

**Wellfleet Selectboard Meeting  
Tuesday, January 14, 2020 at 6pm  
Wellfleet Senior Center**

**Selectboard Members Present:** Chair Janet Reinhart; Kathleen Bacon; Helen Miranda Wilson; Michael DeVasto; Justina Carlson

**Also Present:** Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Acting Police Chief Hurley; Shellfish Constable Nancy Civetta

Chair Reinhart called the meeting to order at 6:00 p.m.

**ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS**

**Note:** Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

- Wilson announced that on Thursday, January 16 at 3PM there will be a Herring River Executive Council meeting at the COA
- Bacon said “hello, Wellfleet” with great joy. She will be greeting the audience and viewers at the start of each meeting until her last meeting.
- Audience member Kate Clemens announced that the Commission on Disabilities is seeking new members and there is more information available on the Town website.

**PUBLIC HEARINGS**

***Review and approve new 7.3. Annual License Fee (wording change)***

Civetta presented the proposed amendment to the regulation. The change would require that grant fees be due on or before the same day that the annual grant reports are due, on February 28<sup>th</sup>. There were no comments from the audience and Civetta said she had heard no objections from the shellfishing community

- Wilson moved to amend Section 7.3 of the Wellfleet Shellfishing Policy and Regulations, by adding the sentence “Annual fees are due each year by February 28, when annual grant reports are due.” as recommended by the Shellfish Constable.
- Bacon seconded, and the motion carried 5-0.

**COMMITTEE UPDATE – ENERGY AND CLIMATE ACTION COMMITTEE**

Members Richard Elkin, David Mead-Fox, Carol Magenau and Suzanne Ryan presented the update. Elkin reminded the audience and the Board that last summer the Committee changed its name from the Energy Committee to the Energy and Climate Action Committee (ECAC). Their charge was also changed to include climate mitigation and climate action activities.

Mead-Fox provided an update on the Outer Cape Energize, a project which instigates and implements mitigation activities on the Outer Cape including Wellfleet. He said the focus of this program was on carbon replacement technologies, and energy technologies and efficiencies. He thanked the Town Administrators, Energy Committees, and Selectboards of the participating towns. Mead-Fox said that there was an increase in energy audits by Cape Light Compact on the Outer Cape, which translates into \$200,000 in energy conservation measures. As for solar, he said there have been 134 systems installed to date. Reinhart asked if any funds toward programs would be coming from the State; Mead-Fox said not specifically for funding solar.

Elkin discussed the landfill and the solar arrays there which are waiting to be connected to the grid. There are 2358 panels installed, which will produce 140% of what the Town uses annually. The remaining 40% will be sold to the Nauset Regional Schools to offset their electric bills. Elkin noted the revenue coming into the Town from the lease and the payments received from the lessee in lieu of taxes. He said the revenue enable us to pay our municipal electricity bills. Bacon would ask which buildings would be getting their power from the solar arrays; Elkin said it goes from the array to the network, not directly to any buildings. The payments are in the form of credits which are sent to the Town's electric company. Bacon asked if the Town could add onto this in the future; Elkin said he was hopeful for more arrays to be installed in Town, including a solar canopy at White Crest Beach. Wilson asked if there was a way to keep track of usage by individual buildings; Elkin said yes by way of meter reading by means of Mass Energy Insight, a program that logs the monthly usage of each unit. DeVasto asked if it was financially advantageous to own the solar array and contract it out; Elkin said this would be less advantageous stating that the current 3<sup>rd</sup> party lease qualifies the lessee for a substantial tax deduction, which we would not qualify for. The end result is what amounts to a 55% rebate for the Town. Elkin said that at the end of the lease, in 20 years, the Town could opt to own the arrays.

Magenau, speaking on behalf of ECAC member Robert Shapiro who could not be in attendance, described Shapiro's efforts in collecting data for the Global Covenant of Mayors. The Global Covenant requires compilation of data for a baseline greenhouse gas emissions inventory and a vulnerability assessment. Magenau said the Town has now earned badges indicating the completion of these two milestones. Magenau noted issues in gathering data at the county level such as oil usage.

Ryan discussed the ECAC's grant-seeking activities. She said in 2019, the group applied for a grant to hire a consultant to evaluate vulnerabilities in low-lying areas that are prone to flooding. Ryan said the ECAC unsuccessfully applied through the Barnstable County License Plate Grant program, but they did contact the Cape Cod Commission who will be applying for a grant for this, that will include other Cape towns, in the spring. Ryan said the ECAC will seek grants in 2020 for 3 projects: thermal window treatments at the Elementary School, the COA, and Town Hall; a consultant to evaluate building codes and zoning bylaws for vulnerable areas; and a separate vulnerability study for at-risk populations and buildings in low-lying areas. Ryan said all of these grants require matching funds and asked that those funds, \$50,000, be requested at Town Meeting; Hoort noted this request.

Wilson noted the science research available regarding the benefits of mature trees as well as the difference of white pavement that absorbs less light versus black asphalt. She also told the group to have a sense of what they already know, prior to hiring a consultant. Elkin said the ECAC's plan with the consultant was to help prepare for implementation, as they already have a good idea of what is needed. Elkin noted that the Cape Cod Commission is working on a model plan to create the type of zoning bylaws that Ryan mentioned. He discussed the future actions of the ECAC which include the working on the Green Communities Act, the electric vehicle bylaw, and with 350.org to get the Town to net-zero by 2030, working on a piece for inclusion in the Local Comprehensive Plan, and helping with the 95 Lawrence Road project. Carlson thanked the group for their dedication and expertise.

#### **APPOINTMENT OF POLICE OFFICER – MATTHEW MCGUE**

Chief Hurley introduced Matthew McGue to the Board and audience. McGue will be filling the vacancy of a veteran officer. Chief Hurley noted that he was impressed with McGue.

Wilson told McGue she appreciated his experience at Mass General Hospital. She asked if the Full Time Police Academy was a pass/fail situation; Chief Hurley said yes. Chief Hurley noted that McGue, and another officer in the Academy, will both not be available to work until their completion of the Academy in the Fall.

Bacon asked McGue if he had secured housing yet; McGue said he has connections in the area and is already started his search. Carlson thanked him for his interest in serving the community.

- Bacon moved to appoint Matthew McGue as a Full Time Police Officer from February 17, 2020 through February 16, 2021 as requested by the Police Chief.
- Wilson seconded, and the motion carried 5-0.

### **CPC NEEDS HEARING/HEARING APPLICATIONS**

Mary Rogers and Gary Sorkin, of the Community Preservation Committee (CPC), presented the hearing. Sorkin noted this hearing is done annually, as per their charge, to guarantee funds. Rogers noted that the needs list, which was compiled years ago is reviewed annually; the list is available online.

Rogers began with Community Housing Needs and said that #12 on the Community Housing Needs list pertains to 95 Lawrence Road is new. #11 is for a Housing Specialist, which has been funded part-time; the group is looking for a full-time specialist. Under Open Space, #10 is in regard to total protection of the wetlands and looks at coastal resiliency. Rogers said that nothing changed from 2018 for the Historic Preservation category, but a summer intern worked on a lot of the items listed. Rogers said that under Recreation, a few items were completed that are no longer on the list. She noted that there are items listed that are not within the CPC realm but are certainly needs of the groups represented.

Wilson said that the construction of a public pool (one of the items on the general wish list) should be discouraged and suggested more use of the facilities at Willy's in Eastham. She noted that big pools put a dent in the environment in many ways and said she was dismayed to see this suggestion on the list, under Recreation #4. Rogers said that CPA funds do not cover indoor construction, so it may have been suggested to build an outdoor pool to meet that need and get funding to do so. Reinhart said this would not be discussed tonight.

Bacon said that, under Community Housing Needs, #6: "Work with the Board of Selectmen to gain use of Town owned land within the National Seashore for creation of affordable housing near the Wellfleet Senior Center," should be taken off the list. She said this discussion had been ongoing for as long as she could remember and that it was not realistic to keep it going. Rogers and Sorkin said it is a difficult task, but it is not insolvable. Under Recreation, Bacon said she would not be in support of constructing a dog park after hearing so many nightmare stories from the one in Provincetown. Rogers noted there has never been an application for such a project, it has only come up as a suggestion.

Carlson said a community center would be a great thing. She said it would be important for the youth of the Town to have something to do. Reinhart asked Hoort to confer with Eastham and Truro to see about possibly buying Willy's Gym should it come up for sale.

Sorkin noted that there are 4 areas in which the CPC can provide grants to: Housing, Open Space, Recreation, and Historic Preservation. He said there is a representative for each group from the CPC and that the needs brought forward tonight are the needs of those areas, who each have a representative on the Committee.

Sorkin said that as of this month, the CPC will run out of Community Preservation Act (CPA) funds, and current funds will not be made available until July 1. Sorkin provided an overview of the applications which includes the Rental Assistance and Housing Buy Down Programs, the Cape Housing Institute, the Cemetery, and Museum Restoration. Sorkin noted that Wellfleet is the most rent-burdened town on the Cape. Wilson said she would prefer to see funds go toward rental assistance and the buy-down program. In regard to funding cemetery restoration projects, she said that the dead are worthy, but they are dead.

Sorkin said 6 buy-down grants have been given in Town. He said the average price for the homes is slightly more than \$200,000, and the median home in Wellfleet is \$500,000. Sorkin said this was the 4<sup>th</sup> year that the CPC has given funds to the Community Development Partnership to fund the Cape Housing Institute which is open to anyone. Going back to cemeteries, Sorkin said that there is a need to restore headstones and continue cemetery maintenance. Reinhart suggested that people go online and find a grave to work to keep maintained. Carlson said she was in favor of the effort to improve the cemeteries. Wilson said she could not favor using CPA funds to maintain cemeteries over helping someone be able to buy a home.

Sorkin finished the presentation by discussing the Historical Society and Museum restoration, noting that nearly \$850,000 has been given to this project to date.

## **LICENSES**

### ***Extension of Seasonal Liquor License – Fox and Crow Café***

Trudy Vermehren presented her request for an extension of a Seasonal Liquor License. Vermehren noted that she is awaiting approval from the State for an Annual Liquor License, so her request for the extension is until that Annual License is approved. DeVasto said he was happy there was another place open in town; the Board concurred.

- Bacon moved to approve the extension of the Seasonal Liquor License for the Fox and Crow Café until the application for an Annual License is approved by the State.
- Carlson seconded, and the motion carried 5-0.

### ***Common Victualler***

There were no comments.

- Wilson moved to approve the renewal of Common Victualler Licenses for the Boathouse Fish Market, Bocce Italian Grill, Box Lunch, Catch of the Day, Ceraldi, C Shore, Cumberland Farms, Even' Tide Motel and Cottages, Harbor Stage Company, Hatch's Fish Market, Mac's Seafood Market, Mac's Shack, Mac's Seafood Takeout, Maurice's Campground, PB Boulangerie Bistro, Pearl Restaurant, Seaberry Surf Gift Shop, Van Rensselaer's, Wellfleet Beachcomber, Wellfleet Harbor Actors' Theater, Wellfleet Marketplace, Wellfleet Motel & Lodge, and Winslow's Tavern.
- DeVasto seconded, and the motion carried 5-0.

***Weekly Entertainment***

There were no comments. Reinhart asked that each business be given a copy of the Town's Noise Bylaw.

- Wilson moved to approve the renewal of Weekly Entertainment Licenses for Bocce Italian Grill, C Shore, Harbor Stage Company, PB Boulangerie Bistro, Pearl Restaurant, Van Rensselaer's, Wellfleet Beachcomber, Wellfleet Harbor Actor's Theater, and Winslow's Tavern.
- Carlson seconded, and the motion carried 5-0.

***Class II***

There were no comments.

- Wilson moved to approve the renewal of Class II Licenses for L&R Auto and Wellfleet Service Center.
- Bacon seconded, and the motion carried 5-0.

***Automatic Amusement***

There were no comments.

- Wilson moved to renew the Automatic Amusement Licenses for Southfleet Motor Inn.
- Bacon seconded, and the motion carried 5-0.

***Sunday Entertainment***

There were no comments. Reinhart asked that each business be given a copy of the Town's Noise Bylaw.

- Wilson moved to renew the Sunday Entertainment Licenses for the Bookstore & Restaurant, Harbor Stage Company, PB Boulangerie Bistro, Wellfleet Beachcomber, Wellfleet Drive in and Flea Market, Wellfleet Harbor Actors' Theater, Wellfleet Preservation Hall, and The Wicked Oyster.
- Bacon seconded, and the motion carried 5-0.

**BOARD/COMMITTEE APPOINTMENTS**

***Appointment of Trudy Vermehren to Conservation Commission.***

The Conservation Commission (Cons Com) is requesting Vermehren's appointment due to a potential lack of quorum and the need to be able to hold hearings. Wilson noted that Vermehren was previously the Chair of the Cons Com. The Board thanked Vermehren for her service.

- Bacon moved to appoint Trudy Vermehren to the Conservation Commission for a 2-month period as per the Health/Conservation Agent's recommendation.
- DeVasto seconded, and the motion carried 5-0.

***Approval of leave of absence from the Planning Board – Beth Singer***

Wilson said that Ms. Singer has missed 4 consecutive meetings over a period of more than 30 days. According to the Town Charter, she is there for automatically no longer a member of the Planning Board. Singer was free to re-apply to the Planning Board but had not applied to the Selectboard for a leave of absence before she had missed these meetings as allowed by the Selectboard Policy for Committee/Board Appointments. No action taken.

***Appointment to Planning Board and Energy and Climate Action Committee – David Mead-Fox***

There was no discussion.

- Bacon moved to reactivate the appointment of David Mead-Fox to the Planning Board to continue his term ending June 30, 2021.
- Bacon moved to reactivate the appointment of David Mead-Fox to the Energy and Climate Action Committee, to continue his term ending June 30, 2021.
- Wilson seconded, and both motions carried 5-0.

***Reappointment to Cape Light Compact (alternate) – David Mead-Fox***

Mead-Fox noted that he was asked to reapply as his term ended in 2018.

- DeVasto moved to reappoint David Mead Fox as the Wellfleet Representative Alternate for a 1-year term.
- Wilson seconded, and the motion carried 5-0.

Mead-Fox thanked everyone who provided support and caring while he was in Boston undergoing open-heart surgery in October. He said the surgery was a success, but he could not have gotten through it without his wife, Merrill. He said they are so happy to be home and have much gratitude for many things including being part of the Wellfleet community. The audience and Board applauded.

***Approval of Disclosure of Financial Conflict of Interest – Richard Elkin, Cape Cod Commission Representative***

Wilson noted that in the past, Elkin has donated to the Friends of the Herring River and that his being the Town Representative to the Commission will involve work on the Herring River and there is an appearance of conflict of interest. Elkin listed the donations he has made in the past. Wilson said that since those donations have been made already, he is not in conflict as the money is no longer his. She suggested that he might consider making no financial donations in the future to anything he could possibly act on with the Commission.

Bacon agreed with Wilson, saying that he is serving a higher calling and also asked him to no longer donate to causes he would be acting on.

Elkin said he does not care particularly one way or the other about the Herring River, but that a lot of housing issues will come up and he would not want to preclude making any donations to those causes.

Carlson said she was reading this as an appearance of conflict of interest and asked that KP Law look at the form; Wilson and other Board members noted that the Attorney General's office is the State agency that makes final decisions about such matters. Elkin said he spoke with that office who helped him file the form.

Wilson said Elkin's work on this is a huge donation in and of itself and asked him to preclude himself from anything the Commission may act on. DeVasto disagreed with Wilson, saying that as long as an appearance of conflict interest is disclosed then it is Elkin's choice as to whether or not to preclude himself. He said the decision is up to Elkin and any attorneys he might consult.

- Bacon moved that the Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from

Richard Elkin, Wellfleet Representative to the Cape Cod Commission. The disclosure is dated December 31, 2019.

- DeVasto seconded, and the motion carried 5-0.

## **BUSINESS**

### ***Disposition of Town-owned Land – Map 30, Parcel 14 [Clemens-Nowack & Nowack]***

Wilson noted that this request is to purchase Town-owned land by a private property owner and asked who would be purchasing the property. Jim Nowack, the requester, noted that he and his wife Kate Clemens-Nowack would be purchasing the property which abuts a lot already owned by them.

Bacon said she was thrilled to see this request and hoped it would be recommended by the Town's committees so that 2 young professionals can find a home in Wellfleet.

- Bacon moved to refer the request for disposition of Town-owned land, Map 30, Parcel 14, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 5-0.

### ***Disposition of Town-owned Land – Map 20, Parcels 11, 12, 16 [Open Space Committee]***

Wilson noted that 2 of the 3 parcels are Town landings and are already very much under the eyes of the ConsCom. She said that the ConsCom has utter jurisdiction over anything in its resource. Wilson said that perhaps the properties should not be given over to the management of the ConsCom because their use might then be more restricted. She said there might be issues with access for shellfishing. Bacon asked Wilson if she was not wishing to refer the request; Wilson said yes. Bacon said she would like to refer it and would like to hear the opinions of other boards and committees.

Hoort noted that the Policy states that the Board *shall* refer the request to all appropriate committees, boards, departments, and other potentially interested parties, within 14 days of receiving the request. Wilson apologized for missing the word "shall" when she re-read the policy.

- Bacon moved to refer the request for disposition of Town-owned land, Map 20, Parcels 11, 12, and 16, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 5-0.

### ***Disposition of Town-owned Land – Map 35-1, Parcels 201, 209, 210 [Open Space Committee]***

DeVasto said he thought the Board should just refer it because they have no choice. He said this raised the question of what if the entire Board voted no. Reinhart said this is a procedure [laid out in the Policy]. Wilson said it was supposed to pass across the Board's table on its way to the Town committees. She said that these particular lots are already protected by Cons Com, but these requests are coming from the Open Space Committee. Wilson said this area gets a lot of use from people who shellfish and is under the public's eye.

- Bacon moved to refer the request for disposition of Town-owned land, Map 35-1, Parcels 201, 209, and 210, to appropriate committees, boards, departments, and other potentially interested parties.
- Wilson seconded, and the motion carried 4-1, with DeVasto opposed.
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### ***Disposition of Town-owned Land – Map 14, Parcel 119 [Housing Authority]***

- Bacon moved to refer the request for the position of Town-owned land, Map 14, Parcel 119, to appropriate committees, boards, departments, and other potentially interested parties.

Wilson said this came before the Board last year and that they vetted it. She said she was cross about that because last year the Board said that this land would be affected by climate change. Reinhart said she was dismayed. Carlson agreed with DeVasto's earlier point; Reinhart said the Board is simply referring the request, not making any opinions on it – that will come at a later point.

- Carlson seconded, and the motion carried 3-0-2, with DeVasto and Wilson abstaining.

### ***Approval of signature to Declaration of Restrictive Covenants***

This request is for the parcel at 2619 State Highway, Rte. 6, aka Cumberland Farms. Hoort noted that this is the agreement that restricts another gas station being rebuilt at the old Wave gas station.

Wilson said this would travel with the deed for all time. Wilson asked who drafted this; Hoort noted that it was done in conjunction with Katharine Klein from KP Law and the attorney for Cumberland Farms.

Wilson discussed an issue she had with the use of the word “may” in Section 2: Term, which says that the term shall be for 99 years, and “.... said restrictions may, during said term of years be renewed for successive twenty (20) year periods by the filing of a notice of the continued Declaration....” Wilson asked if the use of the set of words in this section meant that the Selectboard has to refresh the agreement every 20 years. She asked if this section would therefor have to be kept track of by future Selectboards; if it wasn't, would the deed restriction it ceases to apply. There was further discussion.

Hoort said he did not know why the sentence “may be renewed for 20-year periods” was used, because it is a 99-year agreement.

Bacon asked Wilson if she would like the word “may” stricken; Wilson said no, that she would like clarification. Bacon said the wording is probably pretty generic and that she did not have a problem with this issue. Wilson said the “may” is good because it does not require the Selectboard to do it, but that she guessed the Cumberland Farms attorney put it in the agreement. She asked for clarification.

Hoort said he was reading the agreement as, in terms of Mass General Law, that if it was limited to 20-years then the Selectboard would be required to renew it for the same period of time. He said he would ask Counsel for clarification.

Carlson agreed with Wilson. Wilson also asked that the entire document use the term Selectboard, not Board of Selectmen.

- No action taken.

### **SELECTBOARD REPORTS**

- Bacon: attended the 95 Lawrence Task Force meeting on January, where Lots of very good comments were generated.
- Wilson: attended a Shellfish Advisory Board meeting where the Herring River Restoration Project was discussed. The meeting was videoed.



*Approved January 28, 2020*

- Wilson: attended a Wastewater Meeting which was very informative and is available online for those who were unable to attend.
- Carlson: also attended the Wastewater meeting.

## **TOWN ADMINISTRATOR'S REPORT**

This report is for the period December 7, 2019 through January 10, 2020.

1. General
  - Three public records requests fulfilled. A fourth is in progress.
2. Fiscal Matters
  - FY 2021 Budget delivered to Selectboard and Finance Committee
3. Meetings
  - December 9 – Meeting with Eastham PD and TA regarding sharing services
  - December 10 – Staff budget meeting
  - December 10 – Selectboard meeting
  - December 11 – Staff budget meeting
  - December 11 – Meeting with worker's compensation insurance representatives
  - December 11 – Webinar for Housing Choice Grant
  - December 12 – WEA bargaining negotiations
  - December 12 – Finance Dept. meeting
  - December 12 – Holiday Staff Appreciation Party
  - December 13 & 16 – Vacation days to visit family in Michigan
  - December 18 – Meeting with solid waste disposal firm
  - December 23 & 24 – Vacation days
  - January 7 – Finance Dept. meeting
  - January 7 – Selectboard meeting with Department heads on budgets
  - January 8 – Dredging Task Force meeting
  - January 9 – Meeting on Wastewater
  - January 10 – Meeting to discuss phone system upgrade
4. Complaints.
  - none
5. Personnel Matters:
  - none

## **TOPICS FOR FUTURE DISCUSSION**

- Wilson and Bacon: decision on the old Shellfish Shack
- Wilson: decision on the old COA building
- Wilson and Hoort: discuss 3 Kendrick Avenue in Executive Session
- Bacon: adoption of local alcohol beverage licensing regulations similar to Chatham's regulations which are very easy to follow.
- Reinhart: Moderator's suggestions for Town Meeting

## **CORRESPONDENCE AND VACANCY REPORTS**

No comments.

## **ADJOURNMENT**

*Approved January 28, 2020*

- Bacon moved to adjourn
- Wilson seconded, and the meeting adjourned at 8:00pm.

Respectfully submitted,

Courtney Butler  
Secretary

**Public Records Material as of 1/10/2020**

1. Public Hearing Papers for the Change in Shellfish Regulations 7.3;
2. Email from Nancy Civetta to Dan Hoort, Courtney Butler, and Jeanne Maclauchlan regarding the change in Shellfish Regulations 7.3;
3. Appointment papers for Special Police Officer Matthew McGue;
4. CPC Needs Hearing and Needs Assessment papers;
5. Request for extension of Seasonal Liquor License from Trudy Vermehren;
6. List of licenses for renewal from Principal Clerk;
7. Email from Dan Hoort to the Selectboard regarding appointment of Trudy Vermehren to the Conservation Commission;
8. Letter from Planning Board requesting approval of leave of absence for Beth Singer;
9. Letter and appointment papers for David Mead-Fox to the Cape Light Compact;
10. Email regarding and the papers of Disclosure of Financial Interest from Richard Elkin dated 12/31/2019;
11. Selectboard Policy on Disposition of Town-owned;
12. Letter from Kate Clemens-Nowack and Jim Nowack regarding the Disposition of Town-owned land and papers for such – Map 30, Parcel 14;
13. Letter from Open Space Committee regarding the Disposition of Town-owned land and papers for such – Map 20, Parcels 11, 12, 16;
14. Letter from Open Space Committee regarding the Disposition of Town-owned land and papers for such – Map 35-1, Parcels 201, 209, 210;
15. Letter from Housing Authority regarding the Disposition of Town-owned land and papers for such – Map 14, Parcel 119;
16. Letter from Moriarty, Trover & Malloy LLC regarding the signature to Declaration of Covenants for the property located at 2619 State Highway, Rte.;
17. Town Administrator's Report;
18. Correspondence and Vacancy Reports;
19. Robert Shapiro's statement re. Green Communities, as read into the record by during the ECAC update.