



## Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, November 24, 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. The Community Preservation Committee will hold an annual needs hearing for housing, historical preservation, open space, recreation in accordance with the Community Preservation Act, G.L. c.44B.
  - B. To transfer shellfish grant licenses #95-23 and 05-24 from Peter Rennert to Peter Rennert and Zachary Rennert.
  - C. To amend the Town of Wellfleet Shellfish Rules and Regulations by adding section 7.18.7: Conditions for Overwintering Gear on Licensed Areas.
  - D. Request received October 29, 2015 from Ken Kozak on behalf of TEK Restaurant Group, Inc. d/b/a the Wicked Oyster to close from November 30, 2015 through January 13, 2016 to do renovations and general clean up.
  - E. Request received November 9, 2015 from Russell Swart to close Marconi Beach Restaurant from November 16, 2015 through January 15, 2016.
  - F. Request received November 9, 2015 from John Pontius to close Finely JP's Restaurant from December 6, 2015 through January 15, 2016.
- III. Licenses/Appointments/Reappointments/Use of Town Property**
  - A. Licenses
    - 1) Renewal of annual liquor licenses for Bookstore & Restaurant, Finely J.P.'s, JB's Pizza Bar & Grill, Marconi Beach Restaurant, PB Boulangerie Bistro, Wellfleet Harbor Actor's Theater – Route 6, Wellfleet Preservation Hall, Inc., The Wicked Oyster, Seaside Liquors, Wellfleet Spirits Shoppe, Wellfleet Marketplace, Wellfleet Mobil and Blackfish Variety.
  - B. Appointments and Reappointments
    - 1) Dawn Rickman to Taxation Aid Committee member at large from 12/08/2015 to 6/30/2017.
  - C. Use of Town Property
    - 1) Chamber of Commerce to hold 2015 Holiday Tree Lighting and sing along on December 12, 2015, from 4 pm to 5:30 pm; \$20 application fee paid, event fee TBD.
- IV. Business**
  - A. Harbor Dredging Project Update and proposed letter in support of project [Pilcher]
  - B. Cape Cod National Seashore Comprehensive Shorebird Management Plan [Green]
  - C. Cape Cod Mosquito Control FY 2017 Budget request [TA]
  - D. Christmas Eve Work Schedule; possible early dismissal for non essential employees on December 24, 2015 [TA]
  - E. Town Administrator briefing on status of the classification and compensation study [TA]

- F. Waiver request from stormwater discharge permit regulation [ATA]
- G. Possible revocation of Board of Selectmen's policy on Award of Shellfish Grants (Policy 1988-04) [TA]
- H. Review and possible approval of proposed amendment to Board of Selectmen policy on investments – additional policy provisions for Other Post Employment Benefits funds [TA]
- I. Review and possible approval of proposed amendment to Board of Selectmen Equal Opportunity, Discrimination and Sexual Harassment Policy [TA]
- V. **Town Administrator's Report**
- VI. **Future Concerns**
- VII. **Correspondence and Vacancy Report**
- VIII. **Minutes [ November 10, 2015 ]**
- IX. **Executive session**
  - A. Strategy with respect to litigation – Cumberland Farms vs ZBA [TA]
  - B. To consider the possible purchase of real estate [TA]
  - C. Approval of and determination whether to release minutes of prior executive sessions (January 13, 2015, January 29, 2015, February 10, 2015 March 17, 2015, April 28, 2015, April 27, 2015 May 26, 2015, June 9, 2015, June 23, 2015 and October 15, 2015.) [TA]
  - D. Strategy with respect to collective bargaining and negotiations with non union personnel. Personnel involved: Wellfleet Employees Association all three units, Teamsters (DPW), Permanent Firefighters, Communications, Police Chief, Police Lieutenant, Fire Chief and DPW Director.[TA]
- X. **Adjournment**

Legal Advertisement  
Town of Wellfleet  
Community Preservation Committee

RECEIVED  
TOWN OF WELLFLEET  
2015 OCT 30 PM 12:00

The **Wellfleet Community Preservation Committee** will hold a public hearing during the Board of Selectmen Meeting on **Tuesday, November 24, 2015 at 7:05 p.m.** in the **Wellfleet Senior Center**, to review the annual list of community needs for Housing, Historic Preservation, Open Space and Recreation, gathered by the Wellfleet Community Preservation Committee in accordance with the Community Preservation Act, G.L. c. 44B.

Mary Rogers, Community Preservation Committee Coordinator

For the *Cape Codder*  
Editions of Friday, November 6, 2015  
and Friday, November 13, 2015  
Please retain bold.  
Please send clips.

CPC Application Requests for 2016 for Annual Needs Hearing Nov. 24, 2015

| #     | Project  | Sponsor                               | Amount        | Targeted Needs   |
|-------|--|---------------------------------------|---------------|--|
| 16-01 | Cape Cod Village<br>An Innovative Community<br>for Adults with Autism                | Cape Cod Village, Inc.                | \$ 100,000.00 | Community housing for special needs<br>regional contribution |
| 16-02 | WAHTAR<br>Wellfleet Affordable Housing<br>Technical Assistance                       | Wellfleet Housing Auth.               | \$ 50,000.00  | support for Affordable Housing projects                      |
| 16-03 | Adams Lodge - Phase 2  | Adams Masonic Lodge                   | \$ 190,000.00 | historic preservation of Central District iconic building    |
| 16-04 | Pond Hill School<br>Restoration Completion   | SWNASU                                | \$ 80,000.00  | preservation of So. Wellfleet historic structures            |
| 16-05 | Restoration & Renovation<br>of Wellfleet Historical<br>Society and Museum<br>Phase 1 | Wellfleet Hist. Society<br>and Museum | \$ 300,000.00 | restoration of Central District building & streetscape       |
|       |  |                                       | \$ 720,000.00 | Total Requests   |



TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, November 24, 2015 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- To transfer shellfish grant licenses #95-23 and 95-24 from Peter Rennert to Peter Rennert and Zachary Rennert.

Recommendation of the Shellfish Constable will be available in the Administration Office.

WELLFLEET BOARD OF SELECTMEN

Peter Rennert  
PO Box 1150/155 Day Road  
Wellfleet, MA 02667

Wellfleet Board of Selectmen  
300 Main Street  
Wellfleet, MA 02667

November 9, 2015

Dear Chairman Pilcher,

I am writing to request the addition of my son's name, Zachary Rennert, to my grant license (95-23/95-24). My son has been working with me on the grant for the last few years and has expressed to me his interest in developing the grant into his career. Please feel free to contact me with any questions or concerns.

I appreciate your support regarding this request.

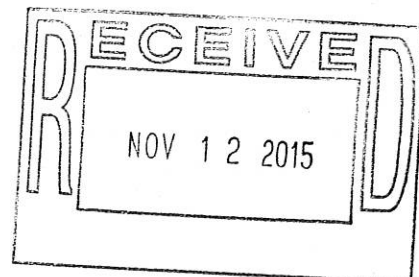
Sincerely,



Peter Rennert

Cell: (617) 939-6740

c.c. Wellfleet Shellfish Department



TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, November 24, 2015 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- To amend the Town of Wellfleet Shellfish Rules and Regulations by adding section 7.18.7 to read: **Conditions for Overwintering Gear on Licensed Areas.** All aquaculturists who wish to leave oyster racks out over the winter must first fill out an overwintering contract with the Town and adhere to the terms put forth in that contract. Copies of this form are available at the Shellfish Department.

Recommendation of the Shellfish Constable will be available in the Administration Office.

WELLFLEET BOARD OF SELECTMEN



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

10/27/15

To; Board of Selectmen

From; Andrew Koch

Re; Addition to shellfish regulations

I would like to request a hearing to add the following regulation to our towns shellfish regulations. I would like to add it as ~~4~~7.18.7 Conditions For Overwintering Gear On Licensed Areas .

~~4~~7.18.7 All aquaculturists who wish to leave oyster racks out over the winter must first fill out an overwintering contract with the town and adhere to the terms put forth in that contract. Copies of this form are available at the Shellfish Department.

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

I, ----- agree to remove all metal racks or anything constructed of metal except rebar and u hooks used to secure clam nets to the bottom by January 15<sup>th</sup> or when ice moves into the harbor whichever occurs first. If I decide to store racks in the harbor over the winter, I agree to the following conditions.

1. All racks shall be tagged with the owners name or grant number.
2. An accurate number of racks being wet stored must be provided on this contract.
- 3 All racks must be pumped down to within 8 inches of the bottom.
4. Any racks that are damaged during the winter must be cleaned up by March 1<sup>st</sup> or when the departure if ice allows, whichever occurs first.
5. I understand that I am liable for any damage my racks may cause to other aqua culturists.
6. Failure to adhere to theses conditions can result in suspension or revocation of my grant license.

Grant license #------

# of racks to be stored-----

Signature-----

Date-----





The Shellfish Constable shall have the authority to temporarily waive these regulations if the presence of ice hampers the ability of a licensee to immediately comply with these regulations.

#### 7.18.6. Fines for Gear Violations.

After receiving a written warning, the licensee has 7 days to comply. After the seventh day, a fifty dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

#### 7.18.7 Conditions for Overwintering Gear on Licensed Areas.

All aquaculturists who wish to leave oyster racks out over the winter must first fill out an overwintering contract with the Town and adhere to the terms put forth in that contract. Copies of this form are available at the Shellfish Department.

#### 7.19. Buffer Zones

There shall be a buffer zone contiguous with the perimeter of any licensed area that is either twenty-five (25) feet wide, or one half the distance to the adjacent licensed area if less than fifty (50) feet, except where two (2) licensed areas abut. It is the responsibility of the license holder/s to keep this area clear of any equipment or gear owned by the licensee/s.

#### 7.20. Exception to Hours of Operation

As required in Section 4.7, no license holder shall harvest, dig, pile, take or carry away any shellfish or shell during the period from one half (1/2) hour after sunset to one half (1/2) before sunrise by any method whatsoever. In the event of impending natural emergencies due to storms, ice or the like, and only after notifying the Shellfish Constable, a licensee may engage in securing stock and gear during this time period. Licensees must notify the Shellfish Constable in advance of their intention to empty seed trays and plant out seed at such times when the extreme tides needed to conduct such activities occur during this time period.

#### 7.21. Hydraulic Harvesting of Shellfish from Grant Areas

The use of hydraulic harvesting gear for the purpose of harvesting shellfish from within the boundaries of a licensed area is permitted under the following conditions and with the following restrictions:

- a) Devices used shall be for the hosed ejection of water under pressure into a shellfish bed;
- b) Pressure pumps shall not exceed five (5) horsepower as rated by the manufacturer;
- c) Noise control devices (i.e. mufflers) shall be in place and in good repair at all times;
- d) Not more than one device may be used on any grant at any time;
- e) Hours of operation shall be between 7:00 a.m. and ½ hour before sunset;
- f) The Shellfish Constable shall have the authority to direct an individual involved in the use of such equipment to cease and desist if the Constable feels that there is a problem that necessitates such action. Any individual so ordered shall have the right to appeal the Constable's decision to the Board of Selectmen, at their first scheduled meeting after the service of such order.

#### 7.22. Extension of Acreage Without Permission

No aquaculture license holder may willfully extend or cause to extend his or her grant boundaries, or allow cultivation, operation, propagation or products and equipment to exist beyond the duly recorded boundaries of his or her licensed area. The Shellfish Constable may cause a licensed area to be re-surveyed by a registered civil engineer, in the event that the assigned boundaries of an aquaculture license are called into question. If a violation of this section is then established, the aquaculture license of the individual guilty of the infraction shall then be revoked.

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## **Section 8 Commercial Shellfishing: Dragging and Dredging**

### 8.1. Areas Closed to Dragging/Dredging

TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with M.G.L. Chapter 138, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, November 24, 2015 at 7:05 pm in the Wellfleet Council on Aging to consider the following:

- Request received October 29, 2015 from Ken Kozak on behalf of TEK Restaurant Group, Inc. d/b/a the Wicked Oyster to close from November 30, 2015 through January 13, 2016 to do renovations and general clean up.
- Request received November 9, 2015 from Russell Swart to close Marconi Beach Restaurant from November 16, 2015 through January 15, 2016.
- Request received November 9, 2015 from John Pontius to close Finely JP's Restaurant from December 6, 2015 through January 15, 2016.

WELLFLEET BOARD OF SELECTMEN



TEK Restaurant Group Inc.  
d/b/a

the wicked oyster

50 main street  
wellfleet, ma 02667

OCT 29 2015

October 23, 2015

To Whom It May Concern,

I am requesting permission to close The Wicked Oyster from November 30th through January 13<sup>th</sup>, 2016.

We will be using this time to do renovations and general clean up.

It will also allow our year round staff some time off during the holidays.

Thank you for your consideration.

If you have any questions please feel free to contact me at  
(508) 221-4197.

Sincerely,

Ken Kozak  
Owner



*RUSS & MARIE'S*  
*MARCONI BEACH*  
*BBQ & SEAFOOD RESTAURANT*

November 9, 2015

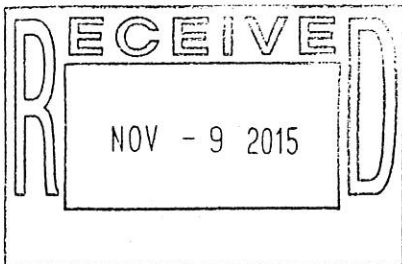
Board of Selectmen  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

Dear Wellfleet Board of Selectmen,

I am writing to request that my restaurant be closed for 6-8 weeks commencing November 16, 2015 for repairs and renovations to the kitchen and dining rooms. I expect to be able to have all work finished in early January and anticipate a reopening date no later than January 15, 2016. Thank you.

Sincerely,

Russell Swart  
Owner



Finely J.P.'s Inc.  
P.O. Box 1360  
Wellfleet, MA 02667  
508 349-7500

To the Wellfleet Selectmen;

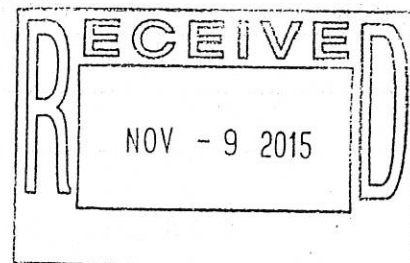
November 9, 2015

I am writing to request the closing of Finely J.P.'s Restaurant from Sunday December 6, 2015 through Thursday January 14, 2016, and reopening Friday January 15, 2016. This closing time will be used for general cleaning and maintenance.

Thank you .

Sincerely,

  
John W. Pontus





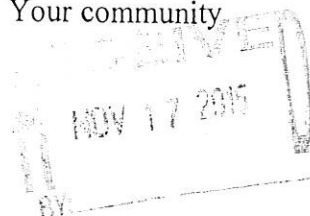


**TOWN OF WELFLEET**  
**APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

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 it to:

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



☐ Name Dawn E. Rickman Date Nov. 17, 2015

Mailing Address Box 1080; Wellfleet, MA 02667

Phone (Home) 508-349-9246 Phone (Business) \_\_\_\_\_

e-mail: derickman@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Town of Wellfleet employee from 1977. Town Clerk/Treasurer for 31 years. Was a Taxation Aid Committee member until retiring in 2014. Currently on the Taxation Aid Committee as Interim Treasurer

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

Currently a Certified Massachusetts Municipal Treasurer

☐ Committees/Boards of Interest: 1) Taxation Aid Committee (member at large)

2) \_\_\_\_\_

3) \_\_\_\_\_

## Request to the Wellfleet Board of Selectmen

At the present time the Wellfleet Taxation Aid Committee has one vacancy. On behalf of the Committee I am requesting that the BOS appoint Ms. Dawn Rickman to the Committee to be effective starting December 7, 2015. On that date she will no longer be a member of the Committee, as the new Wellfleet Town Treasurer will begin work that day and become an automatic member of the Committee. Ms. Rickman has offered to serve as an 'at large' member of the Taxation Aid Committee beginning at that time, which would bring the Committee back to its maximum membership of five. The committee would be most grateful for the approval of this request by the Board.

Respectfully submitted,

Manuel Smith, Chairman  
Taxation Aid Committee

**TOWN OF WELLFLEET**  
**APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Lara Henry Affiliation or Group Chamber of Commerce  
Telephone Number 508-349-2510 Mailing Address PO Box 571  
Email address wellfleetchamberboa@gmail.com Wellfleet, MA 02667  
Town Property to be used (include specific area) Lawn in front of Town Hall

Date(s) and hours of use: 12/12/15 4- 5:30 pm

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.

2015 Holiday tree lighting and sing along. Will set up  
a 10 x 10 ft pop up tent (in case of precipitation) and  
need electricity for tree lighting & musicians (small amp) We  
will also have two propane heaters set up outside tent.

Describe any Town services requested (police details, DPW assistance, etc.) No food, no fees

None

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): \_\_\_\_\_

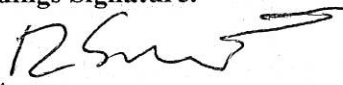
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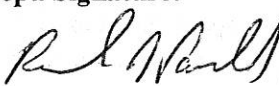
Date: \_\_\_\_\_

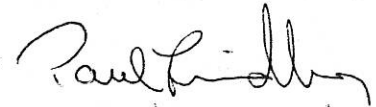
Processing Fee: 20.00 paid

Fee: \_\_\_\_\_

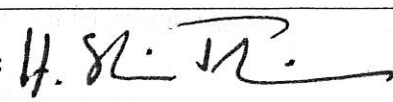
(over)

|   |  |
|---|--|
| <b>Health/Cons. Agent Signature:</b><br><br><b>Comments/Conditions:</b><br><br><b>Permits/Inspections needed:</b> | <b>Inspector of Buildings Signature:</b><br><br><b>Comments/Conditions:</b><br><br><b>Permits/Inspections needed:</b> |
|---|--|

|   |  |
|---|--|
| <b>Police Dept. Signature:</b><br> OK<br><b>Comments/Conditions:</b><br>11/18/15 | <b>Fire Dept. Signature:</b><br> OK<br><b>Comments/Conditions:</b><br>11/18/15 |
|---|--|

|   |  |
|---|--|
| <b>DPW Signature:</b>  11/18/15 OK<br><b>Comments/Conditions:</b> | <b>Beach Dept. Signature:</b><br><br><b>Comments/Conditions:</b> |
|---|--|

|  |   |
|--|---|
| <b>Shellfish Constable Signature:</b><br><br><b>Comments/Conditions:</b> | <b>Harbormaster Signature:</b><br><br><b>Comments/Conditions:</b> |
|--|---|

|   |  |
|---|--|
| <b>Recreation Dept. Signature:</b><br><br><b>Comments/Conditions:</b> | <b>Town Administrator:</b> <br><b>Comments/Conditions:</b><br>Approved last year: no fee<br>no conditions |
|---|--|



# TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300

Fax (508) 349-0305

[www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

Mr. Edward O'Donnell  
Army Corps of Engineers

December 2015

Dear Mr. O'Donnell:

Wellfleet Harbor faces a critical problem that threatens public safety, the town's economy, public health and public access. Unless we act quickly to perform maintenance dredging in the harbor, Wellfleet's quality of life and its ability to thrive will be seriously impaired.

***Maintenance dredging of Wellfleet Harbor cannot wait.***

Our Harbor suffers from serious silting in all access channels. When low tide is at midday, this results in access being unavailable for the better part of the day. Consequences include potential life and death situations, as the Harbormaster is unable to respond to emergencies. Also in jeopardy is the very livelihood of the men and women in the aquaculture industry. In fact the threat is real and immediate to Wellfleet's overall economy that relies heavily on boating/fishing/tourism as well as public health and commercial access. The economic ripple effect creates losses in the tens of millions of dollars in lost opportunities for local business people.

Maintenance dredging is overdue in all areas of the harbor. Funding for dredging will exceed Wellfleet's annual operating budget. The town has provided the necessary funds to initiate the work and studies required to secure the permits for dredging. We continue working to achieve this goal, but we need help.

The lack of maintenance dredging dramatically impacts public safety, economics (fishing, aquaculture, tourism) and commercial/public access. Each of these is separately detailed in the following paragraphs and accompanying attachments.

## **OVERVIEW, BACKGROUND AND HISTORY**

Wellfleet Harbor has a long and rich tradition dating back to the whaling and industry of the 1600s. Early on settlers discovered the special delight of the Wellfleet oyster ---which maintains its worldwide reputation as a unique delicacy. The harbor's contours and protected inner waters made it a natural haven for boaters, commercial fishermen and, over the past 100 years, a growing recreational and tourist industry. With nearly 70% of its land under conservation restrictions, Wellfleet is the gateway to the Cape Cod National Seashore. The Harbor's convenient location with easy access to Cape Cod Bay and all the waters of the Outer Cape make it a logical and important location for emergency operations.

The Town, State and Federal governments have contributed to making Wellfleet's Marina a model for other seacoast villages. With generous help from the United States government, the Commonwealth of Massachusetts, and the Town itself Wellfleet boasts of a modern



21st century marina, mooring basin, and boat launch facility. A new launch ramp and marina expansion were completed in 2005, marina restoration in 2008 and stormwater remediation in 2007. The facility is built to accommodate launching and parking for up to 60 boats daily and potential mooring for 400. Unfortunately, launch times are limited and moorings constricted by the silting in muck.

Awareness of the importance of Wellfleet's Harbor is longstanding. As long ago as 1872 the Army Corps District Engineer recognized that "... Wellfleet Harbor is worthy of improvement by the United States in the interests of the well-established shellfishing industry and for the promotion of recreational boating." Nearly 150 years later the centrality of the Harbor to Wellfleet's commerce, economy and municipal identity remains of paramount importance.

The Town of Wellfleet takes its responsibilities as steward of the Harbor seriously. An annual two-day "State of the Harbor Conference" held in November attracts hundreds of residents for presentations that are often weighty and technically complex. Attendance over the two days regularly exceeds 10% of the year-round population of 2750. The Town maintains an independently funded Marina Enterprise Fund and strives mightily to meet all expenses through marina revenue and even putting aside some for unanticipated repairs. The volunteer Marina Advisory Committee meets regularly and provides counsel and advice to the Harbormaster and his staff.

The present silting of the Harbor is much more than an inconvenience. This situation poses serious threats to the health and welfare of those who live here as well as visitors. It compromises the ability of the Harbormaster to fulfill obligations to protect, search and rescue. At half tide or lower there is no emergency access to or from the Marina. It threatens our town's economic livelihood both directly and indirectly, and the effect of economic multipliers result in tens of millions of dollars in lost opportunities for local businesspeople, many of whom are literally living "on the edge" of self-sufficiency. Finally, it impedes access for Wellfleet's seasonal visitors who come by the tens of thousands each summer to enjoy our unspoiled ponds and beaches and the wonders of the Cape Cod National Seashore.

Taken together, the impacts of a silted-in harbor create a dire threat to Wellfleet and the Outer Cape and require immediate action. Only if maintenance dredging is undertaken can the Harbor recoup its benefits.

## **TECHNICAL BACKGROUND & DATA**

Improvements to Wellfleet Harbor began in 1872 with the authorization of a Federal navigation channel, completed in 1899. The channel has been deepened and widened several times, most recently with a 1945 authorization for a channel 125 feet wide and 10 feet deep ending with an anchorage basin 500 feet by 800 feet. Beginning in 1958 the Marina saw a comprehensive facility modernization and improvement. The Federal channel and anchorage were finally constructed to their authorized dimensions. 1958 also saw other significant improvements with either the construction or authorization of the present breakwater, timber pier and approach and present marina. The importance of the harbor to Wellfleet is evidenced by the use of an aerial photo of the completed Marina for the cover of the 1968 annual town report.

Wellfleet, with its Federal and state partners, has worked hard to maintain and improve this first class facility. The Army Corps performed maintenance dredging of the Federal

project in 1972, 1981 and 1994. The Town/State project has been dredged with significant assistance from the Commonwealth in 1968, 1982 and 2001. Other significant improvements or repairs include the renovation or repair to the timber pier in 1983 and 1999, improved fuel dispensing system in 1999, bulkhead repairs and a floating dock system in 2000. In 2006 a pumpout dock was completed. In 2007 a general rehabilitation project was undertaken which included stormwater mitigation and construction of a walkway around the exterior to provide a walking path. With financial assistance from the Commonwealth the original single launching ramp has been doubled to accommodate more boat launchings.

Wellfleet has operated the Marina in an environmentally responsible manner. In 1999 an alternative septic system with enhanced nitrogen removal capability was installed and in 2014 a second septic system with a tight tank was installed. Pumpout facilities have been added including a pumpout boat in 1994 and dock in 2006. Regulations prohibiting power washing of boats and restricting refueling have been adopted. In 1989 the harbor was designated as an Area of Critical Environmental Concern. In 1995 Wellfleet Harbor was the first harbor on Cape Cod to receive the Federal No Discharge Zone designation from the EPA. In 2002 the Town completed Army Corps of Engineering licensing of all Marina improvements.

The Town manages the Marina as an enterprise fund under General Laws chapter 44, section 53F ½ in order to provide financial clarity for Marina operations. Marina improvements are supported by Marina revenues. Wellfleet's 2014 town meeting established a stabilization fund specifically for Marina capital improvements.

In recognition of the need for immediate maintenance dredging, Wellfleet has been working for the past five years on dredging permitting requirements and has retained Bourne Consulting Engineers for professional assistance in this endeavor.

## **PUBLIC SAFETY**

The Harbormaster's single most important mission is to insure the safety of the boating public. The silting in of Wellfleet Harbor clogs our channels and severely crimps his ability to respond to emergencies within the Harbor –or to get to Cape Cod Bay when summoned by the U.S. Coast Guard.

The Wellfleet Harbormaster Department is part of the Cape and Islands Maritime Response System (CIMRS) whose goals are to enhance search and rescue efforts, prevent the loss of life at sea and protect the maritime environment. The CIMRS joint partnerships produce a readiness posture that reduces response time, employs a consolidated communications system between local, state and federal agencies, increases response assets, and improves search and rescue effectiveness.

The Area of Responsibility for Wellfleet's Harbormaster under CIMRS includes all of Wellfleet Harbor and the area of Cape Cod Bay extending off our shores. When an emergency arises while the Coast Guard is on a mission on the ocean side of the Cape, Wellfleet is the primary responder to this event –as the response time for Coast Guard assets from the east side of the Cape would be several hours. Our present inability to respond to any emergency around low tide is frankly unacceptable as a timely response could be the difference between life and death. There have been recent emergencies where first responders were unable to launch to render assistance. Fortunately, none of the

incidents have resulted in serious injury or loss of life, but they clearly demonstrate the risks associated with the current state of the harbor.

Hurricanes, nor'easters, and sudden storms can develop quickly and demand immediate action both within the Harbor and its outskirts on Cape Cod Bay. The Harbormaster must be able to respond to these critical situations that can and do threaten thousands of boaters.

Dredging will enable the Harbormaster to provide the services for which he is legally obligated and to guarantee the boating public the protection they deserve.

While it is hard to put a price tag on this service, the serious consequences of injury or even loss of life are sobering.

## ECONOMICS

### A. FISHING & AQUACULTURE

The Wellfleet oyster has been world famous for centuries. Despite a year-round population of only 2750 souls, Wellfleet produces 8 million pieces of shellfish annually, a harvest second only to the much larger town of Duxbury (pop. 15,000+) in the State of Massachusetts. Shellfishing regularly produces some \$4-5 million of income on a wholesale basis and around \$15 million retail. About 200 of Wellfleet's residents work in the shellfish industry, at nearly 14% a much higher figure than for other Cape Cod towns. Of particular significance is the "multiplier" income generated by shellfishing. As "new money" created from whole cloth, shellfish revenue, as it gets spent and respent in the local economy, multiplies by a factor of at least 2 and perhaps as much as 9.

In recent years, Wellfleet's gala OysterFest has attracted upwards of 20,000 visitors for a 2-day October weekend highlighting the Wellfleet oyster and related businesses.

Failure to perform maintenance dredging will have a dramatic and dire effect on shellfishing. The decaying organic matter commonly called "black mayonnaise" is the target of the dredging and is already spewing over into nearby shellfish beds, smothering and killing off the oysters. As was noted recently by Christopher Schillaci, Vibrio Coordinator, Massachusetts Division of Marine Fisheries, the primary danger to Wellfleet's aquaculture business does **not** come from disease such as vibrio—but rather from a die-off precipitated by the aforementioned "black mayonnaise". As will be seen subsequently this danger also affects a major shellfish propagation project undertaken by the Wellfleet Wastewater Committee.

In addition, those aquaculturists who rely on boat transport to get them to their grants—or to drag for oysters—have found their hours and their revenue severely curtailed by the silted-in harbor.

While a precise figure of loss may be difficult to pin down, it is clear that failure to dredge resulting in the anticipated diminution of Wellfleet's primary business enterprise will gradually result in catastrophic, multi-million dollar losses.

On the positive side, maintenance dredging that clears out much of the "black, mayonnaise" combined with other public endeavors to improve the flow of Mayo Creek and the Herring River will allow Wellfleet to grow and enhance its aquaculture business by geometric factors.

## **B. TOURISM**

A relatively recent development has been the burgeoning Wellfleet tourism industry over the past 50-75 years. About 2/3 of Wellfleet's homes are owned by second homeowners. The town population swells from under 3000 to well over 20,000 for the 10-12 summer weeks. The rental home market has been conservatively estimated to be in the \$12-15 million range. Most Wellfleet businesses rely upon these summer weeks for the lion's share of their annual income. Without it, they would be unable to keep their doors open.

Within walking distance of the Marina and Harbor are 65-70 businesses. When times are good, boaters and visitors crowd the Marina's 300+ parking spots and partake of Wellfleet's many charms: the well-preserved historic district; a wealth of art galleries; numerous restaurants and small shops; the beaches, ponds and, of course, the wide expanses of the National Seashore.

Without a viable harbor, many of these businesses would be unable to stay in operation. Even visitors who do not actually come to Wellfleet by boat, or who do not use its boating facilities, hone in on the Marina, to enjoy its walkway and the scenic vistas afforded by a working harbor.

Many of Wellfleet's businesses report a downturn in visitors related to the silting in and non-viability of the harbor. As one motel owner related, he could specifically identify 6-10 families at his facility who no longer come to Wellfleet for their week's vacation because of the condition of the harbor.

From prior analysis (see sector on Aquaculture) we know a dredged harbor will conservatively facilitate some \$15-20 million in business for the town. Adding in the attendant businesses within walking distance would minimally double that impact. The Harbor traffic bolsters the grocery and restaurant business, lodging, gift shops, art galleries ---to say nothing of the more esoteric Wellfleet attractions such as our modern house exhibits, tour of historic houses and simply snack and ice cream shops.

## **PUBLIC HEALTH**

For the past several years Wellfleet has been engaged in a shellfish propagation project as part of the Barnstable County plan to bring all Cape Cod watersheds into compliance with the Federal Clean Water Act. The results have been dramatic and heartening. The establishment by Wellfleet's Waste Water Committee of a propagation area of some 4 million oysters has resulted in cleaning of the nitrogen from the Harbor waters --in some cases up to 90%.

However, just as with the commercial aquaculturists, the Wastewater committee has encountered the silting in of the "black mayonnaise" as a serious detriment to their project. As their attached report notes, failure to dredge the harbor may well result in the short-circuiting of this all-important project. A possible result is that Wellfleet will be forced to construct a full-blown sewer and water treatment system at a cost of approximately \$60 million. Because of its location in the inner harbor, this project is particularly susceptible to the incursion of the "black mayonnaise".

## **PUBLIC & COMMERCIAL ACCESS**

At present the Marina Boat ramp is unusable for anywhere from 4 to 6 hours daily. In



addition the mooring basin is silted in, so that boats that draw as little as 2 feet are resting on the mud, making the Harbor off-bounds for large craft.

Wellfleet has two main businesses specializing in preparing and launching boats for their owners. Both report that business has actually declined in the past two years for at least two, related reasons. First is that the access to the ramp is limited by the silting. Second, owners of large boats that need at least 4 feet of water, find it unpalatable either to have their boat rest on the mud, or launch and pull their boat daily.

In addition to the boat launch businesses, a number of fishing boat captains ply their trade from the Marina. In effect their business, which totals close to \$1 million annually, has been sliced in half by the inaccessibility of the ramp and channels. As one boat captain remarked in an attached letter, where he was formerly able to take two trips daily, he is now lucky to be able to squeeze in one.

A similar effect impacts the sailboat and boat rental business conducted off one of the Marina piers. Boat rentals that would total anywhere from \$200-400 daily are now cut in half because of the inaccessibility of the channel. Over a 10-12 week season this results in a net loss of over \$10,000 per boat for about a dozen boats.

Finally, the silting in of channels and mooring basins seriously impacts the boating public. There has been a steady decline of boaters asking to be placed on a waiting list for slips...and these past two years saw the ominous development of people asking to be taken off the wait list as they said the harbor is no longer a viable mooring and launching base.

A study of the economic impact of the Wellfleet Marina during 2007 (before the dire effects reported above began) stated that boaters who rent slips spend an average of \$3,628 per year on boating trips and \$6,672 on craft-related expenses...with a total trip spending by these boats at \$3 million. The direct effects on the local economy of this spending are 95 jobs, \$1.8 million in labor income and \$3.0 million in value added. If one includes secondary effects, the total impact on the local economy is 117 jobs, \$2.4 million in labor income and \$4.0 million in value added.

The preceding figures do not include dollars spent by boaters who are transients, or day-trippers who come into Wellfleet for a few hours. Even without these additional figures – and without computing the additional monies that could be generated if the Harbor and channels were accessible 24 hours a day – the effect of loss of public and commercial access can easily be seen to be a multi-million dollar one.

(Source: Economic Impact Analysis: Town of Wellfleet Marina 2007 08/17/2011)

**In sum we feel there are economic, public safety, public health and public access issues compelling the maintenance dredging to Wellfleet Harbor. The symbiotic relationship of Wellfleet's harbor with marina related businesses, aquaculture, the multi-million dollar tourism industry and other less obviously connected businesses, make it absolutely critical that the Harbor's health be maintained. Maintaining that health can only be done by fulfilling the promises made to perform maintenance dredging on a regular basis.**

**If this effort is not undertaken soon, we will lose not only the tens of millions of dollars and the projects listed above, but also we will have lost a town that epitomizes the American dream of hard work, environmental stewardship and team effort to secure a bright and prosperous future.**



Respectfully Submitted:

BOARD OF SELECTMEN

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Paul Pilcher

---

Dennis Murphy

---

Helen Miranda Wilson

---

Berta Bruinooge

---

Jerry Houk

TOWN ADMINISTRATOR

---

Harry Sarkis Terkanian

CHAIR, MARINA ADVISORY COMMITTEE

---

Joseph Aberdale

HARBORMASTER

---

Michael Flanagan

#### ATTACHMENTS & SOURCES:

1. Memo re Harbor Filling Impact on Comprehensive Wastewater Plan (with citations)  
Wellfleet Wastewater Committee 06/20/15
2. Pictures of boat at rest on mud in Marina slip and mooring basin from: Ramon Rustia (06/15) and Joseph Aberdale (2015)
3. Herring River Restoration Draft EIR/ENF with citations (2015)
4. Wellfleet Harbor Survey of Fishing Boat Captains & Charter Boats re Economic Loss by Ramon Rustia Fishing Boat Captain, 06/15
5. E-Mail Memo from Bay Sails Marine CEO Lyle Butts 06/02/15
6. Economic Information on shellfishing Industry, E-mail summary from Robert Rheault, Executive Director East Coast Shellfish Growers Association (with citations) 06/10/2015
7. Letter from Captain David Stamatis, Billingsgate Charters LLC, 06/17/2015
8. Memo from Donna Pickard, CEO Wellfleet Marine Corporation, 06/19/2015
9. Memo from Wellfleet Natural Resources Advisory Board re dredging of harbor 06/19/2015
10. Economic Impact Analysis: Town of Wellfleet Marina (year of 2007) (with citations) Recreation Marine Research Center, Michigan State University 08/17/2011
11. Memo from Wellfleet Shellfish Promotion and Tasting re oystering and Oysterfest 2014
12. Memo with Comments on proposed harbor dredging from Wellfleet Shellfish Advisory Board, 06/09/2015
13. Memo re Cape & Islands Marine Mutual Aid Program from John S. Harker, United States Coast Guard, 01/19/2015
14. List of 65 Wellfleet Chamber of Commerce businesses within walking distance to Harbor (Chamber members only) Wellfleet Chamber of Commerce 2014
15. Memo re Wellfleet Harbormaster legal responsibilities to town and citizens form Wellfleet Harbormaster 2015
16. Letter re proposed dredging of harbor from Wellfleet Chamber of Commerce Board of Directors 06/19/2015

## **KEY POINTS TO ALTERNATIVES IN:**

### **CAPE COD NATIONAL SEASHORE COMPREHENSIVE SHOREBIRD MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT NOVEMBER 2015**

The over 200 page environmental assessment evaluates four alternatives to protect and manage nesting, staging and migrating state, federal and special status shorebirds and their habitat, while allowing for public access. The main differences between these alternatives lie in the extent of **visitor access** and **methods of managing predator impacts**.

#### **COMMON TO ALL ALTERNATIVES**

- Symbolic fencing with informational signs identifies and protects shorebird nesting and/or staging habitat and provides a buffer between the birds and human disturbance.
- Approximately 27 miles of beach at the national seashore is symbolically fenced each year.
- Fencing is installed on most suitable nesting habitat by April 1<sup>st</sup> or soon after with the exception of high visitor use beaches. Fencing would be reduced or removed starting on July 1st and removed on all beaches by mid- October.
- Flexible management consists of not installing symbolic fencing around piping plovers on high use beaches unless a nest with eggs is found. These nests will be minimally protected (reduced protective buffer, likely causing nest abandonment). This is currently approved under a U.S. Fish and Wildlife permit.
- Pets are required to be on a leash at all times in the national seashore (36 CFR 2.15).
- Beaches with no nesting shorebirds or concentrations of staging/migratory shorebirds remain open to leashed pets (common examples include: sections of Herring Cove and Marconi Beach and the north side of Coast Guard, Eastham, but can vary each year, depending on beach conditions).

#### **ALTERNATIVE A: NO ACTION**

Under Alternative A, the national seashore would continue current procedures for managing and protecting shorebirds, implementing existing policies, programs, and updated guidance. The primary management procedures are defined in the existing standard operating procedure, developed in 1994 and updated in 2012. The standard operating procedure describes management tools and actions, including symbolic fencing and buffer areas, flexible management, use restrictions, predator management.

#### **Symbolic Fencing and Buffers**

- Symbolic fencing not installed on four life-guarded sections of beaches with a maximum length of 0.75 mile. Flexible management would be implemented if a plover nest(s) with eggs are located.
- Parking lots could close to protect piping plovers (e.g. Head of the Meadow).

- Upper or lower sections of beach may be temporarily closed to protect migrating/staging birds. Alternative routes would be established, if possible.

#### **Flexible Management**

- Up to two beaches and no more than **three pairs** of piping plovers/year would be flexibly managed.
- No flexible management in parking lots, Pole Line Road or Inner Dune Road.

#### **Pedestrian Restrictions**

- Narrow sections of beach may be closed if adequate buffers to protect birds from disturbance cannot be established at high tide (when the beach is at its narrowest). In most cases, pedestrians would be able to access the area at low tide when there is adequate exposed beach.
- Some sections of beach may need to be completely closed at all tides. Pedestrian walkways may also be closed or re-routed. Detours would be established, if possible.
- To protect staging/migrating shorebirds, pedestrian access to some tidal flats and distal tips could be restricted from July 15 through October 15.
- Hatches Harbor/Herring Cove - interpretive signs would be installed on marsh side and mid-channel to discourage beach users from getting too close to staging birds.

#### **Motorized and Non-Motorized Boat Landing Restrictions**

- Boat landing on tip of Coast Guard, Eastham would be evaluated on a case-by-case basis for least terns and American oystercatchers. If needed, narrow sections of beach with nesting piping plover would be closed to provide an adequate buffer from disturbance.
- Narrow section of southern tip of Jeremy Point would be closed to protect nesting or concentrations of migrating/staging shorebirds if buffer to prevent disturbance cannot be attained.
- Sections of lower beach (intertidal) with more than 100 staging/migrating shorebirds may be temporarily closed to boat landing.
- Hatches Harbor/Herring Cove - interpretative signs installed on marsh side and mid-channel of Hatches Harbor Spit to discourage boaters from getting too close to staging birds.

#### **Pets Restrictions**

- Coast Guard Beach (south of pedestrian access) / Nauset Marsh, Eastham, and Jeremy Point would be closed **April 1 through September 30**. The marsh area of Hatches Harbor would be closed when there are more than 100 staging/migrating shorebirds (until September 30th).
- Additional bay and ocean beaches with shorebird nests and unfledged chicks would be closed.
- Beach re-opens to pets when chicks fledge.

- Sections of bay and ocean beaches may be closed to if greater than 100 migrating/staging shorebirds are regularly observed.

#### **Aerial Recreation Restrictions**

- Hand-held kites, remote/radio-controlled planes, and para/hang gliding prohibited above and within 200 meters of posted shorebird use areas and on life-guarded beaches.
- Kitesurfing is prohibited from March 15 through October 15 on all open waters on ocean and bayside, except for a small area owned by the Town of Wellfleet at Duck Harbor.

#### **Management Predator Impacts**

- National seashore staff would evaluate and use **non-lethal** predator management through education, garbage management, and installation of predator exclosures around some piping plover nests. Tern shelters may be place in least tern colonies for unfledged chicks to hide and take cover from predators and the sun.

## **ALTERNATIVE B: INCREASED PROTECTION AND FLEXIBLE MANAGEMENT (NPS PREFERRED ALTERNATIVE)**

Under Alternative B, the national seashore would manage shorebirds to improve productivity to meet recovery goals through a combination of increased shorebird protection balanced with flexible management at specific high visitation areas. The goal is to maintain visitor access, plus decrease predator impacts by implementing additional nonlethal and selective lethal management practices to reduce loss of nests and chicks.

### **Symbolic Fencing and Buffers**

- Symbolic fencing not initially installed on most of the six life-guarded beaches with a maximum length of 1.3 mile. Flexible management would be implemented if a plover nest(s) with eggs are located. Main pedestrian access paths to life-guarded beaches will remain open, regardless of shorebird activity.
- Parking lots remain open regardless of shorebird activity.
- Upper or lower sections of beach may be closed to protect migrating/staging birds. Alternative routes would be established, if possible. Same as Alternative A.

### **Flexible Management**

- No more than five pairs of piping plovers/year would be flexibly managed.
- Flexible management could be considered for parking lots, Pole Line Road & Inner Dune Route.

### **Pedestrian Restrictions**

- Pedestrian restrictions for nesting shorebirds. Same as Alternative A. In addition:
- Area closures (prior to the arrival of the shorebirds) would be established to protect historically important staging and feeding areas.
- Hatches Harbor/Herring Cove – marshside at Hatches Harbor and the northern tip of Herring Cove would be closed (generally from July 15 through October 15 to protect migrating/staging shorebirds.

### **Motorized and Non-Motorized Boat Landing Restrictions**

- Portion of the tip of Coast Guard spit, Eastham would remain open at all times unless future information indicates total closure warranted or if needed to protect nesting piping plover.
- Narrow section of southern tip of Jeremy Point closed to protect nesting or concentrations of migrating shorebirds if buffer to prevent disturbance cannot be attained. Same as Alternative A.

### **Generally from July 15 through October 15:**

- Closures established on some beaches to protect historically important staging and feeding areas.
- Tidal flats along the east side of Hatches Harbor and the northeast corner of Herring Cove closed.



- Some channels in Nauset Marsh may be temporarily closed. Other channels in Nauset Marsh would remain open throughout this time period.
- Sections of lower beach (intertidal) with more than 100 staging/migrating shorebirds may be temporarily closed to boat landing. Same as Alternative A.

#### **Pets**

- Coast Guard Beach (south of pedestrian access)/ Nauset Marsh, Eastham, Jeremy Point, Hatches Harbor (including the marsh and spit), and sections of Herring Cove (northwest) closed **April 1 - October 15**; dates may be earlier or later to protect breeding, feeding and sheltering shorebirds.
- Pet closures would be posted approximately 200 feet from any posted bird use area.
- Beach re-opens to pets when post-breeding adults and fledged young are gone.
- Additional sections of bay and ocean beaches would be closed to pets (generally July 15 – October 15) if greater than 100 staging/migratory shorebirds are regularly observed.

#### **Aerial Recreation Activities**

- The same restrictions for distance from nesting areas for airborne devices like remote/radio control planes under the No-Action Alternative would remain in effect.
- Same restrictions for kitesurfing as Alternative A
- Plus, a ban on para/hang gliding from March 15 – October 15.

#### **Management of Predator Impacts**

Predator management, particularly the use of lethal controls, is not intended to eradicate populations of any species; rather, target individuals or small groups of predators that are preying on nesting shorebirds in a specific, limited geographic area.

- Removal of common and abundant species to protect rare, threatened species.
- Non-lethal tools would include those described under Alternative A plus additional garbage management and electric fencing around nesting areas.
- Lethal tools would include shooting, trapping, and avicide.

## **ALTERNATIVE C: CURRENT MANAGEMENT ACTIONS WITH ADDITIONAL MANAGEMENT OF PREDATOR IMPACTS**

Under Alternative C, the national seashore would manage shorebirds as described in the Alternative A with additional options for managing predator impacts including lethal removal as described in Alternative B.

When compared to Alternative B (NPS preferred Alternative), Alternative C provides less overall shorebird protection and less flexible management at high visitor use areas.

### **Symbolic Fencing and Buffers**

Symbolic fencing on life-guarded beaches, ORV corridor, and all other beaches - Same as Alternative A.

### **Flexible Management**

Same as Alternative A.

### **Access Restriction**

Pedestrians, motorized and non-motorized boat landing, and pets - Same as Alternative A.

### **Aerial Recreation Activities**

Same as Alternative A, plus a total ban on kite boarding throughout the national seashore.

### **Management Predator Impacts**

Predator management would be conducted as described in Alternative B, including lethal removal of individual predators.

## **ALTERNATIVE D: MAXIMUM SHOREBIRD HABITAT PROTECTION**

Under Alternative D, the national seashore would attempt to improve shorebird productivity to meet recovery goals entirely through protective measures that prevent disturbance of birds by visitor activities. This alternative would not include additional predator management options. Alternative D includes non-lethal methods to manage predator impacts but does not include any lethal methods of managing predator impacts.

### **Symbolic Fencing and Buffers**

Portions or all of the six life-guarded beaches would not be symbolically fenced beaches. Same as Alternative B.

From March 15 to October 15, all historic shorebird-use-areas and other priority habitats, entire sections of beaches (i.e., from bluff toe to waterline), and access points where breeding, feeding, or sheltering activities are observed would be closed to visitor use, including ORV access - Approximately 27 miles.

Note: typically only the upper beach would be closed under Alternatives A, B, and C.

Beaches not identified as shorebird use areas would be open for public use.

### **Flexible Management**

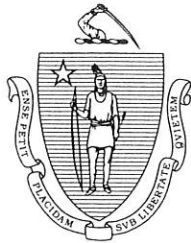
Same as Alternative B. The Pole Line Road and Inner Dune Route would be closed for general or commercial ORV use but available for access to dune shacks and the Race Point lighthouse.

### **Use Restrictions**

During the shorebird season, from March 15 to October 15, all historic shorebird-use-areas and other priority habitats, entire sections of beaches (i.e., from bluff toe to waterline), and access points would be closed to visitor use, including pedestrian access (except at the six national seashore life-guarded beaches), motorized and non-motorized boat landing, pets, and aerial recreation activities.

### **Management of Predator Impacts**

Predator management would be conducted as described in Alternative B, except predator management in Alternative D would not include lethal predator removal.



John W. Doane  
Superintendent

Gabrielle Sakolsky-Hoopes  
Assistant Superintendent

*The Commonwealth of Massachusetts*  
*State Reclamation Board*

Cape Cod Mosquito Control Project

259 Willow Street, 2nd Floor, Suite 3

Yarmouthport, Massachusetts 02675

Tel: (508) 775-1510 • Tel: (508) 362-9757

Fax: (508) 362-7917



COMMISSIONERS:

J. Gregory Milne, Chairman  
Charles Sumner, Vice Chairman  
Arthur Neill, Secretary  
James H. Quirk  
Jere Downing

November 4, 2015

Town of Wellfleet  
Attn: Harry Sarkis Terkanian  
300 Main Street  
Wellfleet, MA 02667

RE: State Reclamation Board Budget Notification

Dear Harry,

Enclosed please find a budget certification form developed by the State Reclamation Board (SRB). The board requests that the Chief Executive Officer or designee sign form SRB-3 and return to our office. This form was created to act as acknowledgement of your towns' membership with the Cape Cod Mosquito Control Project and its' associated costs. Costs can be found on form SRB-1 page 3.

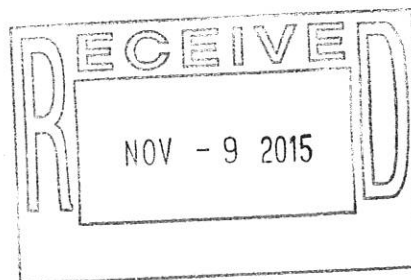
Please feel free to contact me with any questions you may have.

Sincerely,

John W. Doane  
Superintendent

Enc.  
JWD/cms

CC: Finance Committee; Town Selectmen



**District Name: Cape Cod Mosquito Control Project****NOTICE OF PUBLIC MEETING TO PRESENT AND DISCUSS  
ITS PRELIMINARY PROPOSED BUDGET FOR FY2017**

Notice is hereby given that the Cape Cod Mosquito Control Project (the "District") will hold an informational public meeting at the time and place indicated below in order to present and discuss the District's preliminary proposed budget for **FY2017**, and to receive comments and answer questions from the public and local public officials in connection therewith.

1. Date: November 16, 2015 *[not later than March 1<sup>st</sup>]*

2. Time: 10:00AM

3. Location: 259 Willow Street Suite 3 Yarmouthport, MA 02675

4. A copy of the District's preliminary proposed budget is available for inspection during regular business hours at the following location(s):

259 Willow Street Suite 3 Yarmouthport, MA 02675

5. The total preliminary dollar amount that the District is proposing for FY2017 is \$2,010,406.30. The chart found below highlights the preliminary budget request by the district for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the District to expend in FY2017.

| A.<br>District<br>Name | B.<br>Number of<br>Employees | C.<br>FY2017<br>Preliminary<br>Proposed<br>Budget<br>Amount | D.<br>FY2017 %<br>Increase<br>towards<br>Operating<br>Budget | E.<br>FY2017 %<br>Increase<br>towards<br>Capital<br>Budget | F.<br>FY2017<br>Total %<br>Increase<br>Over<br>Certified<br>FY2016<br>Budget<br>(Add D + E) | G.<br>FY2016<br>Estimated<br>Balance<br>Forward<br>/Rollover<br>Amount | H.<br>FY2016<br>Actual<br>Budget<br>Revenues | I.<br>FY2017 Total<br>Funding<br>Available in<br>Trust Account<br>(Add C + G) |
|------------------------|------------------------------|---|--|--|---|--|--|---|
| Cape Cod               | 26                           | \$2010406.3   | 2.5%   | 0%   | 2.5%  | \$77,800   | \$1,961,96<br>3.91                           | \$2,088,206.30  |

6. The member municipalities within the District together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the District is comprised of 15 municipalities as listed on Form SRB-1, Page 3.**

If the composition of the District changes because one or more municipalities join or withdraw from the District, the total preliminary budget will be adjusted pro rata.

7. Copies of the preliminary proposed budget will be available for inspection at the meeting, at which reasonable time will be accorded to those in attendance to ask questions and to offer comments. *Comments may also be sent directly to the Board via the Executive Director by April 15<sup>th</sup>.*

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.





State Reclamation and Mosquito Control Board  
Budget Notification & Compliance Certification Policy

**DECLARATION OF SUPPORT OR NO SUPPORT OF MOSQUITO CONTROL FUNDING FOR FY 2017**

**Declaration**

I, \_\_\_\_\_ the chief executive officer of Town/City of \_\_\_\_\_  
(Print Name/ and Sign Name) (Please Print)

hereby designate \_\_\_\_\_ to sign this declaration.  
(Print Name)

(Please check applicable box below)

- ☐ Support  
☐ Do Not Support

the preliminary mosquito control budget proposed and this municipality's estimated proportionate share thereof, expressed both as a percentage and as a dollar amount as provided to this municipality in compliance with the State Reclamation and Mosquito Control Board Budget Notification and Compliance Certification Policy .

Name: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Both a copy and the original declaration should be submitted to the district **who will forward all member communities' declarations to the State Reclamation and Mosquito Control Board no later than April 15<sup>th</sup>**



# TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 Fax (508) 349-0305  
[www.wellfleetma.org](http://www.wellfleetma.org)

BOARD OF  
SELECTMEN

TOWN  
ADMINISTRATOR

Newton W. Tedder  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OEP06-4  
Boston, MA 02109-3912

November 17, 2015

Dear Mr. Tedder:

The Town of Wellfleet was automatically included in the most recent MS4 permit area and received EPA notification that the Town may be subject to MS4 permit provisions. Please accept this letter as a formal request to have EPA exercise its authority to grant an MS4 waiver from Massachusetts MS4 permit provisions pursuant to 40 CFR §122.32(d) and 40 CFR §123.35(d)(1) for the Town of Wellfleet.

The designated area within the municipality is small and has discharges that do not cause, or have the potential to cause, water quality impairment. The MS4 area is less than 1,000 people and is also seasonal. The actual population according to current information is 569 people. The area is not substantially contributing to the pollutant loadings of water bodies in or adjacent to the area. The Town of Wellfleet does not have a municipal wastewater collection system and thus relies on private septic systems for the filtration and treatment of wastewater which is the likely cause of any nutrient loading that may occur in the waters within and surrounding the municipality.

The reason we are asking for this waiver is that:

The Town of Wellfleet has less than 1,000 people living in the regulated urbanized area. Also, the major thoroughfare through the Town of Wellfleet is State Highway Route 6 which is maintained and controlled by the Massachusetts Department of Transportation and their MS4 permit provisions.

The Town of Wellfleet currently discharges storm water to the following water bodies within the MS4 area: Hatches Creek through a swale and roadway runoff on West Road near the Mass Audubon and a catch basin on Paine Hollow Road near an unnamed small pond. The system is not contributing substantially to the pollutant loadings of a physically interconnected regulated MS4. We've reviewed the list of impaired waters and TMDLs in the draft MS4 permit and the most recent Section 303(d) list, and found that Wellfleet Harbor described in the document, "as the waters north of an imaginary line drawn east from the southern tip of Jeremy Point, Wellfleet to Sunken Meadow, Eastham excluding the estuaries of Herring River, Duck Creek,

Blackfish Creek, and Fresh Brook, (area associated with Cape Cod National Seashore designated as ORW),” is impaired for nutrients<sup>1</sup> but are not impaired for nitrogen or phosphorous.<sup>2</sup>

Our Town’s MS4 system currently connects to the following adjacent MS4 systems: Town of Eastham.

We have spoken with MassDEP about our request and DEP agrees that the contribution of nutrients from our storm water system into the MS4 area is *de minimus*.

Thank you for your consideration.

Paul Pilcher  
Board of Selectmen, Chair

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<sup>1</sup> Final Listing of the Condition of Massachusetts’ Waters Pursuant to Sections 305(b), 314 and 303(d) of the Clean Water Act, page 23.

<sup>2</sup> Draft MA MS4 General Permit pages 21 and 22.

BOARD OF SELECTMEN  
Policy for Award of Shellfish Grants  
DATE: November 9, 1988  
1988-4

Reaffirmed: January 16, 2001  
Reaffirmed: March 9, 2004

1. Grants will be awarded only to Wellfleet residents and under other conditions specified in Section VI of the Shellfish Regulations.
2. Size of Grants  
As a general principle, this resource shall be administered to enable the maximum feasible number of Wellfleet citizens to derive income through shellfish farming and cultivation.
3. Access
  - a. There will be permitted and designated access to all grants awarded. The method or methods of access to each grant shall be precisely specified in the text of the shellfish grant license (lease) granted by the Board of Selectmen.
  - b. Vehicle access will only be specified in situations in which:
    - 1) Town roads and Town landings are used.
    - 2) Owners of private roads to be used have no objection.
    - 3) The specific route of entry from the roadway onto the beach and flats is approved by the Conservation Commission.
  - c. Access by foot and/or boat shall be designated in all cases in which vehicle access is not permitted.
  - d. Where grants are awarded, there should be a provision for expansion.
  - e. Enforcement: Access provisions will be enforced by the Board of Selectmen through its agents (Shellfish Constable, Police Department, Harbormaster) by its power under the Town Charter and general law.



# TOWN OF WELFLEET

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[www.wellfleetma.org](http://www.wellfleetma.org)

To: Board of Selectmen  
From: Harry Sarkis Terkanian, Town Administrator  
Subject: Revision to Policy on Investments' Policy 2009-02 Adopted September 8, 2009  
Date: October 26, 2015  
CC: Acting Treasurer

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Other Post Employment Benefits ("OPEB") Trust funds are authorized by General Laws, Chapter 32B, Section 20. Section 20 allows OPEB Trust funds to be invested in securities which meet the "prudent investor" rule established in MGL Chapter 203C. In recognition of the longer term for which OPEB funds are held, this rule allows a more aggressive investment strategy than is permitted for other public funds. The proposed policy amendment would authorize the application of this investment strategy to Wellfleet's OPEB Liability fund.

The following is proposed language to be added to the end of the existing policy to authorize application of the prudent investor rule to the Town's OPEB Liability Trust funds:

## OTHER POST EMPLOYMENT BENEFITS TRUST FUNDS

Massachusetts General Laws, Chapter 32B, Section 20 allows a city, town, district, county or municipal light plant to setup a special trust fund known as the Other Post Employments Benefits (OPEB) Liability Trust fund. Wellfleet accepted this section by vote of the Town under Article 15 of the 2009 Annual Town Meeting and has established and funded an OPEB Liability Trust fund. The Town Treasurer is the custodian of the fund. Investment of fund monies by the custodian shall be consistent with the prudent person standard set forth in Massachusetts General Laws, Chapter 203C for private trust funds. Income earned by the fund shall be added to the fund principal.



## BOARD OF SELECTMEN

### Investment Policy

Original Date: September 8, 2009

2009-2

The Board of Selectmen of the Town of Wellfleet hereby establishes and adopts this Investment Policy.

### GENERAL STATEMENT OF POLICY

It is the policy of the Town of Wellfleet to invest public funds in a manner which will provide the maximum security with the highest investment return while meeting the daily cash flow demands of the Town.

### AUTHORITY

Massachusetts General Laws, Chapter 44, Section 55B, requires that the Treasurer invest all public funds except those required to be kept un-invested for the purpose of immediate distribution.

Massachusetts General Laws, Chapter 44, Section 55 sets forth the types of instruments which are legal for municipal Treasurers to invest in. These are:

- ◆ US Treasury securities with a maturity of one year or less;
- ◆ Agencies of the US Government;
- ◆ Savings accounts of banks insured by the federal government;
- ◆ Certificates of Deposits of a maturity of one year or less insured by the federal government, and;
- ◆ Investments in a pooled fund operated under the authority of the State Treasurer.

### OBJECTIVES

The primary objectives, in priority order, of the Town's investment activities shall be:

**SAFETY:** Preservation of principal is the foremost objective of the investment program. Investments of the Town shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

**LIQUIDITY:** The Town's investment portfolio will remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated.

**RETURN ON INVESTMENT:** The Town's investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, taking into account the Town's investment risk constraints and the cash flow requirements of the portfolio.

**REPORTS:** The Town Treasurer should make available quarterly reports which summarize how the Town's funds are invested and the average rate of return received.

### AUTHORIZED AND SUITABLE INVESTMENTS

The Town is empowered by statute to invest in the following types of securities:

1. United State Treasury Bills. Short-term obligations of the United State government issued and sold at a discount, with maturities of 13, 26, and 52 weeks.
2. United State Treasury Notes and Bonds. Obligations of the United State government issued with a fixed coupon rate and original maturities of one year.
3. Repurchase Agreements. Contractual agreements between the Town and brokerage firms, banks or government bond dealers. The repurchase agreement (Repot) issuer receives cash and, in turn, provides securities to the Town as collateral for the cash. There exists a contractual agreement for the repot issuer to repurchase the securities at pre-determined dates and prices. The right of substitution of collateral may be granted to the issuer upon approval by the Treasurer.
4. Collateralized Public Deposits. Instruments issued by financial institutions (banks) that state specified sums have been deposited for specified periods of time and at specified rates of interest. The certificates of deposit are to be backed by acceptable collateral securities as dictated by State and local law. The right of substitution of collateral may be granted to the financial institution upon approval by the Treasurer. Interest will be calculated on a 365-day year/actual-day month basis, or another method approved by the Treasurer in writing.
5. Federal Farm Credit Bank Discount Notes. Consolidated obligations of the Farm Credit Banks, issued on a discount basis, with maturities of one year or less.
6. Federal Farm Credit Bank Debentures. Unsecured consolidated obligations of the Farm Credit Banks, issued with a fixed coupon rate, with maturities ranging from six months to one year.
7. Federal Home Loan Bank Discount Notes. Consolidated obligations of the twelve district banks, issued on a discount basis, with maturities of one year or less.
8. Federal Home Loan Bank Debentures. Unsecured consolidated obligations of the twelve district banks, issued with a fixed coupon rate, with maturities running one year or less.
9. Federal National Mortgage Association Discount Notes. Obligations of the Association, issued on a discount basis, with maturities under one year.
10. Federal National Mortgage Association Debentures. Unsecured obligations of the Association, issued with a fixed coupon rate, with various maturities.
11. Federal Home Loan Mortgage Corporation Discount Notes. Obligations of the Corporation, issued on a discount basis, with maturities under one year.
12. Federal Home Loan Mortgage Corporation Debentures. Unsecured obligations of the Corporation, used with a fixed coupon rate, with various maturities.
13. Bank Money Market Account. Interest bearing bank deposits.
14. Federal Home Loan Mortgage Corporation Participation Certificates. Issues of the Corporation, representing undivided interests in conventional mortgages underwritten and previously purchased by the Corporation. The Corporation guarantees the timely payment of interest at the certificate rate and full return of principal. Original maturity payment dates are thirty days.
15. Participation Units in a combined Investment Fund. The fund must only invest in Treasury of Agency of the Federal Government instruments. Municipal bonds or corporate bonds rate "A" or higher. (e.g. MMDT- Chapter 44, Section 55)

#### SELECTION CRITERIA FOR BANKS AND BROKERS/DEALERS

A bank on the list of qualified banks for investment and banking services must meet minimum criteria, which are defined below. Banks failing to meet the minimum criteria or which, in the judgment of the

Treasurer fail to offer adequate safety to the Town, will be removed from the qualified list. Although a bank is on the qualified list, it will still be required to pledge collateral on all deposits and investments, pursuant to Town and State Law.

- (1) Capital adequacy;
- (2) Asset quality;
- (3) Management;
- (4) Earnings, and;
- (5) Liquidity.

## **2-2 Equal Opportunity, Discrimination and Sexual Harassment Policy**

*(BOARD OF SELECTMEN Sexual Harassment Policy of the Town of Wellfleet Original Date: 1/28/91*

*1991-1a SEXUAL HARASSMENT POLICY OF THE TOWN OF WELLFLEET*

*Revised: 1/3/97 Reaffirmed: 3/2/98 Revised: 10/4/99 Revised: 7/23/01 Revised: 5/10/05 Revised: 1/27/09,  
Revised, current as of the date of this manual's publication)*

As part of the Town of Wellfleet's continuing Affirmative Action Efforts, The Board of Selectmen hereby establishes the following revision for all town employees. This revision is in accordance with the Commonwealth of Massachusetts Commission against Discrimination's Policy 96-2 voted by the MCAD on October 25, 1996.

### **2-2.A. Introduction**

It is the goal of the Town of Wellfleet to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, parental leave, genetic information, active military status, criminal record (inquiries only) or other bases prohibited under state or federal anti-discrimination statutes, will not be tolerated. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about discrimination, sexual harassment or retaliation against individuals for cooperating with an investigation of a discrimination or sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from discrimination, sexual harassment, or retaliation the conduct that is described in this policy will not be tolerated and we have provided a procedure with which inappropriate conduct will be dealt, if encountered by employees.

Because the Town of Wellfleet takes allegations of discrimination and sexual harassment seriously, we will respond promptly to complaints of discrimination and sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goal of promoting a workplace that is free from discrimination and sexual harassment, the policy is not designed or intended to limit our authority to discipline or pursue remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Any employee who believes he or she has been the subject of discrimination or sexual harassment of any kind should report the alleged discrimination or sexual harassment immediately to his/her department head or supervisor, or to the Town Administrator or Assistant Town Administrator. An investigation of all complaints will be undertaken immediately under the direction of the Office of the Town Administrator. Any employee who, following appropriate investigation has been found to have discriminated against or

sexually harassed another employee shall be subject to appropriate sanctions depending on the circumstances, up to and including termination.

This policy may apply to conduct that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media), or during non-work hours. When the conduct complained of occurs outside the workplace or during non-work hours, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- whether the conduct occurred during work hours;
- the context of conduct that occurs outside of normal work hours and whether there is any connection to the workplace;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- whether the conduct adversely affected the terms and conditions of complainant's employment or impacted the complainant's work environment.

All employees should take special note that retaliation against an individual who has complained about discrimination or sexual harassment, or against individuals for cooperating with an investigation of a discrimination or sexual harassment complaint is unlawful and will not be tolerated by this organization.

#### **2-2.B. Definition of Prohibited Discriminatory Behavior**

It is not possible to list all circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

#### **2-2.C. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this: Sexual harassment means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or,

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Sixth Floor, Room 601  
Boston, MA 02108  
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TTY: (617) 994-6196

800 Purchase Street, Rm. 501  
New Bedford, MA 02740  
(508) 990-2390  
Fax: (508) 990-4260

## **EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION, AND SEXUAL HARASSMENT POLICY**

This acknowledges that I have received and reviewed the Town of Wellfleet's Equal Employment Opportunity, Discrimination, and Sexual Harassment Policy ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding Equal Employment Opportunity, Discrimination and Sexual Harassment are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To be included in employee's personnel file.



(b) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Hostile Work Environment – A form of sexual harassment, where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

Quid Pro Quo – Another form of sexual harassment where tangible job benefits are offered or withheld in exchange for sexual favors.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances including the severity of the conduct and its pervasiveness.

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, or comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Discussion of one's sexual activities.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

## **2-2.D. Procedures**

### 1. Complaints of Discrimination, Sexual Harassment or Retaliation

If an employee believes that he or she has been subjected to sexual harassment, discriminatory behavior or retaliation, it is the Town's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.

An employee may file a complaint of discrimination, sexual harassment or retaliation by contacting his or her department head or supervisor or alternatively the Town Administrator or Assistant Town Administrator. These persons will remain available to

discuss any concerns employees may have and to provide information about the Town's policy on discrimination, sexual harassment or retaliation and the complaint process.

## 2. Discrimination, Sexual Harassment and/or Retaliation Investigation

When a complaint of discrimination, sexual harassment or retaliation is received, the Town will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will include a private interview with the person filing the complaint and with any witnesses. The Town will also interview the person alleged to have committed the discrimination, sexual harassment or retaliatory behavior. When the investigation has concluded, the Town will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

### **2-2.E. Sanctions**

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, information or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

### **2-2.F. State and Federal Remedies**

In addition to the above, if any employee believes he or she has been subjected to discrimination, sexual harassment or retaliation, he or she may file a formal complaint with either or both of the governmental agencies listed below. Using the Town's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have short time periods for filing a claim (300 days)

1. The United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

2. The Massachusetts Commission Against Discrimination

**Boston Office**

**New Bedford Office**



# 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: November 20, 2015

This report is for the period November 10, 2015 through November 19, 2015.

- 1 I was out of the office the week of November 2<sup>nd</sup> through 6<sup>th</sup>.
- 2 Procurement:
  - a. Police Station Renovation. The Designer Selection Committee has ranked Pomroy Associates proposal for owner's project manager services highest and the firm has been invited to submit a fee proposal to me. The initial meeting with Pomroy is scheduled for November 20, 2015.
- 3 Water System. Meetings last week and this week have focused on the issue of water service to Outer Cape Health. Please see the separate memo on this issue.
- 4 Fiscal 2017 budgets. Work continues on preparation of the fiscal 2017 budget with department head meetings the week on November 16th.
- 5 Additional Meetings. Nine budget related meetings have been held.
  - a. November 9, 2015. Met with Jim Hood about water service for Outer Cape Health.
  - b. November 9, 2015. Designer selection committee meeting for final ranking of Owner's Project Manager responses.
  - c. November 10, 2015. Member town Town Administrators met with Nauset Region Superintendent Conrad for an initial discussion of the Region's capital budget.
  - d. November 12, 2015. Met with Chuck Edmondson and Barbara Boone regarding Chequessett Yacht and Country Club's relationship to the Herring River Restoration project.
  - e. November 12, 2015. Dredging Working Group meeting.
  - f. November 13. Met with Ron Caputo and Isabel Souza about a zoning issue in Great Woods Field.
  - g. November 16, 2015. Met with Mac Hay about OysterFest
  - h. November 16, 2015. Attended community policing citizens group meeting.
  - i. November 17, 2015. Dredging Working Group meeting.
  - j. November 17, 2015. Attended Board of Water Commissioners meeting to discuss Outer Cape Health water service.
  - k. November 18, 2015. Finance Committee meeting.
  - l. November 19, 2015. Telephone conference with Herring River Restoration Committee.

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

- m. November 19, 2015. Attended Lt. Governor's presentation ceremony to accept a Community Compact grant for capital planning for the Town.
  - n. Budget meetings with department heads are ongoing.
- 6 Meetings with citizens.
- a. November 16, 2015. Met with Dorothy Dolan about inspection fees charged to non profits. I have placed this issue on the draft December 8<sup>th</sup> agenda.
  - b. November 18, 2015. Met with Mary Ann McCaffey about the Cumberland Farms litigation. The status of this litigation is on the November 24<sup>th</sup> agenda.
  - c. November 19, 2015. Met with Chris Easley and Tonia Felix about the recreation program. I will be meeting with the Recreation Director and Community Services Director to review the concerns.
- 7 Personnel Matters:
- a. Employee performance reviews. I have completed 15 of 17 direct reports. Building Inspector and Town Accountant remain to be reviewed. The Acting Treasurer will not be reviewed.
  - b. Administrative actions (appointments are subject to disapproval by majority vote of the Board of Selectmen within 14 days; Charter section 5-4-1): NONE
  - c. Current employment vacancies (Charter 5-3-2 (i)):
    - i. Building – Building Inspector is part time.



# TOWN OF WELLFLEET

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[www.wellfleetma.org](http://www.wellfleetma.org)

To: Michaela Miteva, Water System Manager  
From: Harry Sarkis Terkanian, Town Administrator  
Subject: Outer Cape Health  
Date: November 10, 2015  
CC: Board of Water Commissioners and Board of Selectmen

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On November 9, 2015 I met with Jim Hood, Outer Cape Facilities Manager and Gary Walker, Outer Cape's Owner's Project Manager for the rehab of their Wellfleet medical facility. Outer Cape has a strong interest in obtaining town water. This interest is driven by the cost of developing adequate on site water supply for a renovated structure, including adequate reserves for fire suppression. While cost estimates have not been done, it is expected that the cost of addressing these requirements on site will be substantial. Outer Cape may also face regulatory barriers relating to water quality and the requirement to maintain the required protected radius around the water source. Currently Outer Cape is estimating that construction will begin early in 2017.

The alternative is municipal water service which could be provided by extending the present municipal system along Briar Lane to Route 6 and along Route 6 to Outer Cape Health or beyond. Extending the water main beyond Outer Cape would also provide service to Moby Dick restaurant and ultimately provide a hydraulic connection to the main on Route 6 at Cole's Neck Road. If municipal water is to be a solution, it would need to be available on site by the Spring of 2017 at the latest.

The cost to do so has been estimated to be \$895,000 (exclusive of drainage and road improvements.) Paving and drainage has been approximately 30% of prior projects like this. It can be reduced by repaving the trench only, as the Town has done on West Main Street and Summit Ave. and the Town of Eastham is doing on the state highway. \$1,200,000 can be used as a working estimate for planning the project, including road paving and drainage. It is unknown whether any Federal or state grants remain available.

Next steps include: (1) addressing the financial model for funding construction; (2) determining whether this expansion is the appropriate next step; (3) determining whether to seek funding at the April 2016 annual town meeting; (4) preparation of a RFP for engineering services for design, contract documents and construction oversight for the project; and (5) bidding and contract award.

This project would bring Town water to Outer Cape Health, Moby Dick, Box Lunch and Flying Fish restaurants and a small number of additional commercial establishments. There are also 42 potential residential customers.

## ***Town of Wellfleet Committee Vacancies***

Date: November 19, 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 |
| 2 Positions                                     | 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: <b>One application on file</b> |                      |                |

### **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  
11 positions                      Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Energy Committee** (11 members total)

Vacant Positions                      Appointing Authority  
2 regular Positions                      Board of Selectmen  
2 Alternate Positions  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Finance Committee** (9 members, 2 alternate)

Vacant Positions                      Appointing Authority  
1 Regular Position                      Town Moderator  
1 Alternate Position  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Herring Warden** (1 Warden, 1 Assistant Warden)

Vacant Positions                      Appointing Authority  
1 Assistant Position                      Board of Selectmen  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Historical Commission** (7 Members)

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

Length of Term  
3 years

**Recreation Committee** (5 members)

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

Length of Term  
3 years

**Recycling Committee** (Up to 11 Members)

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

Length of Term  
3 years

**Shellfish Advisory Board** (7 Members, 2 Alternates)

Vacant Positions                      Appointing Authority  
1 Position                      Board of Selectmen  
1 Alternate Position  
Requesting Appointment: No applications on file

Length of Term  
3 years

**Taxation Aid Committee** (4 Members)

Vacant Positions                      Appointing Authority  
1 Position                      Board of Selectmen  
Requesting Appointment: **One application on file**

Length of Term  
3 years

**Wellfleet Library Trustees** (6 Members)

Vacant Positions                      Appointing Authority  
1 Position                      BOS/Library Trustees  
Requesting Appointment: **One application on file**

Length of Term  
fill term until 2016 ATE





DRAFT

**Wellfleet Board of Selectmen  
Minutes of November 10, 2015  
Wellfleet Senior Center**

**Present:** Selectmen Paul Pilcher, Dennis Murphy, Helen Miranda Wilson; Berta Bruinooge; Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

**Regrets:** Selectmen Jerry Houk

Chairman Paul Pilcher called the meeting to order at 7:00 pm.

**Announcements, Open Session and Public Comment**

- Wilson announced a public open house on November 17, 2015 about the proposed comprehensive shorebird management plan at the National Seashore Headquarters and a public hearing from 4-7 pm on the same day. Wilson advised that the proposed plan is available online and there is 30 day comment period ending on December 9.
- Pilcher announced an informational meeting about the Wellfleet's rental assistance program on November 18 at 7:00 pm at the Library.
- Pilcher expressed his sorrow for the passing of tow Town activists - Tom Reinhart and Gooz Draz.
- Police Chief Fisette announced that the Wellfleet Police and Fire Departments are once again participating in the Toys for Tots program and encouraged the public to donate to families in need.
- Chief Fisette said that FEMA has advised that the paperwork for the two 2015 snow storms is completed and about \$41,000 of the eligible \$55,000 will be reimbursed.

**Appointments/Reappointments**

Richard Wulsin expressed his interest to serve on the Wastewater Committee.

**MOTION 215-365:** Wilson moved to appoint Richard Wulsin to the Wastewater Committee with term ending June 30, 2018. Bruinooge seconded and the motion passed 4-0.

**Use of Town Property**

**MOTION 215-366:** Murphy moved and Bruinooge seconded to approve the request of the Friends of the Wellfleet Library to use Town Hall East side driveway on July 10 & August 7, 2016 (rain dates July 17 & August 14, 2016) from 9 am to 1 pm for annual book sale; the event fee was waived and no conditions were attached. The motion passed 4-0.

**Disposition of town property request from the Open Space Committee**

Nancy Rea, Chair of the Open Space Committee (OSC) spoke about fragile and vulnerable properties in Town and recommended considering three of them for protection. All three properties are Town-owned and should be protected under the Conservation Commission, because they are marshland and highland properties. Terkanian explained the process of Town property disposition. The Selectmen directed Terkanian to initiate the process. Wilson identified a typo to be corrected-- instead of residences should be residents in the last paragraph of the Open Space Committee's memo<sup>1</sup>.

**MOTION 215-366:** Bruinooge moved and Murphy seconded to direct the Town Administrator to begin the process of disposition of Town properties Map 29, lot 489; Map 29, lot 493 and Map 15, lot 164 as requested by the Open Space Committee. The motion passed 4-0.

**Presentation of Open Space Plan and Survey results**

Nancy Rea, Chair of the Open Space Committee (OSC) presented the survey results for the Open Space and Recreation Plan and thanked the Assistant Town Administrator Brian Carlson for his help with updating the plan. She explained the importance of Open Space plan for grants and funding opportunities and read the goals and objectives as presented in the OSC memo<sup>2</sup>. Rae briefly described the survey process and summarized the results. Pilcher expressed how pleased he was with the updated plan. Wilson suggested making people who donate land to the Wellfleet Conservation Trust fully aware of the ramifications upfront. No action was taken by the Selectmen.

**Approval of Housing Partnership request to submit a buy down program application to Department of Housing and Community Development**

Pilcher recused himself from this discussion and Murphy assumed the chairmanship. Elaine McIlroy presented the Housing Authority and Local Housing Partnership request to submit an application to the Department of Housing and Urban Development for a buy down program and explained the benefits of it. Terkanian suggested two changes: 1. Changing the signature to the Vice Chairman; 2. Adding ATA Carlson as the Town Planner contact.

**MOTION 215-367:** Wilson moved to support the Housing Partnership buy down application and adding the name of Brian Carlson as the ATA/Planner to the application as a Town contact. Bruinooge seconded and the motion passed 3-0.

**MOTION 215-368:** Wilson moved to authorize the Vice Chairman Dennis Murphy to sign the letter of support for the Housing Partnership buy down application. Bruinooge seconded and it passed 3-0.

Pilcher returned.

**Discussion of possible request to MassDOT for bicycle lanes on Route 6**

Community Services Director Suzanne Grout Thomas presented the MassDOT letter<sup>3</sup> for bicycle lanes on Route 6 in Truro and briefly went over previous communications with MassDOT. She also presented the Bicycle Committee request and asked the Selectmen to endorse it. Discussion ensued. Thomas explained that the State will be providing support and managing the process.

**MOTION 215-369:** Bruinooge moved and Murphy seconded to endorse the request of the Bike and Walkways Committee for extending the bicycle lanes on Route 6 in Truro to Wellfleet and to authorize sending the proposed letter. The motion passed 4-0.

Thomas announced a meeting on this subject in Provincetown on November 12, 2015.

**Review of estimated costs of snow and ice removal from private roads**

Terkanian explained that this is a continuation of the ongoing discussion for snow plowing on private roads and referred to his memo<sup>4</sup> and the provided by the DPW director cost estimates. He went over the three presented options and talked about possible additional costs and planning needed before considering snow plowing on private roads. Discussion ensued among the Selectmen. Bruinooge wanted to know what the criteria for plowing is in terms of snow accumulation and how the number of 15 events was generated. Vincent answered the questions by explaining that the number of 15 events

was averaged based on snow storm events over the last five years. He said that there are 192 private dirt roads in Wellfleet and this is why the estimated cost is so high. Wilson talked about a special snow plowing attachment used by private contractors and in Provincetown and wanted to know if this new equipment would be considered. Roger Putnam suggested looking at the occupancy status of both private and public roads in order to determine plowing needs instead of road ownership status, length and mileage. Pilcher summarized the issues: 1. Lack of consistent policy for snow plowing of private roads; 2. Year round residents on fixed income or government assistance who cannot afford private snow plowing. He suggested finding a way to solve the snow plowing on private roads based on the above issues even if this means voters bringing the plowing of private roads request for funding at Town Meeting for vote and override. Wilson said that it is important to meet the needs of people who live in Town year round by revisiting and reviewing the Snow Plowing on Private Roads Policy. According to Murphy it was very unlikely to solve this matter at this meeting, so he suggested that people living on private roads with existing medical conditions should be on a special list for snow plowing accommodations. Pilcher supported the idea of accommodating the need even if this meant subcontracting the additional streets. Vincent said that these cost estimates are just assumptions and more time is needed to determine all aspects. Terkanian went over the issues: 1. the need for developing a set of criteria making sure that the private roads are safe to be plowed; and 2. determining the need of the road for plowing based on occupancy. He suggested that if this was the desired course of action then it should go to the voters with an estimated cost and criteria to Town Meeting and give the taxpayers an opportunity to approve or disapprove it. Wilson said that over the past few years a lot of people who expected to get plowed based on previous plowing history did not get plowed. According to her people should be informed in advance. Vincent confirmed that when residents have a medical emergency the DPW has responded as directed by the Fire or Police Departments. Murphy wanted to know if a release from private road owners is needed in order to protect the Town from snow plowing damages liability. Terkanian will check this matter. Murphy suggested generating a list of residents with known reasons and medical conditions. Pilcher said that these requests should be in writing.

**MOTION 215-370:** Pilcher moved and Murphy seconded to have a compassionate emergency response snow plowing plan where everyone with medical condition should write a letter to the Selectmen. Discussion ensued. Bruinooge clarified that this will be just temporary one year solution until better solutions is found. The motion passed 3-1 (Wilson).

#### **Review of proposed amendment to Board of Selectmen Policy on Investments – additional policy provisions for Other Post Employment Benefits (OPEB) funds**

Terkanian explained why the amendment of the Board of Selectmen Policy on investments with the additional OPEB provision is needed and referred to his memo<sup>5</sup> based on MGL Chapter 203C (3). Bruinooge liked the idea, but wanted to know how much an investment manager would cost and how this expense can be justified. Terkanian explained the benefits an investment manager can provide in terms of return on investment Wilson wanted to find out how the investment manager/financial advisor would invest differently and what type of investments would be allowed. Terkanian talked about different investment portfolio options. Wilson wanted to know who would have the responsibility to choose the investment manager. Terkanian explained that the prerogative for investments and related decisions is responsibility of the Treasurer. Wilson wanted to know how other towns do this. Terkanian explained that no action is required at this time, because this is the first reading of proposed policy change. The revision of the Policy on Investments will be back on the Selectmen's agenda for final review and possible adoption on November 24, 2015.



**Discussion of possible amendment to Board of Selectmen policy on Bicycle Races (Policy 1998-01)**

Wilson presented her suggestion for amendment of the Board of Selectmen policy on Bicycle Races and went over the proposal<sup>6</sup>.

**MOTION 215-371:** Wilson moved to amend the Selectmen's Policy on Bicycle Races as presented with her email communication<sup>7</sup> to the Board. Pilcher seconded. Bruinooge had questions about parades and felt this is not the appropriate language. Police Chief Fisette recommended that the Selectmen approve the second option as recommended by the TA<sup>8</sup>. Wilson clarified that this is for all Town roads, not just single events. Murphy had concerns that this will sanction bicycle races and similar events resulting in possible liability consequences to the Town. Terkanian pointed out the issues with the motion in terms of violating the constitutional right of free speech and expressed his concerns. Pilcher said that he will vote against it and would suggest the TA recommendation. The motion failed 4-0.

**MOTION 215-372:** Pilcher moved to revoke the Bicycle Policy as recommended by the Town Administrator. Wilson seconded and the motion passed 4-0.

**Review of revised Equal Opportunity, Discrimination and Sexual Harassment Policy**

No comments were made and no action was taken for this first reading. The policy will be back on the November 24, 2015 meeting for final review and approval.

**Herring River Restoration Project MOU III meetings report**

Wilson summarized the Herring River Restoration Project MOU III meetings and shared how delighted she is with the amount of details offered during these meetings. Donald Palladino was present and confirmed the great amount of research and effort and confirmed the need of continuation of keeping the public informed. Murphy expressed regrets that he will not be able to attend the Herring River Restoration Project meeting on November 17, 2015.

**Review of draft food truck regulations**

ATA Carlson presented the draft food truck regulations and his and the Planning Board's memos on the subject. Wilson wanted to know if a hand pushed or a bike ridden cart would be considered a food truck. Terkanian clarified that these regulations are strictly for licensing a food truck to operate in Wellfleet and does not address procurement. Wilson suggested having a time element in order for people to understand the process better and had question on the fingerprinting provision. Fisette explained that if a fingerprinting is required as part of the licensing process then the Town should adopt a special bylaw and said that he can look into it. Carlson said that he will address the discussed Selectmen's concerns and bring the Food Truck regulations for a second review.

**Discussion of Board of Selectmen's goals for 2016**

Pilcher went over the status of the 2015-2016 Selectmen's Goals<sup>9</sup> as approved on July 14, 2015. He said that the Marina dredging efforts will be on the next meeting agenda. Murphy opened a discussion of possible department candidates for forensic audit and review. Based on mutual consensus DPW will be the first for review in December or January. Murphy also shared suggestions about post dredging efforts that could be done in order to avoid a situation like this in the future.

**Authorize TA to execute Community Compact grant agreement with the Commonwealth of Massachusetts.**

**MOTION 215-373:** Bruinooge moved and Murphy seconded to authorize the Town Administrator to execute Community Compact grant agreement with the Commonwealth of Massachusetts. The motion passed 4-0.

### **Review of the Inter-municipal Cooperation Committee**

Pilcher talked about the Inter-municipal Cooperation Committee background history and expressed desire to revive the committee in terms of sharing inter-municipal services. The Selectmen will bring suggesting to the next meeting.

### **Town Administrator's Report**

Terkanian presented his report<sup>10</sup> and had no additions.

### **Future Concerns**

- Marina Dredging will be on the November 24, 2015 agenda
- Invite the auditor to one of the future meetings
- Invite Alice Boyd to one of the future meeting
- Possible revocation of the Policy on Shellfishing Grants will be back on November 24, 2015.
- Review of the CCNS Shorebird Management Plan will be on the November 24, 2015 agenda
- Publicize the Cape Cod National Seashore Advisory Commission vacancy

### **Correspondence<sup>11</sup> and Vacancy<sup>12</sup> Report**

Wilson thanked Robert Shreefter for his service on the Library Trustees and made some comments about the expense for Mosquito Control.

### **Minutes**

**MOTION 215-374:** Wilson moved and Murphy seconded to approve the minutes<sup>13</sup> of October 27, 2015 with additions by Wilson. The motion passed 4-0.

### **Adjournment**

**MOTION 215-375:** Bruinooge moved and Murphy seconded to adjourn the meeting at 9:35 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva  
Executive Assistant

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<sup>1</sup> Open Space Committee Request for disposition of Town Property

<sup>2</sup> ATA & Open Space Committee memo re Open Space and Recreational Plan and Survey Results, dated 11/5/15

<sup>3</sup> MassDOT letter for bicycle lanes on Route 6 in Truro

<sup>4</sup> TA memo on snow plowing cost estimates to include private roads

<sup>5</sup> TA Memo on BOS Policy on Investments

<sup>6</sup> Helen Miranda Wilson memo on the BOS Policy on Bicycle Races/ Use of Town Roads

<sup>7</sup> Wilson's email to BOS re Town Roads Use dated November 10, 2015

<sup>8</sup> TA memo on the BOS Policy for Bicycle Races

<sup>9</sup> 2015-2016 BOS Goals

<sup>10</sup> TA Report of October 30, 2015

<sup>11</sup> Correspondence Report of November 10, 2015

<sup>12</sup> Vacancy Report of November 10, 2015

<sup>13</sup> Draft minutes of October 27, 2015