.)

~~ii.~~

Owners or their agents should also pump out excess water from bilge and drain water tanks. -

~~—i~~Make sure batteries are fully -charged; pump switches and intakes are not jammed and are ~~—~~working freely. ~~ly.~~

~~—~~Secure windows, hatches, seacock's and fuel lines to engine and cooking appliances. -

Check chafing gear, and

~~—M~~ake ~~your~~the boat as watertight as possible.

~~—Check chafing gear.~~

~~U~~ltimately, the responsibility is that of the boat owner. The Marina does not assume responsibility for the protection of any vessel. ~~NON:~~

C. Vessel owners shall not place supplies, materials, accessories, or debris on any float or walkway and shall not construct or place thereon any lockers, chests, cabinets, or containers without the permission of the Harbormaster.

D. Vessels having tenders on davits, gangways or boarding ladders or steps, extreme overhangs, bow and stern sprits, boomkins, spars, pulpits, etc. shall be secured in such a manner that none of these appurtenances shall create a hazard or block free passage along any float, walkway, or waterway.

E. Swimming or water skiing is prohibited anywhere in the Marina.

F. Charcoal or any form of open fire anywhere within the Marina is absolutely prohibited.

G. Children 10 years of age or younger should be accompanied by adults at all times.

6VI. -SANITATION

A. The Harbormaster Department requests your assistance in enhancing water quality and ~~The Harbormaster Department requests your assistance in enhancing water quality and~~ protecting Wellfleet's ~~our~~ natural resources. All boaters with marine sanitation devices on board ~~—~~shall use pump-out facilities to purge their holding tanks. The Town of

Wellfleet Marina will maintain a pump-out cart and a pump out boat to provide service to the mooring basin. Boaters may obtain information on pump-outs and marine wastes by contacting the Harbormaster Department at 508-349-0320 during operating hours.

Federal, State and Town statutes prohibit the discharge of sewage, waste material, oil and fuel, rubbish or refuse of any kind or description into any river, stream, pond or tidal waters. Heavy fines and imprisonment are the penalties for violations. All garbage and other refuse must be placed in receptacles provided by the Marina.

B. Noise shall be kept to a minimum at all times. Consideration for others requires discretion in the operation of engines, generators, radios, and television sets in such a manner and at such times as to create no nuisance or disturbance.

C. Laundry shall not be hung on any boat, float, walkway, or anywhere else in the Marina.

D. The cleaning of fish and the disposal of fish or parts thereof are prohibited anywhere within the Marina including service and parking areas.

E. Power washing of boat bottoms is prohibited at the Marina.

F. Dogs and pet animals are permitted in the Marina only on leash or otherwise confined or restrained. Pickup and disposal of pet waste at the Marina is required and "mutt-mitts" are available.

7VII. STORAGE

A. Tenders and other small vessels shall be stored aboard vessels or placed where the Harbormaster directs. All such small vessels shall carry identification numbers, marks, or names. Identifying stickers may be obtained at the Harbormaster's Office. They may not be tied up in rentable space or on any float, walkway, or ramp.

B. The Harbormaster will make a reasonable effort to provide winter tie-ups for vessel owners who have seasonal leases. Off-season fees must be paid in full by October 15th. For all others seeking off-season dockage, weekly rates must be paid in advance and will be offered at the discretion of the Harbormaster. All off-season tie-ups must follow the direction of the Harbormaster.

C. Winter moorings will be provided for a fee for floats, rafts or barges which are removed from their shellfish grant areas for the winter. No beaching of any such equipment will be allowed. Any such equipment in violation of the above shall be

removed at the owner's expense. All tenders and other watercraft must be removed from Town Landings and/or beaches by November 1st. Any vessels left after this date will be removed at the owner's expense.

D. All vessels renting storage space on a daily, weekly, or monthly basis between October 15 and May 15 are required to pay in full to the Harbormaster before occupying any slip, berth or mooring. A Security and Damage Deposit must also be paid and will be held by the Town in escrow and refunded to any owner or master of the vessel on termination of the rental agreement, provided that during the period the vessel is in the harbor

- ~~(i)~~ 1. ~~a~~ All accumulated dockage fees have been paid when due;
2. ~~(ii)~~ ~~a~~ All Rules and Regulations of the Marina and Harbor and all lawful orders of the Harbormaster have been complied with by the vessel or crew; and
3. ~~(iii)~~ ~~a~~ No damage has been caused by the vessel and its crew to any of the Marina and Harbor facilities.

If any of the above conditions have not been complied with, the security deposit shall be forfeited to the Town and no portion of it shall be refunded and, notwithstanding the forfeiture of the deposit, the Town shall have the right to proceed against the vessel, its owner, master or crew in any proceeding, civil or criminal, to enforce its Rules and Regulations and Orders; to recover for any damage done to harbor facilities; or to recover for any dockage fees due.

§VIII. ENFORCEMENT AND PENALTIES

A. Criminal Complaint – whoever violates any of the above Marina and Harbor Rules and Regulations shall be punished by a fine of one hundred dollars (\$100) for each offense. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

—M.G.L. c. 102, section 28 Penalties: Provides in part that violations of sections 17-27 or a refusal or neglect to obey the lawful orders of a Harbormaster, or resisting a Harbormaster who is carrying out his duties, are punishable by a fine of up to \$50.00 and the offender is liable in tort to any person suffering damage thereby.

B. Non-criminal Disposition – As an alternative or in addition to initiating criminal proceedings pursuant to subsection (A) above, the enforcing agent may dispose of a violation of these Rules and Regulations pursuant to the following procedures:
Whoever violates any provision of these Rules and Regulations may, in the discretion of the enforcing agent, be penalized by a non-criminal complaint pursuant to the provisions of G.L. Chapter 40, Section 21D. Whoever violates any

Rule and Regulation as stated above shall be subject to a fine of one hundred dollars (\$100). A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein. Owners shall be responsible for the conduct of their guests and crew, and as such, the enforcing agent may, as an alternative, subject the owner to any or all fines and penalties for any violation of these Rules and Regulations by a guest or crew of the owner.

9IX. VESSEL REMOVAL PROCEDURE

The Wellfleet Harbormaster shall have the right to remove any vessel in violation of any rule or regulation promulgated by the Board of Selectmen or the Wellfleet Harbormaster, any bylaw adopted by the Town of Wellfleet regulating vessels or any law, rule, or regulation adopted by the Commonwealth of Massachusetts or its agents regulating vessels, or any law, rule, or regulation enacted by the Federal Government regulating the operation of vessels in the Town's Harbor and Marina for which a violation citation has been issued to the owner and/or master of the vessel, provided however :

- A. The Harbormaster shall cause to be delivered by hand or certified mail to the owner of a vessel subject to removal, a written notification signed by the Harbormaster stating the nature of the violation, the specific law, bylaw, rule, or regulation under which the Harbormaster asserts a claim of violation and a statement of acts necessary to cure said violation.
- B. If the owner of the vessel has not cured the violation within ten (10) days or requested a hearing before the Board of Selectmen within such time to review the Harbormaster's determination, the Harbormaster may remove the vessel.
- C. The owner shall be responsible for all costs, fees, and charges, including removal, transportation, and storage.
- D. Upon removal, all rights to the use of the slip, berth, or mooring shall be terminated and the owner shall have the right to receive a refund of the pro rata share of the yearly dockage fee paid to the Town of Wellfleet. The Harbormaster may deduct any portion or all of the cost incurred in removing said vessel from the amount to be refunded to the owner.
- E. Notwithstanding anything continued herein, in the event that the condition of a vessel is such that there exists an immediate danger to the public safety, navigation, or the environment, the Harbormaster may correct said condition by removing the vessel or by any means the Harbormaster deems appropriate. The owner of the vessel shall be responsible for all costs associated with said corrections.

~~10X.~~ PARKING

A. The Harbormaster ~~and the ,Assistant~~ Harbormaster Department, and/or the Wellfleet Police Department shall designate and enforce parking regulations in the Marina parking area.

B. Marina parking in the area east of the restrooms on the south side hereby referred to as Area A, shall be for:

~~1.i.~~ -vehicles with boat trailers

~~2.ii.~~ boat trailers

~~3.iii.~~ commercial vessels

~~4.iv.~~ commercial trucks (larger than pickups, not used for passengers)

~~5.v.~~ busses

~~6.vi.~~ heavy equipment

~~7.vii.~~ any other parking as authorized by the Harbormaster.

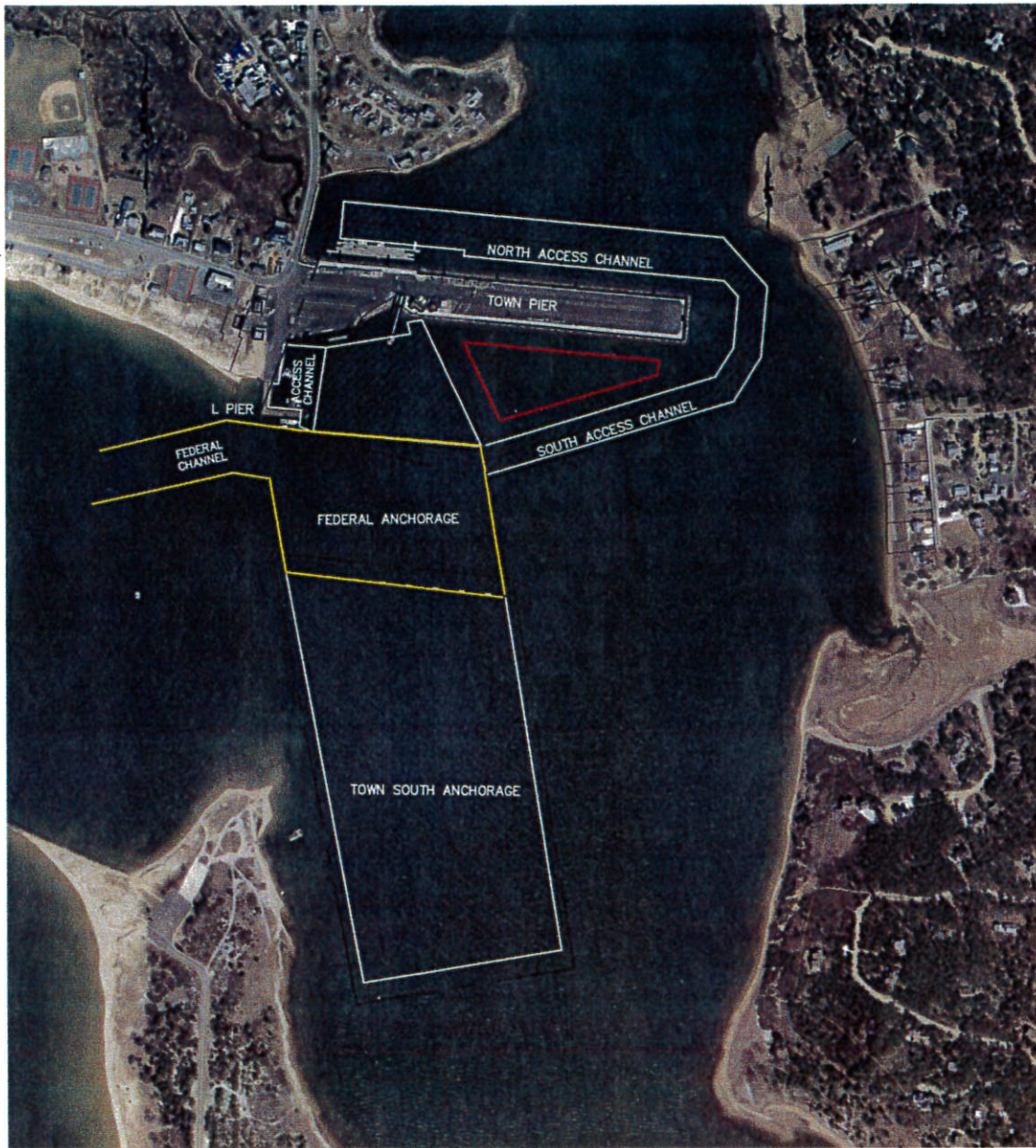
C. A fee shall be charged for overnight parking of vehicles and equipment listed in subsections ~~1~~ through ~~7.vii.~~ Vehicles and vessels that do business with the Marina have the option to purchase a seasonal parking permit. Such fees and permits are published in the Marina Fee Schedule.

D. Parking anywhere at the Marina shall not interfere with the flow of traffic.

E. Area B, which is any area outside of Area A, shall be for passenger vehicles, pickup trucks, and vehicles not for hire. No occupied recreational vehicles (campers, RVs, and vessels) will be allowed to park overnight (sunset to sunrise). See Town Bylaw, Art. VII, Sec. 23. No parking in the yellow no parking zones, fire lanes, or easements. No parking in handicapped parking spaces without a handicapped plate or placard. The Harbormaster and/or the Wellfleet Police Department may close areas of the Marina for special events.

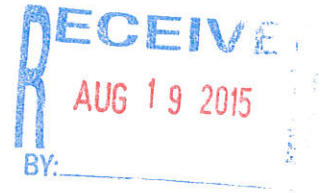
Appendix 1 – Mooring areas in Wellfleet Harbor and Waterways

This is a schematic image and not to scale.



Draft combination of previous Rules and Regulations and newly revised Mooring Regulations
5/20/2015

Town of Wellfleet
Police Department



August 19, 2015

To: Board of Selectmen
From: Chief Ronald L. Fisette

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Laecio T. De Oliveira be appointed as a Full Time Police Officers, from August 26, 2015 through August 25, 2016. This appointment will bring the Wellfleet Police Department back to the authorized staffing level of 12 officers. We have been down an officer with the recent resignation of Off. Meegan, who moved off cape with his fiancée.


Mr. De Oliveira was originally appointed as a full time Wellfleet Police Officer, September 8, 2014. Mr. De Oliveira was not able to keep up with the rigorous physical demands of the police academy and had to withdraw without prejudice, thus surrendering his full time appointment. Since withdrawing from the Police Academy, Mr. De Oliveira continued with his physical training and preparation hoping for the chance to complete the Police Academy. On March 23, 2015 Mr. De Oliveira again began the 22 week Police Academy in better shape and ability to complete the vigorous demands of the police academy. Mr. De Oliveira has meet all the demands of the academy (physically, mentally and academics) and will be graduating on Friday August 21, 2015.

Laecio De Oliveira Wellfleet Special Police Officer (2011, 2012, 2013, 2014 & 2015):

I recommend that Mr. De Oliveira be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation - Satisfactorily Completed
- Pass a psychological - Satisfactorily Completed
- Pass a physical - Satisfactorily Completed
- Pass the Physical Agility Test - Satisfactorily Completed
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A) - Satisfactorily Completed
- Complete the Full Time Police Academy – Graduating 8/21/2015
- Satisfactorily complete the Field Training program

Respectfully submitted for your information and consideration.



Ronald L. Fisette
Chief of Police

cc: Harry Terkanian, Town Administrator



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail or bring it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

☐ Name John Wolf Date 8/19/15

Mailing Address 65 Cannon Hill Rd.
Wellfleet, MA. 02667-8709

Phone (Home) 508-214-0176 (cell) 774-487-8917

E-mail johnwolf@bonchenge.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: _____

Licensed Captain, Charter Sailboat operator,
decades sailing experience in Wellfleet harbor.

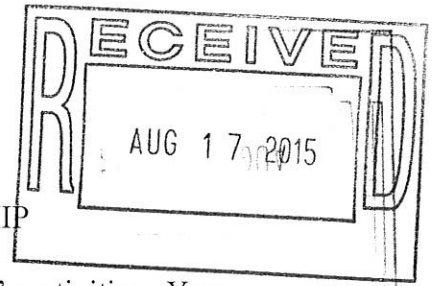
☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.: _____

U.S.C.G. - Licensed Master, 50-Ton Power + sail

☐ Committees/Boards of Interest: 1) Marina Advisory Committee
2) _____
3) _____

TOWN OF WELLFLEET

APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP



Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name: **David M. Stamatis**

Date: **August 12, 2015**

Mailing Address: **25 Pratt Ave
P.O. Box 578
Wellfleet, MA 02667**

Home Phone (781) 706-0145 Business Phone (781) 942-6763

e-mail: billingsgatecharters@gmail.com

Please describe briefly any work experience, including volunteer service that you feel would be useful to the Town:

I am currently a Police Lieutenant and Division Commander in the Town of Reading, Massachusetts, I have been one of the police department's principal grant writers and coordinators and served in a supervisory capacity for the past 20 years. I have served the Reading Community as a law enforcement officer for the past 31 years.

I am a tax paying resident of Wellfleet, and I will be retiring to this community in 14 months. I have been coming to Wellfleet for 55 years and boating out of the Wellfleet Marina since I was 12 years old. My mother's roots are native to Wellfleet, as she spent much of her childhood on E. Commercial Street at her grandmother's family homestead (Richard and Annette Stone). In 1951, my father built our summer home for my mother on Taylor Hill, which I currently own and plan to reside at permanently once I retire from the police department.

I have owned and operated a very successful charter boat and commercial lobster fishing business, Billingsgate Charters, LLC, out of Wellfleet Harbor for the past 5 years. I have

two vessels that I operate commercially out of Wellfleet Marina. I am a member of the Wellfleet Chamber of Commerce, Cape Cod Chamber of Commerce, Massachusetts Lobstermen's Association, the Department of Agriculture's Commonwealth Quality Program and Sustainable Cape. I have participated in every Wellfleet Marina Harborfest and made generous donations each year to various organizations within the Town of Wellfleet such as the Wellfleet Harbor Actors Theater, Town of Wellfleet Recreation Department, as well as various charitable organizations in an effort to do my part to enhance the quality of life in this community.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I currently hold my certification with the United States Coast Guard as a Licensed Charter Captain OUPV - 6PK. My educational background (MA Criminology), training and experience in administrative planning and organizing would be beneficial toward to this committee's goals and mission. Planning and outsourcing for projects such as dredging our harbor; a task that calls for not only immediate action, but also long range plans for maintenance considerations is an ongoing concern to me as an active member of the boating community and commercial fishing industry in Wellfleet. As a Charter Boat Captain and business owner in this community, I can offer insight and a perspective that comes with first-hand experience and real time understanding. Being fair and level-headed is an essential quality to possess when making decisions and being placed in a position of trust within the Wellfleet Community. It would be my primary obligation to deliver commitment with integrity in an effort to assist this committee in reaching their goals and function.

Committees/Boards of Interest:

- 1) Marina Advisory Committee

Thank you for your consideration and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Stamatis". The signature is fluid and cursive, with the first name "David" being more prominent and the last name "Stamatis" following in a similar style.

David M. Stamatis

August 17, 2015

Board of Selectmen
Town Hall
Wellfleet, MA 02667

Dear Selectmen:

I am writing to support the candidacy of Captain David Stamatis to the position of Alternate Member on the Marina Advisory Committee.

David has a long and extensive history in the Wellfleet community. He has been operating a successful commercial charter and lobster fishing business out of Wellfleet's marina. As an active user of the marina and harbor David is very familiar with the working conditions of the marina and the challenges that face us. The Marina Advisory Committee does not presently have a member who represents the charter fishing community. David's familiarity with this community and his success as a businessman would be an asset to the Marina Advisory Committee.

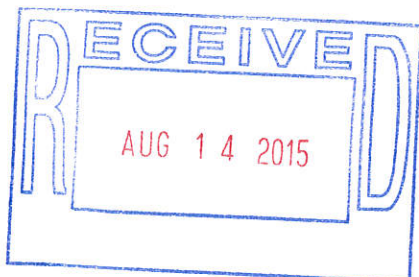
I know David to have a great deal of interest in the successful operation of the marina and a strong commitment to the Wellfleet community. I highly recommend his candidacy to you and hope that you will give serious consideration to his desire to serve our community in this capacity.

Thank you.

Sincerely,



Joseph R. Aberdale
Chairman
Marina Advisory Committee



mailed 12 August 2015



TOWN OF WELFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail or bring it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

☐ Name John Martens Date 12 August 2015

Mailing Address P.O. Box 539 Wellfleet, MA. 02667

Phone (Home) n/a (cell) 508-237-7804

E-mail johnmartens@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Founder and former owner of East Harwich Heating

Service Inc., a large mechanical contracting corporation.
I designed and built two marinas/boat basins in N.C. and
am familiar with the ACE requirements and permitting processes.

☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

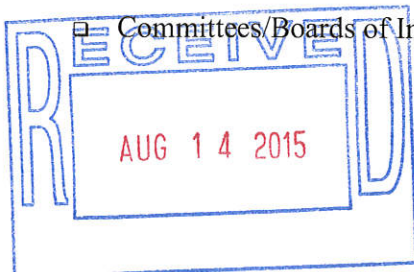
I hold several HVAC related licences.
I am familiar with all phases of marine construction that
currently are or that might be employed in Wellfleet.

☐ Committees/Boards of Interest: 1)

Marina Advisory Committee (alternate)

2) _____

3) _____



Town of Wellfleet Boards and Committees

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
Building and Needs Assessment	3 year term
* Bylaw Committee	3 year term
Cable Advisory Committee	1 year term
Cape Cod Commission	3 year term
Cape Cod National Seashore Advisory Commission	
Cape Cod National Seashore Collaborative	
Charter Review Committee	
Citizens Economic Development Committee	1 year term
Commission on Disabilities	3 year term
Community Preservation Committee	3 year term
Comprehensive Wastewater Management	3 year term
Conservation Commission	3 year term
Council on Aging	3 year term
Cultural Council	3 year term
Energy Committee	3 year term
* Finance Committee	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Herring River Restoration Committee	
Housing Authority	5 year term (ATM)
Local Housing Partnership	1 year term
Marina Advisory Committee	2 year term
Natural Resources Advisory Committee	3 year term
Open Space Committee	1 year term
Personnel Board	3 year term
Planning Board	5 year term
Recreation Committee	3 year term
Recycling Committee	3 year term
Shellfish Advisory Board	3 year term
* Social and Human Services Committee	3 year term
Wastewater Planning Committee	
Zoning Board of Appeals	3 year term

** Appointed by Moderator*

06/16/2014

TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

Applicant: Paul Curley

Affiliation or Group: American Lung Association

Telephone Number: 781 314 9002, cell 508 942 4621 Mailing Address: 260 W. Exchange St., Ste 102 B

Email address: biketrek@lungne.org

Providence, RI 02903

Town Property to be used (include specific area) White Crest Beach Parking Lot and Bathrooms across the street.

Date(s) and hours of use: Sunday, September 27th 2015 from 8 am to 11 am

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also please indicate if fees will be charged by applicant.

Water Stop for the 31st Annual Autumn Escape Bike Trek, we will set up a table in the corner of the lot for drinks and snacks. We would also like access to the bathrooms across the street as in years past.

We have about 300 riders. No fees will be charged.

Describe any Town services requested (police details, DPW assistance, etc.)

Unlock bathrooms

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$20.00 processing fee. Applications must be received at least 30 days prior to the first event date to insure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: _____

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

Comments/Conditions:

Permits/Inspections needed:

X

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

X

Police Dept. Signature:

8/12/15

Comments/Conditions:

OK

Fire Dept. Signature:

8/12/15

Comments/Conditions:

OK

DPW Signature:

Paul Binder

Comments/Conditions:

Parking lot clean up and trash disposal is the responsibility of event staff, also recycling if applicable.

Beach Dept. Signature:

Comments/Conditions:

X

Shellfish Constable Signature:

Comments/Conditions:

X

Harbormaster Signature:

Comments/Conditions:

X

Recreation Dept. Signature:

Comments/Conditions:

X

Town Administrator:

H. S. Th.

Note DPW comments.
Potential cost to open restroom
Comments/Conditions:
Has event fee been paid?
No information on prior events.
except approved in 2013 no fee.



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

To: Board of Selectmen
From: Harry Sarkis Terkanian, Town Administrator
Subject: Town Treasurer Hiring Process
Date: August 18, 2015
CC:

Applications for the Town Treasurer position close on Friday, August 21, 2015. I propose the following process:

Initial screening of applicants should be by a screening committee appointed by the Board of Selectmen. I recommend that the screening committee consist of two members of the Board of Selectmen, the acting treasurer, accountant and I. The committee is a public body and must comply with the Open Meeting Law. However, initial screening of applicants may permissibly be done in executive session. The screening committee will recommend one or more candidates for consideration by the Board of Selectmen. At that point the identities and resumes of the recommended candidates become public.

The final selection process is done by the Board of Selectmen who can interview and select a candidate. Board of Selectmen proceedings are conducted in open session.

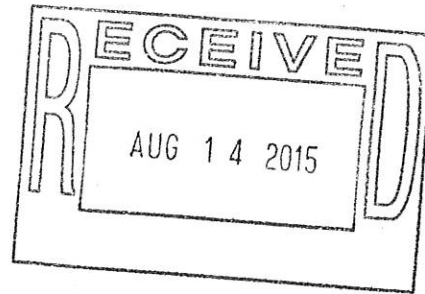
The candidate selected by the Board should be given a conditional offer of employment conditioned on the ability of the Town to secure a fidelity bond, acceptable results from a credit check, drug test, reference check, background check and physical examination. The offer of employment should be further conditioned upon agreement as to the terms of employment.



KOPELMAN AND PAIGE, P.C.

The Leader in Public Sector Law

HST 8/14/15
BOS 8/25/15 Agenda
101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com



August 12, 2015

Michele E. Randazzo
mrandazzo@k-plaw.com

Hon. Paul S. Pilcher and
Members of the Board of Selectmen
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Re: Determination and Consent Pursuant to the Massachusetts Rules of Professional Conduct,
Rule 1.7 - Representation of Towns of Provincetown, Eastham, Wellfleet and Truro in
connection with Police Mutual Aid Agreement

Dear Members of the Board of Selectmen:

We have received requests from both the Town of Eastham and the Town of Provincetown, to review a proposed Police Mutual Aid Agreement between Eastham, Provincetown, Wellfleet and Truro. As you know, Kopelman and Paige, P.C. serves as Town Counsel for all four towns. Given that two of the four communities have already asked Kopelman and Paige to review the Police Mutual Aid Agreement, our intent is to undertake review of this agreement on behalf of all four communities, and provide the same comments to all communities, simultaneously.

With respect to the firm's ability to represent any town in the review of the proposed Mutual Aid Agreement, however, our relationship with each of the four communities creates an interest that requires disclosure pursuant to the Rules of Professional Conduct applicable to members of the Massachusetts Bar, and we must obtain the "informed consent" of all four communities, after disclosure of adequate information and explanation about the risks of, and alternatives to, the proposed simultaneous representation, before we can undertake such representation. In addition, while the State Ethics Commission has determined that Kopelman and Paige, P.C. and its individual attorneys are not "municipal employees" pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of conflict on the firm's behalf in this matter.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if doing so involves a concurrent conflict of interest. The standard for determining whether a concurrent conflict of interest exists is: (1) will the representation of one client be directly

KOPELMAN AND PAIGE, P.C.

Hon. Paul S. Pilcher and
Members of the Board of Selectmen
August 12, 2015
Page 2

adverse to another client; or (2) is there a significant risk that the representation of one or more clients will be materially limited by our responsibilities to another client, a former client, a third person, or our own personal interest. Even where a concurrent conflict of interest exists, we may still undertake the simultaneous representation if: we reasonably believe that we will be able to provide competent and diligent representation to each client; there is no legal prohibition on the simultaneous representation; the simultaneous representation does not involve the assertion of a claim by one client, against another, in a single piece of litigation or other proceeding before a tribunal; and each client gives informed consent, confirmed in writing.

I do not believe that our role as town counsel to Eastham, Provincetown, Wellfleet and Truro, including any guidance we may provide to each or any of these towns relative to the Police Mutual Aid Agreement, creates a concurrent conflict of interest. Furthermore, even if a concurrent conflict of interest is present, I do not believe that our ability to provide competent and diligent representation to the Town of Wellfleet will be affected by our representation of Eastham, Truro, and/or Provincetown as town counsel, either generally, or with specific reference to the proposed Police Mutual Aid Agreement.

Reviewing the agreement on behalf of all four communities simultaneously will result in a cost savings to each town individually. The provision of uniform commentary on the proposed agreement to all four towns, at the same time, will ensure that all communities are on the same footing when it comes to considering whether or not to enter into the agreement.

Please note, however, that joint representation implicates our obligations as Town Counsel to each town, including confidentiality and the attorney-client privilege. As a result, if your single community does not agree to particular terms or conditions in the proposed agreement, we would not be able to negotiate on your behalf with the other communities for language revision, except through a general communication to all communities. In addition, should the towns ultimately enter into the Police Mutual Aid Agreement, if any single community or more than one community becomes adverse to another community in connection with the implementation of that agreement in the future, we may be limited or precluded by the Rules of Professional Conduct from representing a town or towns against one another in relation to the agreement. I simply wanted to alert you to that possibility.

DETERMINATION

It is my belief that the firm's representation of Eastham, Provincetown, Wellfleet and/or Truro, for the purposes and under the conditions described in this letter, does not constitute a concurrent conflict of interest. It is my further belief that even if a concurrent conflict of interest exists, our ability to provide competent and diligent representation to the Town of Wellfleet will not be negatively impacted by our simultaneous representation of Provincetown, Eastham and Truro as town counsel. It is, however, for you to determine, as Appointing Authority, as to whether the

KOPELMAN AND PAIGE, P.C.

Hon. Paul S. Pilcher and
Members of the Board of Selectmen
August 12, 2015
Page 3

representation described herein will not impair the integrity of this firm's services to Wellfleet, either generally, or with respect to review of the proposed Police Mutual Aid Agreement.

Therefore, I request that you, as Appointing Authority for Town Counsel, consent to Kopelman and Paige, P.C.'s representation of the Town of Wellfleet in the review of the proposed Police Mutual Aid Agreement, as outlined in this letter, notwithstanding that the firm also serves as counsel to Provincetown, Eastham, and Truro. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to me, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate contact me with any questions you have in this regard.

Very truly yours,



Michele E. Randazzo

MER/smm

Enc. 1. Massachusetts Rule of Professional Conduct 1.7
2. Acknowledgment of Consent
cc: Town Clerk

528744/WELL/0001

Rules of Professional Conduct Rule 1.7: Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing.

Adopted March 26, 2015, effective July 1, 2015.

ACKNOWLEDGMENT OF CONSENT

Pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, the Board of Selectmen for the Town of Wellfleet hereby consents to Kopelman and Paige, P.C., reviewing a proposed Police Mutual Aid Agreement between Eastham, Provincetown, Wellfleet and Truro, as disclosed and described in a letter to the Board of Selectmen dated August 12, 2015, notwithstanding that Kopelman and Paige, P.C., also serves as town counsel to the towns of Provincetown, Eastham, and Truro.

TOWN OF WELLFLEET

BOARD OF SELECTMEN,

Paul Pilcher

Dennis Murphy

Helen Miranda Wilson

Berta Bruinooge

Jerry Houk

Dated: _____, 2015

ACKNOWLEDGMENT OF CONSENT

Pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, the Board of Selectmen for the Town of Wellfleet hereby consents to Kopelman and Paige, P.C., reviewing a proposed Police Mutual Aid Agreement between Eastham, Provincetown, Wellfleet and Truro, as disclosed and described in a letter to the Board of Selectmen dated August 12, 2015, notwithstanding that Kopelman and Paige, P.C., also serves as town counsel to the towns of Provincetown, Eastham, and Truro.

TOWN OF WELLFLEET

BOARD OF SELECTMEN,

Paul Pilcher

Dennis Murphy

Helen Miranda Wilson

Berta Bruinooge

Jerry Houk

Dated: _____, 2015

Wellfleet Fire Department



10 Lawrence Road, Wellfleet, MA 02667

Richard J. Pauley, Jr.
Fire Chief

Phone: (508) 349-3754
Fax: (508) 349-0318

TO: Harry Sarkis Terkanian, Town Administrator
FROM: Richard J. Pauley, Jr., Fire Chief *RJP*
RE: Acceptance of FY-2014 Assistance to Firefighters Grant
EMW-2014-FO-02124 for S.C.B.A units
DATE: August 21, 2015

The purpose of this memorandum is to request the Board of Selectmen's approval to accept a FY-2014 Assistance to Firefighters Grant Program (AFG) award of grant number EMW-2014-FO-02124 in the amount of \$111,600.00 for the purchase of eighteen (18) new self-contained breathing apparatus (SCBA) units.

You may recall that in October, 2014, the Board approved our request to make application for this grant in the amount of \$221,000.00 for the purchase of twenty-five (25) of these units which also included funding for associated rapid intervention and rescue equipment. However, as is often the case, the Department of Homeland Security, FEMA, review panel reduced our request to eighteen (18) SCBA units at \$6,200.00 each. In the case of this type of award, the local recipient has the ability to make up the difference between what FEMA has awarded and what the recipient needs for completion of the project through the use of local funding/monies.

We have a quote of \$8,651.00 per SCBA unit, which essentially produces the equipment that we need inclusive of a spare cylinder, custom face piece, and voice amplifier. I believe the price of \$8,651.00 is the worst case scenario, as it does not include trade-in of our older units, so our final cost will most likely be less. The total cost of this project (18 SCBA units) is now calculated at \$155,718.00 of which the AFG award would cover \$106,286.00 (95% Federal/5% local share) leaving us to pay the balance of \$49,432.00. In the Department's Capital Improvement Plan we have budgeted a total of \$162,000.00 for this project spread out over ten (10) years. In FY-2016, we have allocated \$15,000.00 toward this replacement plan. Accordingly, utilizing the already allocated \$15,000.00 towards the total balance of \$49,432.00 leaves a net balance of \$34,432.00 which needs to be funded.

I am confident that we can cover the remaining \$34,432.00 balance from a combination of already previously encumbered funds and re-allocation of some FY-2016 Fire Department Capital Improvement Budget funding/monies. As this is a significant grant award, that will ultimately save the Town over \$106,000.00 in the purchase of this needed safety equipment, I respectfully request the Board's approval of this grant, with the necessary final/ funding allocations approved by the Town Administrator, as recommended by the Fire Chief.

Rich Pauley

From: firegrants@dhs.gov
Sent: Friday, August 21, 2015 5:01 AM
To: Rich.Pauley@wellfleet-ma.gov
Subject: Award Notification (Application Number: EMW-2014-FO-02124)

Congratulations!

Your grant application submitted under the Grant Programs Directorate's (DHS) FY 2014 Assistance to Firefighters Grant Program has been approved for award. Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

If you accept your award, you will see a link on the left side of the screen that says Update 1199A in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. After which you will be able to request payments online. If you have any questions regarding your SF-1199A, please call 1-866-274-0960.

Rich Pauley

From: Coan, Stephen (DFS) [stephen.coan@state.ma.us]

Sent: Friday, August 21, 2015 10:51 AM

To: DPH-OEMS-RPauley

Subject: Assistance to Firefighter Grant (AFG) Award

Chief Pauley -

Congratulations, I was made aware yesterday that your department is the recipient of the Assistance to Firefighter Grant (AFG).

I know the amount of work that went into preparation for this application and you should be commended for your success in securing these federal funds.

=====
Stephen D. Coan - State Fire Marshal
Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services
P.O. Box 1025 - State Road
Stow, MA 01775-1025
978-567-3111 (direct)
978-567-3121 (fax)
<http://www.mass.gov/dfs>

From: Elizabeth Lane <ELane@k-plaw.com>

To: townadministrator@wellfleet-ma.gov <townadministrator@wellfleet-ma.gov>

Date: 10/27/2014 05:12 PM

Subject: Shellfish Advisory Board request for Opinion

Dear Mr. Terkanian and Members of the Shellfish Advisory Board:

You have requested an opinion concerning several issues relating to protecting the Town from exposure to liability in connection with the licensing and regulation of aquaculture in the tidal areas and waters of Wellfleet. I will respond to each of your three questions in turn.

1. You ask whether the maximum height of equipment located on a grant may be allowed to exceed 18 inches in height, where the Harbor Master has expressed the opinion that height in excess of 18 inches may pose a threat to safety.

In my opinion, it is inadvisable to enact a regulation that does not follow the recommendation of the Harbor Master. The best protection against liability available to the Town is to make its actions consistent with professional recommendations, whether of consultants under contract with the Town or its own officers acting within the scope of their statutory authority. For that reason, it is my opinion that, except in very unusual situations, the Town's policies relative to matters within the jurisdiction or expertise of the Harbor Master should be consistent with the professional opinion or recommendation of the Harbor Master.

2. You ask whether the Town's statement of limited liability would serve to minimize potential liability in the event that the Town were to allow equipment or any practice on a shellfish grant that had been negatively recommended by the Harbor Master.

In my opinion, statement limiting liability themselves have limited effect, in the sense that they may not serve to protect the maker against responsibility for actions that are negligent or in conflict with the law. While it might not be truly negligent in every case for the Board of Selectmen to adopt a regulation or policy that is not consistent with the recommendation of the Harbor Master, doing so might lead to allegations of negligence. In addition, not following the recommendation of the Harbor Master could lead to a question as to the reasonableness of such a regulation or policy and put the Town at a disadvantage in defending against a claim for damages made under such a condition.

Unfortunately, even perfect adherence to reasonable regulations will not in every case serve to completely protect the Town against potential liability. It is therefore advisable for regulations to contain statements of limited liability despite their limited legal effect, for practical reasons. Such statements serve to alert license holders that there is liability in connection with exercising the permit or license, and that licensees should be exercising due care and should consider methods to protect themselves from liability.

3. You ask whether it is lawful to require that a holder of an aquaculture license hold insurance to protect the Town from potential liability for personal injury or for property damage resulting from the operation of a shellfish grant or other licensed activity.

In my opinion, it is lawful to impose a requirement for a reasonable amount of insurance, and furthermore to require that the Town be a named insured on any such policy. It is not a legal requirement to do so, however, in my opinion. The decision to impose such a requirement is a matter of policy on the part of the Board of Selectmen, which requires weighing competing concerns such as cost to the license holder and the availability of other means of insuring against loss.

I do not have details concerning the insurance currently held by the Town, but it is likely that the

Town's own insurance provides some level of protection. As in any case of insurance, however, as a generally applicable rule, it is necessary that the insured, in this case, the Town under its own policy, act in a reasonable manner and with due care for the rights and safety of the public. In light of the generally applicable requirement of due care, and for the reasons noted in response to the first question above, it is my opinion that the Town may minimize its potential exposure to liability by following all standard procedures in licensing and management of shellfish grants. This would include following the recommendation of the Harbor Master relative to location of grants and the equipment places on licensed areas, unless there were some highly extenuating circumstances.

With particular respect to management and enforcement of the terms of any license, the first responsibility to respect any limitations as to location or use of equipment lies with the licensee at all times. The law recognizes that the resources available to a municipality are limited, and for that reason, the Town will not be held to a standard of perfection in monitoring or controlling such activity as properly marking grants or engaging in work outside of the licensed area. In contrast, holding a license of any type is a privilege, and for that reason, the licensee is responsible to conform to any conditions imposed on a license, regardless of whether the Town notices or takes enforcement action against any violation.

Please let me know if you have additional questions concerning this matter.

Very truly yours,

Elizabeth A. Lane, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110-1109
617-556-0007
617-654-1735 (Fax)
elane@k-plaw.com

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From: Harry Terkanian [<mailto:harry.terkanian@wellfleet-ma.gov>]

Sent: Wednesday, October 15, 2014 8:01 AM

To: Elizabeth Lane

Subject: Shellfish Advisory Board request for Opinion

Betsy:

I am forwarding you an email that contains some questions the Shellfish Advisory Board has about Town liability arising out of shellfishing operations conducted by grant holders licensed by the Town. The Board next meets on October 27th.

Harry

Harry Sarkis Terkanian, Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

To: Board of Selectmen
From: Harry Sarkis Terkanian, Town Administrator
Subject: Town Administrator's Report
Date: August 21, 2015

This report is for the period August 1, 2015 through August 20, 2015. I was on vacation the week of August 3rd.

- 1 Community Policing. The Community session has been scheduled for Saturday, October 3, 2015 at the COA. This is a day long session; exact hours are to be determined. Police officers session will be on November 9, 2015, location and time to be determined.
- 2 Procurement:
 - a. Police Station. An owner's project manager is required for all projects involving estimated costs of more than \$1.5 million. Procurement documents have been posted with an informational meeting on September 9, 2015 and responses due on September 30, 2015. I will be asking the Board of Selectmen to appoint an additional member or members to serve with the Building and Needs Assessment committee as a selection committee.
 - b. Transfer Station scale house construction contract status. The contractor has failed to complete the project on time and some elements of the work are unacceptable. The contract has been terminated and we will proceed to use the retained funds to complete the project with DPW staff.
 - c. Classification and Compensation Study. ATA Carlson and I held an initial meeting with the consultant on July 30, 2015 and an orientation meeting with the employees on August 11, 2015. An additional orientation meeting is scheduled for August 24th for those employees with questions or who were unable to attend the first meeting. The goal is to have the study completed by mid November so that it will be available during collective bargaining for fiscal 2017.
 - d. Route 6 – Main Street Intersection. Because the physical characteristics of the site make it impossible to comply with MassDOT "Complete Streets" requirements the Town will have to prepare and submit a design exception application to MassDOT. This work is in addition to the scope of services in the engineering contract so a change order at additional cost will be required. The project engineer has also provided a revised project schedule which has been posted on the Town web site. Estimated MassDOT final design approval is February 2017.
- 3 Dredging. EEOA Secretary Beaton and Rep. Peake visited Wellfleet and met with town officials on August 4th.

- 4 Preschool Voucher Program. This program is administered by the Human Services Committee. The Director of Community Services reports that ten applications have been received for the 2015-16 school year. Letters have gone out to the receiving schools with the names and the reporting form for reimbursement to the school. On August 12, 2015 letters were sent to each parent(s) letting them know that their child's school will be reimbursed in December and May once the Town receives the report from the school verifying the child's enrollment and attendance.
- 5 Denninger Tax Title. The Town received payment in full of all back taxes, insurance costs and counsel fees on August 20, 2015 and tax title counsel has been instructed to file with the Court to vacate the tax taxing.
- 6 Cash control policy. Based on feedback from department heads, on June 22, 2015 I recommended revisions for consideration by the treasurer. I am following up with the acting treasurer. In discussions with the auditor he notes that there are no deficiencies in the Town's cash handling.
- 7 OPEB investment. Waiting for the treasurer's recommendations. Will follow up with the acting treasurer.
- 8 Eversource Right of Way spraying. Executive Assistant Miteva has notified Eversource about the proximity of the Town well field to the right of way and we have forwarded a copy of Eversource's notice to abutting property owners.
- 9 Additional Meetings.
 - a. August 10, 2015. Spoke at the Wellfleet Non Resident Taxpayers Association meeting.
 - b. August 12, 2015. Meeting with auditor to review preliminary audit results. Mr. Sullivan reports that the audit is going well and he does not foresee any significant issues. He did note that with GASB changes the unfunded pension and OPEB liabilities will now show up on the balance sheet instead of appearing as notes. Financial rating agencies are aware of this change and he does not expect a reaction from them to what will be a significant change in the balance sheet.
 - c. August 13, 2015. Cape Cod Managers meeting.
 - d. August 17, 2015. Personnel Board.
 - e. August 18, 2015. Friends of the Herring River annual meeting.
- 10 Citizen Complaints.
 - a. PAYT bag quality. Referred to Health and Conservation. There have been about three complaints in the last two weeks. Met with one resident to discuss. The issue was brought to the attention of the bag manufacturer on July 31st. Health Department is pursuing the matter.
 - b. Mobile home parked on Bank Street. Complaint by telephone. Referred to police, building and health to investigate and take enforcement action if warranted. As of Friday, August 21st the mobile home has been removed.
- 11 Personnel Matters:
 - a. Administrative actions (appointments are subject to disapproval by majority vote of the Board of Selectmen within 14 days; Charter section 5-4-1):
 - b. Town Treasurer. Applications are due on August 21st. Since the treasurer is a Board of Selectmen appointment I recommend that a screening

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

committee be appointed by the Board to evaluate applicants and recommend a panel of finalists.

- c. I will resume conducting annual performance reviews in September. Four have been completed to date.
- d. Current employment vacancies (Charter 5-3-2 (i)):
 - i. Building – Building Inspector is part time.
 - ii. Treasurer – vacant, acting treasurer has been hired.

Town of Wellfleet Committee Vacancies

Date: August 21, 2015
To: Harry Terkanian
From: Jeanne Maclauchlan
Re: Appointments to Town Boards

The following provides the appointing authority with a comprehensive view of vacant positions on each Town Board. Each identifies the amount and type of positions that are vacant, the authority for making the appointment, the length of the term and the number of applications requesting consideration to fill a vacancy.

Barnstable Human Rights Commission (1 Wellfleet Representative)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Bike & Walkways Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Board of Health (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: One application on file		

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year
Requesting Appointment: No applications on file		

Cape Light Compact Governing Board (2 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	to be determined by BOS
Requesting Appointment: No applications on file		

Commission on Disabilities (up to 7 Members)

Vacant Positions	Appointing Authority	Length of Term
4 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Cultural Council (no more than 22 members)

Vacant Positions	Appointing Authority	Length of Term
10 positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Energy Committee (11 members total)

Vacant Positions	Appointing Authority	Length of Term
2 regular Positions	Board of Selectmen	3 years
2 Alternate Positions		

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years

Requesting Appointment: No applications on file

Herring Warden (1 Warden, 1 Assistant Warden)

Vacant Positions	Appointing Authority	Length of Term
1 Assistant Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Historical Commission (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Marina Advisory Committee: (7 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	2 years

Requesting Appointment: **Three applications on file**

Recreation Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Recycling Committee (Up to 11 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Shellfish Advisory Board (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
1 Alternate Position		

Requesting Appointment: No applications on file

Taxation Aid Committee (4 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Wastewater Planning Committee (7 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file



DRAFT

**Wellfleet Board of Selectmen
Minutes of August 11, 2015
Wellfleet Senior Center**

Present: Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Jerry Houk, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Paul Pilcher, Chairman

Vice-Chairman Dennis Murphy called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

Houk announced the 14th Annual Alzheimer's Association Auction and Dinner on August 27, 2015 at Sweet Seasons and encouraged the public to attend the fundraising event.

Steven Gazzano was present in case the Selectmen had questions about his application to serve on the Personnel Board.

MOTION 215-293: Houk moved and Wilson seconded to appoint Steven Gazzano to Personnel Board with term ending June 30, 2018. The motion passed 4-0.

Murphy opened the Public Hearings at 7:05 pm.

Amending Shellfish Rules and Regulations by adding sections 7.5.1.1 and 7.5.1.2 and amending section 7.18.2 to read Height and Arrangement of Equipment

Shellfish Constable Andrew Koch and Shellfish Advisory Board (SAB) Chair Barbara Austin were present to answer questions about the proposed changes. Austin went over the proposed amendments of sections 7.5.1.1 and 7.5.1.2. and read them out loud. Wilson agreed with Austin and explained that this language was already in the Selectmen's policies and these proposed amendments simply put the language where it belongs. Bruinooge had questions on the location of vehicular access. William Young Jr. had comments on issues and difficulties associated with accessing some shellfishing grants. Koch went over the proposed change for equipment and gear height as presented in section 7.18.2 from 18 inches to 24 inches and did not recommend¹ this change based on safety concerns. Austin presented visually the difference between 18 and 24 inches using a tape measure. She said that currently some of the equipment is already above the 18 inches limit and is not in compliance and this is the reason for the proposed change. Wilson spoke about the cover letter from SAB² to the Selectmen and agreed with Austin. Harbormaster Michael Flanagan said that he is opposed to the gear height increase due to safety concerns. Joel Fox supported the increase and spoke about the current heights and insurance complications if the height limit is not increased. Young Jr. also supported the gear height increase. Allison Paine shared her experience with her shellfish grant and also supported the increase. Bill Iacuesa spoke against the proposed change in terms of further restricting boating and safety of the Harbor. Young Jr. said that the boaters will not have boating concerns if they go around and not over the shellfish grants. Ned Hitchcock also did not support the gear height increase and the resulting implications in terms of enforcement. Clint Austin expressed his support for the proposed change. Bruinooge said that she is concerned that the Harbormaster and the Shellfish Constable are not in favor of the change. Ed Tesson said that there should be stricter enforcement and supported the increase.

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Houk expressed his support to the shellfishermen. Wilson said that she understands the boaters' concerns and the financial gains to the Marina Enterprise Fund, but could not justify them for obstructing shellfishermen's livelihood. Joe Aberdale expressed the opposing position of the Marina Advisory Committee. Murphy expressed his concerns about liability and said that he is not prepared to vote until he gathers more information. He suggested accepting the first two changes and postponing a decision on the equipment and gear height increase to a future meeting.

MOTION 215-294: Bruinooge moved and Wilson seconded to amend Shellfish Rules and Regulations by adding sections 7.5.1.1 and 7.5.1.2. The motion passed 4-0.

Houk said that the requested equipment and gear height restriction amendment should be decided, not postponed. Murphy asked the other members on their position. Bruinooge supported the idea of postponing it. Wilson said that the proposed change has been delayed for a long time and was willing to discuss it more. Further discussion ensued.

MOTION 215-295: Houk moved to table the proposed equipment and gear change increase and postpone decision to the September 8, 2015 meeting. Wilson seconded and the motion passed 4-0.

Request of Robert Wallace and John Wallace to renew shellfish grant licenses #737, #821 and #821-A for a ten year period

Koch recommended the renewal of Robert Wallace and John Wallace shellfish grant licenses #737, #821 and #821-A for a ten year period.

MOTION 215-296: Houk moved and Wilson seconded to approve the request of Robert Wallace and John Wallace to renew shellfish grant licenses #737, #821 and #821-A for a ten year period. The motion passed 4-0.

Proposed amendment to combine Marina Regulations and Mooring Regulations

Joe Aberdale, Chairman of the Marina Advisory Committee (MAC) presented the reasons behind combining the Marina and Mooring Rules and Regulations³. Wilson supported the proposal. She had questions about the section on Service Vessels on p. 13. and suggested adding "written permission" from the Harbormaster. She asked Terkanian if these revision are according to the policies. Terkanian said that these changes are simply combining two documents rather than changing anything. Ned Hitchcock also spoke about the consolidation of the two documents. Bruinooge pointed out that on p. 16 section B there is a part that does not make sense. Hitchcock read the correct sentence. Donna Pickard wanted to know when p. 12 section D was accepted and needed more information about people living aboard. Aberdale recognized the fact that the copies in front of the Selectmen differ from the final draft of the Marina Advisory Board.

MOTION 215-297: Houk moved and Wilson seconded to continue the public hearing on combining Marina and Mooring Rules and Regulations for the meeting on August 25, 2015 when a clean copy is provided by the Marina Advisory Committee. The motion passed 4-0.

Appointments

Jeff Tash was not able to attend due to scheduling conflict and had informed the Selectmen about it.

MOTION 215-298: Bruinooge moved and Wilson seconded to appoint Jeff Tash to the Historical Commission with term ending June 30, 2018. The motion passed 4-0.

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Robin Slack expressed her willingness to serve on the Recycling Committee.

MOTION 215-299: Wilson moved and Bruinooge seconded to appoint Robin Slack to the Recycling Committee with term ending June 30, 2018. The motion passed 4-0.

The selectmen reviewed Walter Baron's request to use Mayo Beach on September 19, 2015 from 1 PM to 5 PM for the Third Annual Wellfleet Rowing Rendezvous. Murphy said that last year there were no fees charged and no insurance requirements. Bruinooge had questions about food being served and proposed charging an event fee. Baron explained the not for profit nature of the event and said that no money is made as a result of it. Aberdale spoke in favor of the event as a way to attract people to the Marina.

MOTION 215-300: Wilson moved and Houk seconded to approve the request of Walter Baron to use Mayo Beach on September 19, 2015 from 1 PM to 5 PM for the Third Annual Wellfleet Rowing Rendezvous, no use fee and no other conditions. The motion passed 3-1-0 (Bruinooge abstained).

The Board reviewed the request of Dakota McLaskey and Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015, 2:30 pm – 3:30 pm. The applicants presented their request. Wilson said she would consider a reduced fee of \$50 instead of \$100.

MOTION 215-301: Wilson moved and Houk seconded to approve the request of Dakota McLaskey and Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015 from 2:30 pm to 3:30 pm with use fee \$50. Bruinooge advised complying with the approved fee schedule in order to be fair to previous applicants. Houk withdrew his second. Murphy also supported the original fee schedule and this motion did not advance.

MOTION 215-302: Wilson moved and Bruinooge seconded to approve the request of Dakota McLaskey & Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015 from 2:30 pm to 3:30 pm with use fee of \$100. The motion passed 4-0.

Business

Expanding the number of community members of Local Housing Partnership

Wilson presented her interpretation of the current mission and charge of the Local Housing Partnership and said that it would be a good idea to expand the number of members to at least nine.

MOTION 215-303: Wilson moved and Murphy seconded to expand the number of Local Housing Partnership to at least nine members. The motion passed 4-0.

Deferral of effective date of Policy for Maintaining Private Paved Roads for Snow Plowing

DPW Director Mark Vincent was not present. Terkanian spoke about the request and reasons for deferral of the effective date of the Policy for Maintenance of Private Paved Roads for Snow Plowing. Wilson pointed out the provision for re-inspection for compliance and said that there should not be a reason for deferring the policy for everyone. Terkanian presented the implications to roads that have not been inspected and accepted if this policy is goes into effect. Bruinooge expressed her position and supported the idea of better dissemination of information in order to have more people aware to have their roads inspected to determine compliance. Wilson suggested creating media and public awareness in order to inform the affected parties. Curt Felix wanted to better understand the presented request and how this would impact the coming winter. Houk wanted to know the number of affected properties. Terkanian said that the Policy has the potential to impact 140 roads, and has to check the exact number

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of properties. Houk said that the Town should have the obligation to inform the people. Murphy supported the idea of informing the property owners. Wilson suggested including “spread the word” as part of the informational campaign. Terkanian reiterated the complications of enforcing the policy for the coming winter.

MOTION 215-304: Bruinooge moved to defer the effective date of Policy for Maintaining Private Paved Roads for Snow Plowing for one year. Further discussion ensued. Wilson wanted to know if this deferral will maintain the status quo. Houk seconded and the motion passed 3-1 (Wilson).

Municipal tick-testing program

Wilson presented her recommendation for implementing a municipal tick-testing program. She said that the Health Agent has taken the suggestion enthusiastically. She asked the Board for support, so she can bring more information on this subject. Terkanian said that funding of this initiative should be better understood. Wilson explained that she had researched it and there are discounts offered to municipalities. Based on rough calculations the cost might be several thousand dollars, and if the program is regionalized or the testing fee is shared between the municipality and the party testing the tick the cost might be lower. The Selectmen did not object the idea of gathering more information on this topic.

Award of contract for installation of video and playback equipment at the Library & COA

Assistant Town Administrator Brian Carlson presented the award of installation of video and playback equipment at the Library and COA. Terkanian explained that this contract will be paid by franchise fees from Comcast for the government channel.

MOTION 215-305: Bruinooge moved and Wilson seconded to award the contract for installation of video and playback equipment at the Library & COA to Access A/V and to authorize the TA to execute the contract on Town’s behalf. The motion passed 4-0.

Vote to accept MGL Chapter 32B Sections 21 – 23

Terkanian explained that the vote to accept MGL Chapter 32B Sections 21 – 23 is a recommended action by the Cape Cod Municipal Health Group.

MOTION 215-306: Wilson moved and Houk seconded to vote to accept MGL Chapter 32B Sections 21 – 23. The motion passed 4-0.

Approval of revised BOS Policy on Policies, Use of Town Property Policy and revoking of the Quorum Policy

Terkanian said that the presented changes for the approval of revised BOS Policy on Policies and Use of Town Property Policy were already reviewed during the July 28, 2015 meeting and this is the second review. He also explained that the Quorum Policy is redundant and does not serve any purpose.

MOTION 215-307: Bruinooge moved to accept and adopt the revised BOS Policy on Policies and Policy on Use of Town Property and revoke the Quorum Policy. The motion passed 4-0.

Town Administrator’s Report

Terkanian presented his report⁴ of July 31, 2015 and added:

- The pre-application review meeting for Harbor dredging was held on July 28, 2015 and on August 4, 2015 Representative Sarah Peake and EEOA Secretary Braton met with Town Officials to further discuss the project.

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- The initial Wage and Classification Study meeting between the study consultant Don Jacobs, Terkanian and Carlson took place on July 30 and the first orientation meeting between the consultant and Town employees took place in the morning of August 11.
- There has been information that two businesses are serving alcohol outside permitted premises and these violations need to be enforced.

Wilson wanted to know if Joey Rugo's contract needed the Selectmen's vote to be reinstated. Terkanian answered the question. Murphy talked about the ATA's idea for "Thank You" letter to the officials who attended the Harbor dredging meetings.

Future Concerns

- Bruinooge suggested considering enlarging White Crest Beach Parking Lot due to reaching capacity and creating congestion. Terkanian said that he will look into it.
- Wilson wanted to find out who owns the land on the West side of Cahoon Hollow. Wilson suggested considering a pricing structure for bus parking on Town beaches
- Wilson suggested appointing a screening committee for the Town Treasurer. Terkanian said this will be part of the August 25, 2015 meeting.
- Wilson suggested considering Young's idea about floating racks and said that she will further research this matter.

Correspondence⁵ and Vacancy⁶ Reports

Wilson spoke about the upcoming NStar Annual Operational Vegetation Management Plan and suggested registering the sensitive areas in Town such as the public water wells.

Minutes⁷ of July 28, 2015

MOTION 215-308: Bruinooge moved and Wilson seconded to approve the minutes of July 28, 2015 meeting with the correction of two typos. The motion passed 4-0.

John Arsenault wanted to know if the Selectmen have received his second communication regarding his request to reduce the Use of Town Property Fee.

Executive session and Adjournment

In an open session Murphy read the purpose of the executive session: *To approve 2015 to date Executive Session minutes* and said that discussing this matter in open session may have a detrimental effect.

MOTION 215-309: The Selectmen took a roll call vote to enter into executive session and not go back in public session. The motion passed by each Murphy, Wilson, Bruinooge and Houk each said "Aye". The public meeting adjourned at 9:18 pm.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Shellfish Constable's recommendations

² SAB letter to BOS dated 1/11/15

³ Proposed combining of Marina Rules and Regulations and Mooring Rules and Regulations

⁴ TA Report of July 31, 2015

⁵ Correspondence report of August 11, 2015

⁶ Vacancy report of August 6, 2015

⁷ Minutes of July 28, 2015