Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, May 12, 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. Commercial Shellfish Permit – Late Application: Rafe Emond continued from April 21, 2015

B. Application received March 11, 2015 from Todd LeBart to renew shellfish grant licenses #85E, 85EA, and 85EAB for a ten year period

C. Application received March 12, 2015 from Robert McClellan to renew shellfish grant licenses #85B, 85BA1 and 85BA2 for a ten year period

D. Application received March 13, 2015 from Margaret Jennings and Lee Clark to renew shellfish grant licenses # 85C and 85C-A for a ten year period

E. Application received March 18, 2015 from Randy Williams to renew shellfish grant licenses # 85-I and 85I-A for a ten year period

F. Application received March 19, 2015 from Clinton Austin to renew shellfish grant license # 2008-02 for a ten year period

G. Application received March 25, 2015 from Philip Morton to renew shellfish grant licenses # 95-7 and 95-8 for a ten year period

H. Application received April 3, 2015 from Ralph Bassett to renew shellfish grant license #2008-01 for a ten year period

I. Application received April 23, 2015 from Richard Blakeley to renew shellfish grant licenses # 85-F, 85F-A and 85F-A ext for a ten year period

J. Application received April 28, 2015 from Shawn Rose to renew shellfish grant licenses # 85H and 85H-A for a ten year period

K. To amend the Town of Wellfleet Shellfishing Rules & Regulations sections 4.3, 6.1.4, 6.6, 7.16 & 7.18.4

III. Licenses/Appointments/Reappointments/Use of Town Property

A. Licenses - NONE

B. Appointments

1) Thomas Siggia (Historical, Recycling, Shellfish)

2) Paul Goetinck to COA Board with term ending 06/30/18

3) Vernon Jacob from ZBA regular to ZBA alternate with term ending 06/30/17

4) Sharon S. Inger from ZBA alternate to ZBA regular with term ending 06/30/17

C. Reappointments – NONE

Meeting materials are available on the Town of Wellfleet web site: http://www.wellfleet-ma.gov. Motions may be offered and votes may be taken by the Board on any agenda item except for Announcements & Public Comment

D. Use of Town Property

1) Harriet Korim Arnoldi request to use the Swap Shop area at the dump on May 23 8am – 3pm for the 22nd Annual Swap Shop Ecology Action Yard Sale
2) John Colman to erect USGS 4' by 6' gage house at Culvert deck at Chequessett Neck from April, 2015 to September, 2017

IV. Business

A. Reorganization of the Board of Selectmen

B. Status of Government TV Channel

C. Vote to execute memorandums of understanding with WEA bargaining units

V. Town Administrator's Report

VI. Future Concerns

VII. Correspondence and Vacancy Report

VIII. Minutes [April 21 and April 27, 2015]

IX. Adjournment

Meeting materials are available on the Town of Wellfleet web site: http://www.wellfleet-ma.gov. Motions may be offered and votes may be taken by the Board on any agenda item except for Announcements & Public Comment

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, May 12, 2015 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- continuation of hardship request from April 21, 2015
- application received March 11, 2015 from Todd LeBart to renew shellfish grant licenses #85E, 85EA, and 85EAB for a ten year period
- application received March 12, 2015 from Robert McClellan to renew shellfish grant licenses #85B, 85BA1 and 85BA2 for a ten year period
- application received March 13, 2015 from Margaret Jennings and Lee Clark to renew shellfish grant licenses # 85C and 85C-A for a ten year period
- application received March 18, 2015 from Randy Williams to renew shellfish grant licenses # 85-I and 85I-A for a ten year period
- application received March 19, 2015 from Clinton Austin to renew shellfish grant license # 2008-02 for a ten year period
- application received March 25, 2015 from Philip Morton to renew shellfish grant licenses # 95-7 and 95-8 for a ten year period
- application received April 3, 2015 from Ralph Bassett to renew shellfish grant license #2008-01 for a ten year period
- application received April 23, 2015 from Richard Blakeley to renew shellfish grant licenses # 85-F, 85F-A and 85F-A ext for a ten year period
- application received April 28, 2015 from Shawn Rose to renew shellfish grant licenses # 85H and 85H-A for a ten year period
- to amend the Town of Wellfleet shellfishing rules and regulations sections 4.3, 6.1.4, 6.6, 7.16 and 7.18.4

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

WELLFLEET BOARD OF SELECTMEN

75 Spring Valley Rd

Wellfleet, MA 02667

April 14, 2015

To Wellfleet Selectmen/women:

My name is Rafe Emond. I grew up in Wellfleet. I attended Wellfleet Elementary and graduated from Nauset High School. For the past 13 years, I have lived at 75 Spring Valley Road.

I worked as a carpenter my entire life, until an injury landed me in the hospital on December 6, 2015. After back surgery, I am left unable to work as a carpenter and unsure how I will meet my responsibilities: child support, house taxes, utilities, etc. My girlfriend spends a good deal of time caring for her elderly, disabled mother, who also lives in Wellfleet. I believe that shellfishing, working the tide, would be ideal for my present abilities as I can only work for a few hours at a time.

I am applying for a hardship shellfish license. I missed the deadline as I did not get discharged from the hospital until January 24, 2015. Thank you for taking the time to read and consider my request.

Sincerely,

Rafe Emond

Rafe Emond

(508) 246-8401

RECEIVED

APR 14 2015

Norwalk Hospital
24 Stevens Street
Norwalk, CT 06856

Patient: EMOND, RAFE
MRN: 836887
FIN: 1003132930
DOB/Sex: 5/21/1968 MALE

Patient Type: Inpatient
Admit/Disch.: 12/6/2014 1/23/2015
Attending Dr.: Batson ,Ramon MD

Physician Documentation

Document Type: Discharge Summary
Result Date/Time: 1/23/2015 09:00 EST
Result Status: Final
Signed By: Batson ,Ramon MD (4/1/2015 07:48 EDT); Batson ,Ramon MD (4/1/2015 07:48 EDT)

Discharge Summary

ADMISSION DATE: 12/06/2014

DISCHARGE DATE: 01/23/2015

DISCHARGE DIAGNOSES:
1. Thoracic epidural abscess secondary to MSSA bacteremia
2. [redacted]
3. Myelopathy.
4. [redacted]

PROCEDURE PERFORMED DURING THIS ADMISSION:
1. Right T4-T6 laminectomy for evacuation of epidural phlegmon.
2. IV antibiotic therapy.

HOSPITAL COURSE: This is a 46-year-old male who presented to the emergency department with back pain and worsening leg numbness and weakness over the previous week. He underwent imaging studies which demonstrated an epidural collection in the thoracic region. He was taken emergently to the operating room. An epidural phlegmon was found. This cultured MSSA. He was seen by infectious diseases and placed on IV oxacillin once the cultures returned. Previously he had been treated with broad-spectrum antibiotics.

He was also placed in a TLSO. He did complain of back pain and left-sided chest pain which required intercostal blocks and a variety of medications but gradually improved. Also, his neurological examination normalized. He had no urinary retention or incontinence or bowel incontinence and he was ambulatory.

PLAN: Once he completed his course of IV antibiotics, he was discharged home to follow up with his physicians in Massachusetts.

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Town of Wellfleet
Shellfishing Policy and Regulations
Last Amended 04/09/13, 06/04/13, 7/16/13, and 01/28/14, 06/10/14, 8/05/14, 09/16/14, 03/24/15, 05/12/15
All References to Massachusetts General Law (MGL) and the Code of Massachusetts Regulations (CMR) are valid as of 2014

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- 4.12 Inspection on Demand
- 4.13 Display of Permit/License
- 4.14 Possession of Seed Restricted
- 4.15 Methods of Harvest
- 4.16 Detrimental Practices of Harvesting Prohibited
- 4.17 Handpicking or Scratching-Only Areas
- 4.18 Transplanting
  - 4.18.1 Outside Wellfleet Waters
  - 4.18.2 Into Wellfleet Waters
  - 4.18.3 Harvesting Seed from Wild Generally Not Allowed
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Section 5 Noncommercial Shellfishing
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Hatche's Creek, and south of the Lieutenant's Island Bridge.

Wellfleet Harbor (CCB 10, 11, 12, 13, and 14): All marine waters and intertidal areas enclosed north of the Eastham/Wellfleet Town Line, and east of a boundary from the Eastham / Wellfleet boundary on Billingsgate Island to the southern tip of Jeremy Point.

West Side (within CCB 11): The portion of the west side of Wellfleet Harbor immediately southeast of the no quahog dredge line (see below), offshore from the area commonly known as Middle Meadow.

No-drag Line:
1: Line extending from the navigational beacon (#14) at the seaward end of Indian Neck breakwater to a point on the tip of Great Island, marked with a striped (candy cane) pole.

2: Line extending from the striped pole on Field Point to the boathouse on Lieutenant Island.

No-quahog-dredge Line: Line extending from a point in Middle Meadow marked with a striped pole, towards the US Geodetic and Coast Survey marker at the landward end of the third groin west of Mayo Beach, ending where this line meets the No-drag Line (near the rocks known as Old Saw).

4.3. Landing of Shellfish

~~All shellfish harvested in Wellfleet shall be landed in Wellfleet. Oysters harvested from any approved site in Wellfleet may only be transferred to up to six (6) wholesale seafood trucks in the Wellfleet Marina parking lot at 255 Commercial Street provided that the following conditions are met:~~

~~1. Each transfer of oysters shall occur at the approved site so that unannounced inspections may be conducted by the Wellfleet Shellfish Department or State shellfish authorities;~~

~~2. Each wholesale seafood dealer truck shall have a valid permit issued by DMF; and~~

~~3. Each transfer of oysters shall be conducted in accordance with:~~

~~a) DPH Regulation 105 CMR 533.000, *Fish and Fishery Products*, (See 105 CMR 533.000 - Mass.Gov.)~~

~~b) The Massachusetts 2014 Vibrio parahaemolyticus (VP) Control Plan (See 322 CMR 16.00: Shellfish Harvest and Handling - Mass.Gov), and~~

~~c) The NSSP Guide for the Control of Molluscan Shellfish, 2011 Revision. (See (NSSP) Guide for the Control of Molluscan Shellfish: 2011)~~

~~This variance shall expire on October 19, 2014.~~

4.3.1. All shellfish harvested in Wellfleet shall be landed in Wellfleet.

4.3.2 During the time that the Vibrio Control Season is in effect for that season, the Wellfleet Marina parking lot at 255 Commercial Street shall be used as the only location for commercial fishermen to transfer oysters harvested from any approved site in Wellfleet to a wholesale dealer's vehicle so that unannounced inspections may be conducted by the Town's Shellfish Department or State Shellfish Authorities.

The following conditions must be met:

1) Each wholesale dealer's vehicle shall have a valid permit issued by the DMF;

2) Each transfer of oysters shall be conducted in accordance with:

a) The DMF's Vibrio Control Plan and Regulations in effect for that season;

b) The National Shellfish Sanitation Program's Guide for the Control of Molluscan Shellfish in effect for that season; and

c) The Department of Public Health's Regulation for Fish and Fishery Products in effect for that season.

This regulation has been approved as a variance to 105 CMR 533.000 (I) (3)(f)(2) by the Director of the MDPH/BEH Food Protection Program and shall expire after a period of three (3) years. It shall

be in effect during the range of dates identified in the DMF's Vibrio Control Plan and Regulations for the years 2015, 2016, and 2017. At any time during this three-year period this variance may be revoked, modified, or suspended by the Department of Public Health if the conditions that are referenced above are not met. In accordance with 105 CMR 533.030(C), a copy of this variance will be available to the public.

Documents referenced in Section 2 a) are available on the Food Protection Program website during each Vibrio Control Season. (Go to www.mass.gov/dph/fpp.)

4.4. Daily Limit
No permit holder shall take shellfish or other marine organisms in excess of the daily limit. Noncommercial limits (Section 5.3.2); commercial limits (Section 6.3).

4.5. No Same Day Landings in Excess of Daily Limit
No person shall come ashore with shellfish and return to the waters of the Town on the same day for the purpose of taking additional shellfish in excess of the daily permit limit.

4.6. Landing Shellfish Before Shucking
No shellfish shall be brought ashore except in their shells with the exception of sea scallops.

4.7. Daily Time Limits
No person shall harvest, pick, dig, pile, take or carry away any shellfish from the waters of the Town, by any method between one half (1/2) hour after sunset and one half (1/2) hour before sunrise. (MGL Chapter 130; Section 68)

4.8. No Shellfishing Below 28 Degrees Fahrenheit
Except in areas licensed for aquaculture, no shellfishing shall be carried on when the air temperature is below 28 degrees Fahrenheit (2 degrees Celsius), as determined by the Shellfish Constable and as indicated by a buoy displayed on the flagpole next to the Shellfish Office, on the Shellfish Department answering machine and on the Town website.

4.9. Poaching
Any unauthorized person who poaches or otherwise disturbs any shellfish in any amount or in any location shall be subject to criminal penalties and potential civil penalties (See MGL Chapter 130; and Section 11. 6 Revocation of Shellfishing Permits.)

4.10. Disturbance of Grant by Other Than Licensee
No one may in any way disturb the growth or arrangement of shellfish on a licensed area, or work a dredge, or use any other implements to harvest shellfish, or discharge any substance which may directly injure the shellfish upon a licensed area, or willfully damage, remove or tie up to any of a grant's designating boundary markers, without the express consent of the licensee. No one, while upon or sailing over any such licensed acreage may have overboard any implement for the taking of shellfish, under any pretense or purpose whatever, without the expressed consent of the licensee. (See MGL Chapter 130; Section 66 andSection 67)

4.11. License and/or Permit Required
All persons fourteen (14) years old or older engaged in taking, removing, or having in possession eels, sea worms or shellfish, including soft-shelled clams, quahogs, surf clams, sea clams, razor clams, oysters, mussels, and scallops, taken from the waters of the Town shall have an appropriate license or permit obtained and used only in accordance with all terms, conditions and restrictions.

4.12. Inspection on Demand
All persons harvesting, carrying away or otherwise having in their possession shellfish or marine organisms of any

Senior Resident (65 years or older)	50.00
Junior Resident (14-16 years old)	100.00
Eel Permit	3.00
Replacement Fee (for all categories)	10.00

6.1.4. Hardship Exemption

The Board of Selectmen may at its discretion grant permits after ~~April 30th~~ January 31st if the applicant demonstrates **all three** of the following conditions:

- that unusual circumstances existed which would reasonably excuse a failure to file an application prior to ~~May 1st~~ February 1st, and

- that a substantial hardship would be caused by the refusal of a permit, and

- that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish?

6. 2. Commercial Shellfish Regulations

6.2.1 Required Icing and Shading of Product

Annually, during the period of time that the DMF's *Vibrio* control plan is in effect, harvesters must comply with the State's regulations. (See 322 CMR 16.00 Shellfish Harvest and Handling.) With the first offense of this section, the harvester will lose his or her product. With any subsequent offense, the harvester shall lose his or her product and license and/or permit for one year.

6.2.2. Harvest Must Be Tagged

At the time of harvest, any commercial permit holder who has shellfish of any kind for sale, trade or other consideration, must legibly mark all containers of shellfish using legal tags.

6.2.3. Minors Under Fourteen (14) Without Permit

Persons under fourteen (14) are permitted to harvest shellfish in a commercial area while under the supervision of a parent or guardian holding a commercial permit. No shellfish may be taken in excess of the daily limit of the permit held by the parent or guardian.

6.2.4. Commercial Catch Limits

6.2.4.1. Bay Scallops

No vessel shall take more than ten (10) bushels (tied) of scallops, including shells. No more than twenty (20) bushels (tied), shells included, shall be taken by any vessel having two (2) or more permit holders on board, in one (1) day. The captain of said vessel shall be cited for each violation.

6.2.4.2. Mussels

There is no limit to the taking of mussels per commercial permit per day.

6.2.4.3. Oysters

a. Hand Picking: no commercial permit holder shall take more than five (5) bushels of oysters, including shells, per day.

b. Dragging / Dredging: No more than five (5) bushels of oysters including shells, per commercial

6.4.6. Blackfish Creek:
Blackfish Creek will be open year round for the taking of quahogs, soft-shelled clams and oysters.

6.4.7 South Lieutenant Island
South Lieutenant Island will be closed for the taking of shellfish from June 1st through September 30th.

6.5. Use of Motorized Vehicles for Shellfishing

6.5.1. Motorized Vehicles on Beaches
Only commercial permit holders or aquaculture licensees may use motorized vehicles on beaches or in intertidal areas. (See Town of Wellfleet General Bylaws under ARTICLE VII GENERAL - Section 24. Beach Vehicular Traffic By-Law.)

6.5.2. Terms and Conditions for Use of Motorized Vehicles
All use of vehicles to access areas licensed for aquaculture or other areas open to commercial permit holders, shall also be in accordance with the applicable general bylaws of the Town, and conditions, which may be imposed by the Conservation Commission.

6.5.3. Speed Limit on Beaches and Intertidal Areas
No person engaged in commercial shellfishing or aquaculture shall operate a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has a gross vehicle weight (GVW) greater the nine thousand two hundred pounds (9200 lbs) on any tidal beach or flat or other land below the mean-high water line.

6.5.4. Allowed Line of Access for Vehicles
Persons engaged in commercial shellfishing or aquaculture operating motorized vehicles on any tidal beach or flat or other land below the mean-high water line shall drive only on the foreshore of the tidal area below the high tide line but above the tidal flat, closely rounding every groin or other obstruction extending below the high water line, to a point opposite a licensed area, and thence to the licensed area. The traffic not directed to a licensed area shall be confined to the area below the high tide line above the tidal flat, closely rounding any groin or other obstruction extending below the high water line. Parking is permitted on the licensed area or in the access route to a licensed or legal harvesting area as described above.

6.6 Transfer of Oysters to Wholesale Dealer's Trucks During Vibrio Control Season

See Section 4.3.2.

Section 7. Shellfish Aquaculture

7.1. Issuance of Shellfish Aquaculture Licenses (Grants) for Areas Surveyed and Subdivided by the Town.
Once areas are identified by the Shellfish Constable as potentially suitable for the location of shellfish aquaculture, and the areas are under the control of the Town, the Board of Selectmen may exercise their discretion as the licensing authority for the issuance of license/s for shellfish aquaculture (grants) in compliance withMGL Chapter 130. The Board of Selectmen shall post notice of the availability and location of such acreage, as well as any applicable conditions and/or limitations upon such acreage, on the Shellfish Department's notice board, at Town Hall and on the Town Website.

7.2. Previously Established Grants that Become Available
In the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable (see Section 3; Informing the Public of Meetings Concerning the Fishery) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under **Domiciled Resident**,

7.15.1. Required State Seed Permit
No person shall harvest, plant, transplant, transport, sell or otherwise have in their possession seed shellfish, without first obtaining a state seed permit from the Massachusetts DMF, as required by MGL Chapter 130, Section 80 and CMR 322, Section 15.04(b) 1

7.15.2. Special Circumstances for Taking of Seed
From time to time, with the approval of the DMF and the Board of Selectmen, the Shellfish Department may open up an area for the taking of oyster seed only by aquaculture licensees who hold a seed permit.

7.15.3. Use of Spat Collecting Devices
The use of spat collecting devices such as Chinese hats to catch oyster larvae in areas not licensed for aquaculture, may only be done by commercial permit holders who also hold a seed permit (Section 1, **Definitions).** This may only take place during the spawning season, as determined by the DMF. This is usually from June 15th to September 15th.
During this period, catching oyster larva with such devices is legally considered to be fishing, not farming and the devices are classified as fishing equipment, not growing devices.
From time to time, upon receiving a recommendation from the Constable, the Board of Selectmen may vote to limit the areas in which such fishing is allowed or the numbers of Chinese hats or such other devices that may be set out by individuals in these same areas.

7.15.4. Catch Limit for Seed Specified on Permit
No license holder in any one calendar year may take, or cause to be taken, more than twenty-five (25) bushels of seed oysters per acre of licensed area or fraction thereof, pro rated at that rate.

7.15.4. No Seed Harvested by Dragging
No person shall harvest shellfish seed by dragging, except by the licensee within the boundaries of his or her licensed area.

7.16. Petite Oysters and Gems
An aquaculture license holder may harvest and sell petite oysters (between 2.5 and 3 inches in height) and/or gems (quahogs between ¾ and 1 inch in width) if:
a. they do not have a Town of Wellfleet commercial shellfish permit;
b. they have documented proof of purchase of seed
c. they have the required amendment to their propagation permit, granted by the State, allowing them to sell petite oysters and/or gems to a previously designated dealer, approved by the State;
d. they, or their employees, or otherwise affiliated persons (as defined in Section 7.8.4) Employees of Licensees or their families do not store any oysters or quahogs, harvested from the wild on their licensed area(s);
e. they are limited to selling petite oysters and/or gems for a term of not less than a year, beginning with the routine issuance of an annual propagation permit from the State;
f. they forfeit any claim to a hardship waiver under Section 6.1.4 Hardship Exemption of the Town of Wellfleet Shellfishing Policy and Regulations.

7.16.1 See Section 4.3.2

7.17. Predator Control

7.17.1. No Lethal Predator Control Measures
Unless specifically authorized by the Director, in consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, it shall be unlawful to use lethal means to control or exclude predators or other organisms from any area used for aquaculture. Non-lethal enclosures, including, but not limited to, nets, fences, bubble curtains and noise may be used, if approved for a specific site and purpose. Invertebrate predators, pests and fouling organisms may be removed manually from an aquaculture site and disposed of in a lawful manner

(CMR 322, Section 13.7.2).

7.17.2. No Taking of Horseshoe Crabs or Whelks/Conks Without Permit.
Being in possession of horseshoe crabs and whelks (conchs) for any reason requires a State permit. In this regulation, whelk/conch refers to either knobbed whelk (Busycon carica) or channeled (smooth) whelk (Busycotypus canaliculatus). (See CMR 322 6. 34: Horseshoe Crab Management and 322 CMR Section 6.21: Minimum Size for Conch.) As stated in 7.17.1, neither species shall be intentionally killed while practicing predator control.

7.17.3. No Harm to Endangered Species
No person shall maintain a predator control method that will intentionally threaten any endangered species.

7.18. Aquaculture Gear and Equipment

7.18.1. Grants Shall Be Marked
Every licensee shall mark the corners of the area licensed under their license with buoys marked with the license number. From April 1st to November 1st, the corners shall be marked with fluorescent yellow balls, at least twenty (20) inches in circumference. Buoys shall be attached to their anchor by cables, chains or non-floating lines. Numbers shall be marked on said buoys, and shall be at least two (2) inches high and shall be black in color. Temporary buoys shall be required from November 1 through April 1.

7.18.2. Height of Equipment
No licensee shall place equipment or gear within the boundaries of the licensed area that rises more than eighteen (18) inches above the grade. Spat collection devices (such as Chinese hats) are excluded.

7.18.3. Marking of Gear
Every licensee shall clearly and permanently mark any and all trays, boxes, holding cars and all other aquaculture gear with the license number of the license area in a manner that is clearly visible.

7.18.4. Gear Must be Secured
~~All gear on licensed areas must be securely fastened to the bottom or removed. All unusable gear, including loose nets, twisted and damaged racks, loose envelopes, grow-out bags and fastening devices must be removed from a licensed area and either disposed of properly or moved to an appropriate site, not located within a protected resource area.~~ All **equipment** or gear on a licensed area must be securely fastened to the bottom **at ground level** or removed **by January 15 or before ice prevents removal, whichever comes first.** All **equipment** or gear **which is no longer used as it was originally designed or intended to be used** must be removed from a licensed area and either disposed of properly or moved to an appropriate site not located within a protected resource area. **This includes** loose nets, twisted and damaged racks, loose envelopes, grow-out bags and fastening devises.

7.18.5. Exception for Ice in Harbor
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.

7.19. 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

The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health - Bureau of Environmental Health
Food Protection Program
305 South Street, Jamaica Plain, MA 02130
Phone: 617-983-6712 Fax: 617-524-8062

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

Monica Bharel, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

RECEIVED
APR 29 2015

April 17, 2015

Harry Terkanian
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667

RE: Wellfleet Marina parking lot, 255 Commercial Street, Wellfleet, MA

Dear Mr. Terkanian:

This letter is in response to an email dated March 18, 2015 from Helen Miranda Wilson which requests authorization to allow oysters which are harvested elsewhere to be transferred to operators of wholesale seafood trucks parked at the above referenced location, instead of at the harvester's landing site as required by 105 CMR 533.007(I)(3)(f)(2). A similar request was submitted in 2014 and was approved after being reviewed by the Director of the Food Protection Program (FPP) of the Bureau of Environmental Health of the Massachusetts Department of Public Health in accordance with 105 CMR 533.030(B).

FPP reviewed the 2015 request for compliance with 105 CMR 533.000, Fish and Fishery Products, and found that in this particular case, the strict enforcement of 105 CMR 533.007 (I)(3)(f)(2) would do manifest injustice. Therefore, under the authority of 105 CMR 533.030(A), the following variance hereby is granted for a period of three (3) years during the vibrio control seasons to be determined annually by the State Shellfish Authorities (MA Division of Marine Fisheries and MA Department of Public Health). The variance for this year will begin on May 21, 2015.

Variance for Town of Wellfleet

The Wellfleet Marina parking lot at 255 Commercial Street in Wellfleet may be used as the only location to transfer oysters harvested from any approved site in Wellfleet, provided that the following conditions are met:

(1) Each transfer of oysters shall occur at the approved transfer site so that unannounced inspections may be conducted by the Wellfleet Shellfish Department, or State Shellfish Authorities,

(2) Each wholesale seafood dealer truck shall have a valid permit issued by DMF, and

(3) Each transfer of oysters shall be conducted in accordance with:

(a) The Massachusetts Vibrio Control Plan in effect for that season,

(b) The NSSP Guide for the Control of Molluscan Shellfish in effect for that season, and

(c) The DPH Regulation for Fish and Fishery Products in effect for that season.

Each of the documents that are referenced in section 3(a) will be available on the FPP website at www.mass.gov/dph/fpp during each Vibrio Control season.

This variance will be valid for a period of three (3) years and shall be in effect during the range of dates identified in the Vibrio Control Plan for the years 2015, 2016, and 2017. At any time during this three-year period, this variance may be revoked, modified, or suspended by DPH if the conditions that are referenced above are not met. In accordance with 105 CMR 533.030(C), a copy of this variance will be available to the public.

If you have any questions concerning this letter, please do not hesitate to call contact me at 617-983-6754.

Sincerely,

Michael J. Moore, RS
Director, MDPH/BEH Food Protection Program

CC: Dan McKiernan, Deputy Director, MDFG Division of Marine Fisheries
John Racioppi, Supervisor, FPP Seafood Unit
Helen Miranda Wilson, Wellfleet Shellfish Advisory Board
Andrew Koch, Wellfleet Shellfish Constable
Hillary Greenberg-Lemos, Wellfleet Board of Health

TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

RECEIVED APR 08 2015

- Name THOMAS SIGGIA Date 4-7-2015

Mailing Address 325 Paine Hollow Road
Wellfleet, MA 02667

Phone (Home) _____ (cell) 518-935-3093

E-mail TJSIGGIA@GMAIL.COM

- Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: 35 yrs with IBM in Sales, Finance + operations
last 11 years as an executive w/ world wide responsibilities
on 3 Boards which I resigned in 2013/2014. They were
Cystic Fibrosis - Northeast N.Y. chapter, Country club of Troy
2nd VP, in charge of House, Iverson (Healthcare Company)

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

- Committees/Boards of Interest: 1) Historical Commission
2) Recycling Committee
3) Shellfish Advisory Board

RECEIVED APR - 8 2015

TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

- Name PAUL GOETINCK Date 4/29/15

Mailing Address P.O. Box 1484
Wellfleet MA 02667

Phone (Home) 508-349-0173 (cell)

E-mail paul.goetinck@verizon.net

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

I was invited to join the COA Board. I look forward to be part of the Board to contribute to a continued success of the COA

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

I am a retired Research biologist with a special interest in developmental genetics.

- Committees/Boards of Interest: 1) COA.
2)
3)

RECEIVED
APR 29 2015

TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

- Name Vernon Jones Date 4/8/2015

Mailing Address Box 484
Wellfleet MA 02667

Phone (Home) 508-349-3212 (cell) 508-737

E-mail

- Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have been a member of the Finance Com for 10 years. I would now like to continue as a member as an associate and not member

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

Part time resident from 1992 to full time from 1996. Full time employee as a financial consultant full time

- Committees/Boards of Interest: 1) Finance Com 2) Appeals 3)

RECEIVED
APR 22 2015

March 6 2015
290 Drums Neck Rd
Wellfleet, Mass
02667

Board of Selectman
Town of Wellfleet
Town Hall.
Wellfleet, Mass 02667

Dear Sirs

I would like to submit my application for a position as associate member of the Zoning Board of Appeals

I have been of the Board for 10 years and am fully aware of the functions & issues that the Board faces.

I request your consideration for this vacant position

Sincerely yours
Vernon Jacob.

March 6 2017
25 - Drums Rickroad
Wellfleet, MA 02667

Board of Selectmen
Town of Wellfleet
Town Hall
Wellfleet, MA 02667

Dear Sirs:

I would like to take this opportunity to thank you for letting me serve on the Zoning Board of Appeals.

My circumstances are changing and I will be spending less time in Wellfleet. I would therefore like to tender my resignation as a regular member of the Board.

It was a pleasure to serve as a regular member and for you to give me chance to serve.

Sincerely Your
Vernon Jacob

TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

- Name Sharon S. Inger Date

Mailing Address 10 Ira Freeman Lane
Wellfleet MA 02667
Phone (Home) 508-349-3115 (cell) 508-737-9577
E-mail ingers@comcast.net

- Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have served as an alternate on the ZBA for 4 years. I have a PhD in English and am a former Barnstable High School English teacher, now retired.

- Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:
Vested Rights and Nonconforming Uses & Structures Training - Sept 2011

- Committees/Boards of Interest: 1) Zoning Board of Appeals
2)
3)

RECEIVED
APR 22 2015

10 Ira Freeman Lane

Wellfleet, MA

To Board of Selectmen:

Please accept my resignation as an alternate member of the Zoning Board of Appeals.

Sincerely.

Sharon S. Inger

10 Ira Freeman Lane

Wellfleet, MA

To Board of Selectmen:

I would like to apply for the position of regular member of the Zoning Board of Appeals. My application is attached.

Sincerely,

Sharon S. Inger

Memorandum

To: Board of Selectmen
From: Zoning Board of Appeals
Cc: Town Administrator
Date: May 8, 2015
Re: Sharon Inger ZBA Member Application & Vern Jacob ZBA Associate Member Application

The ZBA respectfully requests your affirmative vote on Sharon Inger's application for ZBA Member & Vern Jacob's application for ZBA Associate Member.

Sharon has been an Associate Member since 2010. She has amassed a broad range of experience on all types of applications and has participated as a voting member on many hearings. We all feel that Sharon brings excellent insight and sound judgment to the appeals heard by the ZBA.

Vern began as an Associate Member about 7 years ago; he then became a regular Member and has been Chair of the ZBA for approximately the past 5.5 years. When Vern told us that this would be an appropriate time to step down from the ZBA we all asked him to stay on as an Associate Member so that the Board, applicants, and the Town could continue to benefit from of his wealth of experience and knowledge on zoning issues.

Thank you for your consideration.

TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

Applicant Harriet Korim Arnoldi Affiliation or Group capecool.org

Telephone Number 508 349 3532 Mailing Address Box 3040

Email address harriet@capecool.org Wellfleet, MA 02667

Town Property to be used (include specific area) Swap Shop at Recycling Area (& transfer station)

Date(s) and hours of use: Saturday May 23 8 AM – 3 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.

22ND Annual Swap Shop Ecology Action fund benefit Yard Sale (for more info see capecool.org/S.E.A.1-prize)

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

We have for 22 years been very grateful for DPW co-operation

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____ Processing Fee: _____

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature: Hillary Greenberg Lemos Comments/Conditions: ok. Permits/Inspections needed:	**Inspector of Buildings Signature:** Comments/Conditions: Permits/Inspections needed:
Police Dept. Signature: 4/29/15 Comments/Conditions: OK	**Fire Dept. Signature:** ok Comments/Conditions: 5/5/15
DPW Signature: Paul Lindberg ok Comments/Conditions	**Beach Dept. Signature:** Comments/Conditions:
Shellfish Constable Signature: Comments/Conditions:	**Harbormaster Signature:** Comments/Conditions:
Recreation Dept. Signature: Comments/Conditions:	**Town Administrator:** Comments/Conditions:

TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

Applicant: John Colman

Affiliation or Group: U.S. Geological Survey

Telephone Number: 508 490 5027

Mailing Address: USGS, 10 Bearfoot Road
Northborough, MA

Email address: jacolman@usgs.gov

Town Property to be used (include specific area): Culvert deck at the Herring River on Chequessett Neck causeway.

Date(s) and hours of use: April 2015 through September 2017

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.

We will erect a 4' by 6' gagehouse on the ocean side of the bridge and a metal box on the river side for sampling water in the tidal flow.

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

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): _____

Date: APR - 2 2015

Processing Fee: 20.00 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature: OK Hillary Greenberg-Lemos Comments/Conditions: needs jurisdictional opinion from ConsCom Permits/Inspections needed:	**Inspector of Buildings Signature:** DGS Comments/Conditions: OK Permits/Inspections needed:
Police Dept. Signature: 4/6/15 Comments/Conditions: OK	**Fire Dept. Signature:** 4/6/15 Comments/Conditions: OK
DPW Signature: 4/22/15 Comments/Conditions	**Beach Dept. Signature:** Comments/Conditions: X
Shellfish Constable Signature: Comments/Conditions:	**Harbormaster Signature:** Comments/Conditions:
Recreation Dept. Signature: Comments/Conditions: X	**Town Administrator:** Comments/Conditions: Subj. to Cons Com.

TOWN OF WELLFLEET

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: April 30, 2015

This report is for the period April 16, 2015 through April 30, 2015.

1. I will be on vacation the week of May 4th through May 8th.
2. The 2015 annual town meeting was completed on April 28th. Much of my time the last few weeks has been devoted to dealing with town meeting details.
3. Work has begun on the 2017 capital improvement plan with requests going out to department heads and committee chairs.
4. A collective bargaining agreement was reached with all three Wellfleet Employees Association bargaining units and was funded at town meeting.
5. Concession bids have been re-advertised for Baker Field and Whitecrest beach.
6. Kendrick Ave. Parking lot. In response to Selectman Houk's inquiry, the health and conservation agent inspected the Town's parking lot and noted needed septic repairs. A portion of the building septic system is beneath the Town lot. The building owner has been requested to make repairs.
7. The shellfish department removed a significant amount of damaged gear from Egg Island.
8. Additional Meetings. April 16th met with the accountant, treasurer and Jim Eldridge to plan borrowing. April 17th met with Gary Sorkin and Elaine McIlroy to discuss development of the Housing Authority property on Route 6. April 17th met with Jim Hood re Outer Cape Health renovation plans. April 22nd met with staff and counsel to review preparations for town meeting. April 22nd met with County IT for regular progress review. April 23rd conducted grievance hearing. April 24th Chief Fisette and I represented Town in an unemployment claim hearing.
9. Personnel Matters:
   a. Administrative actions:
   b. Current employment vacancies (Charter 5-3-2 (i)):
      i. Building – Building Inspector is part time.

Town of Wellfleet Committee Vacancies

Date: May 8, 2015
To: Harry Terkanian
From: Jeanne Maclauchlan
Re: Appointments to Town Boards

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

Barnstable Human Rights Commission (1 Wellfleet Representative)

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

Requesting Appointment: No applications on file.

Bike & Walkways Committee (5 Members)

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

Requesting Appointment: No applications on file.

Board of Health (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	6/30/2015 (to complete term)

Requesting Appointment: **One application on file.**

Building and Needs Assessment Committee (5 Members)

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

Requesting Appointment: No applications on file.

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

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.

Council on Aging (at least 11 Members)

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

Requesting Appointment: No applications on file.

Cultural Council (no more than 22 members)

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

Requesting Appointment: No application on file.

Energy Committee (11 members total)

Vacant Positions	Appointing Authority	Length of Term
2 (Alternate) Positions	Board of Selectmen	6/2015 (to complete term)

Requesting Appointment: **One application on file.**

Finance Committee (9 members, 2 alternate)

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

Requesting Appointment: no applications on file

Herring Warden (1 Warden, 1 Assistant Warden)

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

Requesting Appointment:

Historical Commission (7 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	6/2015 (to complete term)

Requesting Appointment: **One application on file.**

Personnel Board (4 Community Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	6/30/2015 (to complete term)

Requesting Appointment: No applications on file.

Recycling Committee (Up to 11 Members)

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

Requesting Appointment: **One application on file.**

Shellfish Advisory Board (7 Members, 2 Alternates)

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

Requesting Appointment: **One application on file.**

Wastewater Planning Committee (7 Members)

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

Requesting Appointment: No applications on file.

DRAFT

Wellfleet Board of Selectmen
Minutes of April 21, 2015
Wellfleet Senior Center

Present: Paul Pilcher, Chairman , Dennis Murphy, Berta Bruinooge, John Morrissey, Jerry Houk, Town Administrator Harry Sarkis Terkanian

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

Announcements, Open Session and Public Comment
Pilcher congratulated Judith Stiles about the success of Wellfleet Blossoms. He reminded that Amnesty Day is on Saturday, April 25, 2015 and made the following announcements:

- A Candidates Night sponsored by the Wellfleet Community Forum will be held on Wednesday, April 22 at the COA at 7:00 pm.
- Two informational meetings will be held on Thursday, April 23. The first one will be hosted by the Recycling Committee at 5:00 pm on the proposed plastic bag bylaw; the second one - on Animal Control Officer Bylaw article on dog ordinances will be hosted by the Town Clerk at 7:00 pm at the COA.

Town Administrator Harry Terkanian announced:

- The 2014 Annual Town Report is now available at Town Hall and at the Library.
- The annual beach clean up is scheduled for May 2, 2015 on Mayo Beach. Coffee, donuts and a trash bag will be provided.

Police Chief Ronald Fisette informed the Selectmen that he has met with the party interested in the rumble strips re-locations on Route 6, and said that he is willing to work with the request, unless the Selectmen decide otherwise and announced:

- WESFest is coming up and volunteers are needed.
- Narcan training will be offered free of charge to the public in the near future.

Dick French of 30 Day Road had concerns about unpaved private roads and snow plowing and gave information about how in the past Day Road used to be plowed until the new snow plowing policy took effect. He asked the Selectmen to consider revisiting the policy and reconsider plowing the road. Pilcher said that this matter will be discussed further in the agenda. Arleen Barnhouse reaffirmed the position of French.

Public Hearing(s)
Hardship – Commercial Shellfish Permit-Late Application: Rafe Emond - *postponed to May 12, 2015*

Licenses
MOTION 215-187: Bruinooge moved and Murphy seconded to approve the Common Victualler License for The Fleetian, Flying Fish Café and Mainstay Motor Inn. The motion passed 5-0.

MOTION 215-188: Bruinooge moved and Houk seconded to approve Weekday Entertainment Licenses for The Fleetian, Flying Fish Café and Mainstay Motor Inn. Discussion ensued between the

Selectmen and Ms. Gail Ferguson regarding her letter about noise issues from the Flying Fish Café. The motion passed 5-0. Bruinooge suggested that Ms. Ferguson talks directly with the owner about the noise amplification. Pilcher explained that amplified noise issues have been extensively discussed inuring several recent meetings and asked why this matter has not been brought up then. Fergusson suggested people to be informed when matters of concerning abutters are discussed.

Appointments
Thomas Siggia's appointment was deferred to May 12 to give opportunity to Mr. Siggia to attend and speak about serving on various boards of interest.

Use of Town Property
Becky Rosenberg, Recreation Director spoke on behalf of International Women's Flag Football Association and presented the details of their request to use Baker Field on September 19 and 20, 2015 for the 10th Annual Kate Clinton Flag Football tournament. Rosenberg explained that the number of participants will be determined as the event approaches. Terkanian recommended requiring proof of liability insurance. Houk wanted to know why the event was moved from Provincetown back to Wellfleet. Murphy wanted to know if any consideration was given to repair the field after the tournament. Terkanian referred to the newly adopted policy of Use of Town Property and suggested that $100 a day would be appropriate.

MOTION 215-189: Pilcher moved to approve the request of International Women's Flag Football Association to use Baker Field on September 19 and 20, 2015, 9 am - 5 pm for 10th Annual Kate Clinton Flag Football tournament with a fee of $200, paying for portable potties and providing a proof of liability insurance. Bruinooge seconded the motion. Further discussion ensued. Morrissey suggested asking for $1,000 security bond. Murphy supported the idea. Bruinooge disagreed with the proposed bond fee and said that this will make it difficult for people to come to Wellfleet. Morrissey did not make a new motion and the original motion passed 5-0.

Ragnar Events to use various town property for charity road race
Terkanian gave a background about the Ragnar's charity road race over the last three years.

MOTION 215-190: Bruinooge moved and Murphy seconded to approve the request of Ragnar Events to use White Crest and Newcomb Hollow Beach parking lots, Lecount Hollow Road, Ocean View Drive and Gross Hill Road for charity road race on Saturday, May 9, 2015 from 4 AM to 5 PM contingent on paying for portable potties, provide proof of liability insurance and paying the processing fee. The motion passed 5-0.

Business
Gull Pond Affordable Housing Project
Ted Malone presented the conversion of Gull Pond Road Affordable Housing project from ownership to rental. He said that the ZBA will support the change pending the review of Town Counsel. He added that the State has not been able to approve any funding for this project. He explained why the acknowledgment of notice of proposed change was needed. Houk wanted to know the rental amounts. Malone went over different rental tiers based on income eligibility. Morrissey wanted to know who the owner of the construction would be and how long the developer has been doing this, and if there were any financial issues. Malone talked about his experience with this kind of projects and affirmed that there are no financial issues. Houk wanted to know if these rental units would be available for purchase if the situation of the tenants would change in the future. Malone explained

that the property will be deed restricted as an affordable housing rental only, and will be owned by a private entity. In these terms a future purchase by a tenant would not be an option.

MOTION 215-191: Pilcher moved to have the Board authorize him to sign and send the two letters[1] as requested and presented in the package. Houk seconded and the motion passed 5-0.

Continuation or termination of no trespass order to David Hawkins
Police Chief Fisette presented the background of the No Trespass order to David Hawkins from last year and asked the Selectmen to reaffirm it for the purpose of docking his boat at the Marina. Pilcher wanted to know the exact details of the order. Fisette gave the specifics.

MOTION 215-192: Bruinooge moved and Murphy seconded to reaffirm the No Trespass order to David Hawkins until more information is provided by the Harbormaster. The motion passed 5-0.

Amendments to Police Department Rules and Regulations
Police Chief Fisette explained the reasons for the Police Department Rules and Regulations[2]. He said that no action was needed by the Selectmen for the proposed new regulations to become effective May 1, 2015. The selectmen did not oppose the proposed changes.

Discussion of policy on plowing paved private roads
Bruinooge presented her concerns about plowing on private roads, based on conversation with and letters and emails by people who live on private roads and do not get plowed by the Town. Bruinooge acknowledged that the past winter has been extraordinary, but agreed that all taxpayers should be considered for plowing and encouraged the Selectmen to further discuss this matter. Murphy wanted to know why the change for plowing private roads was implemented. Paul Lindberg, Assistant DPW Director gave information about the change as a result of 2006 Annual Town Meeting vote. Pilcher referred to the Paved Private Roads policy currently in place and wanted to know how this related to the 2006 ATM vote. Lindberg explained the background of the process. Pilcher clarified that a Town Meeting vote cannot be revoked by the Selectmen. Terkanian said that there is limited record pertaining to the 2006 vote. Pilcher said that this matter should be revisited on May 26, 2015 when more information is available. Helen Miranda Wilson said that the Fire Department has a historical good record of plowing private unplowed roads in case of emergency. Richard Mason of South Wellfleet wanted to know what the response time of emergency in South Wellfleet would be when the road has not been plowed.

Report from the Citizens Economic Development Committee.
David Rheault, Judith Stiles and Manuel Smith were present to speak about the Citizens Economic Development Committee (CEDC) report. Stiles talked about the success of Wellfleet Blossoms. She went over other opportunities provided by the CEDC and how local entrepreneurs are featured. Smith added that the development of new businesses is a priority to the Committee. He said that the Committee is working with the Assistant Town Administrator to establish Wellfleet as a Cultural District by the Massachusetts Cultural Council and the potential benefits to the Town, the merchants and businesses.

Review of Board of Selectmen's goals
Pilcher reviewed the status of the 2015 Board of Selectmen's goals[3] and expressed how pleased he is with the progress of the top two goals. He said that periodical review of the goals is important.

Town Administrator's Report
Terkanian went over his report[4] and said that there are no other additions to the report.

Future Concerns

- Unpaved private roads plowing on May 26, 2015 meeting agenda
- New Vibrio regulations and deer issues on the flats either on May 12 or May 26, 2015 agenda
- Alternative for Route 6 – Main St design project on May 26 agenda or as a separate meeting

Correspondence and Vacancy Report
There were no comments on the correspondence[5] and vacancy[6] reports.

Minutes
MOTION 215-193: Morrissey moved and Bruinooge seconded to approve the minutes[7] of April 7, 2015 as submitted. The motion passed 5-0.

Houk and Pilcher thanked John Morrissey for his service as a selectman.

Adjournment and Executive session
Pilcher read the purpose of the executive session in open session: 1. *To discuss strategy with respect to collective bargaining with Wellfleet Employees Association Units A, B & C and 2. To discuss strategy with respect to ongoing litigation;* and stated that discussing these matters in a public meeting may have a detrimental effect.

MOTION 215-194: Pilcher moved and Houk seconded to close the public meeting at 8:35 pm and enter into executive session and not go back to public meeting. The motion passed by a roll call vote where each Pilcher, Morrissey, Murphy, Bruinooge and Houk said "Aye".

Respectfully submitted,

Michaela Miteva
Executive Assistant

---

[1] BOS letters to Department of Housing and Community Development supporting Gull Pond Affordable Housing project
[2] Proposed amendments to Wellfleet Police Department Rules and Regulations (May 1, 2015)
[3] 2015 BOS Goals
[4] TA Report of April 16, 2015
[5] Correspondence Report of April 21, 2015
[6] Vacancy Report of April 16, 2015
[7] Minutes of April 7, 2015

DRAFT

Wellfleet Board of Selectmen
Minutes of April 27, 2015
Wellfleet Elementary School

Present: Paul Pilcher, Chairman , Dennis Murphy, Berta Bruinooge, John Morrissey, Jerry Houk, Town Administrator Harry Sarkis Terkanian, Assistant Town Administrator Brian Carlson

Chairman Paul Pilcher called the meeting to order at 5:30 pm.

Announcements, Open Session and Public Comment – NONE

Business
Review of Recreation Department extended day program application process
Terkanian presented the proposed Recreation Department application process for extended day program enrollment eligibility[1]. Recreation Director Becky Rosenberg and Community Services Director Suzanne Grout Thomas were present to answer questions.

MOTION 215-195: Morrissey moved and Bruinooge seconded to approve the Recreation Department extended day program application eligibility process as printed. The motion passed 5-0.

Consideration of additional or amended recommendations for town meeting

MOTION 215-196: Murphy moved and Morrissey seconded to recommend Article 2 as printed in the 2015 ATM warrant. The motion passed 5-0.

MOTION 215-197: Murphy moved and Morrissey Seconded to recommend Articles 6, 7, 8 and 9 as printed in the 2015 ATM warrant. The motion passed 5-0.

MOTION 215-198: Pilcher moved to recommend Article 31 as printed in the 2015 ATM warrant. Morrissey seconded and the motion passed 5-0.

MOTION 215-199: Bruinooge moved and Murphy seconded to recommend Article 33 as printed in the 2015 ATM warrant. The motion passed 5-0

Adjournment and Executive session
Pilcher read the purpose of the executive session in open session: *Discussion of strategy with respect to collective bargaining with Wellfleet Employees Association Units A, B & C* and stated that discussing this matter in a public meeting may have a detrimental effect on the negotiations.

MOTION 215-200: Pilcher moved and Bruinooge seconded to close the public meeting at 5:40 pm and enter into executive session and not go back to public session. The motion passed by a roll call vote where each Pilcher, Morrissey, Murphy, Bruinooge and Houk said "Aye".

Respectfully submitted,

Harry Terkanian
Town Administrator

Public Record Documents

[1] Proposed Recreation Department application process for extended day program enrollment