



Wellfleet Selectboard

The Wellfleet Board of Selectmen will hold a public meeting on **Tuesday, August 14, 2018, at 6:30 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. Executive Session

- A. Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will discuss strategy recommendations for the Wellfleet Employees Association.
- B. Approval of Executive Session Minutes

II. Announcements, Open Session and Public Comment

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

III. Appointments/Reappointments

- A. Lower Cape Community Access TV – Tom Cole as Wellfleet Representative (2-year term)
- B. Cape Light Compact – David Mead-Fox for Alternate (fill term to 6.30.2019)
- C. Parking Task Force
 - Dale Donovan
 - Dennis O'Connell
 - Jennifer Wertkin
 - Sheila Lyons
 - Joe Aberdale
 - Wayne Clough

IV. Use of Town Property

- A. Sean & Jessica Williams-August 23, 2018. 5:30-8pm, Bakers Field Tent

V. Business

- A. Approval of contract for new Shellfish Dept. barge. [TA]
- B. Proclamation of "September 9th – 15th Suicide Prevention Awareness Week" [Deb Martin]
- C. Approval of FY 2019 Goals [TA]
- D. Staff Reorganization [TA]
- E. Discussion of Outer Cape Intermunicipal Agreement [TA]
- F. BOS Review of Town Administrator [Chair]
- G. Update on Short-term Rental Tax [TA]
- H. Preliminary discussion of Special Town Meeting Warrant

VI. Town Administrator's Report

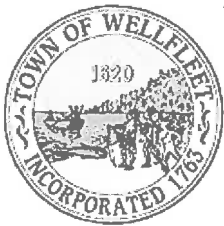
VII. Topics for Future Discussion

VIII. Correspondence and Vacancy Report

IX. Minutes (Draft BOS 7.24.2018)

X. Adjournment

RECEIVED
2018 AUG 10 A 8:27
TOWN OF WELFLEET



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

I

EXECUTIVE SESSION

REQUESTED BY:	BOS
DESIRED ACTION:	Go into Executive Session pursuant to G.L. c. 30A, §21(a)(3)
PROPOSED MOTION:	<p>I move to go into Executive Session pursuant to G.L. c. 30A, §21(a)(3) to:</p> <ul style="list-style-type: none">A. discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will discuss strategy recommendations for the Wellfleet Employees Association.B. Approve executive session minutes.
ACTION TAKEN:	Moved By: _____ Seconded By: _____
VOTED:	<p>Reinhart</p> <p>Wilson</p> <p>Bacon</p> <p>Carlson</p> <p>Houk</p>



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

III

REAPPOINTMENT

REQUESTED BY:	Tom Cole
DESIRED ACTION:	Reappoint Tom Cole to the Lower Cape Community Access TV
PROPOSED MOTION:	I move to reappoint Tom Cole to the Lower Cape Community Access TV for a 2-year term ending June 30, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

III

APPOINTMENT

REQUESTED BY:	David Mead-Fox
DESIRED ACTION:	Appoint David Mead-Fox to Cape Light Compact as Alternate
PROPOSED MOTION:	I move to appoint David Mead-Fox as alternate member to Cape Light Compact to fill a term ending June 30, 2019.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



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 David Mead-Fox Date 7/19/18

PO Box 761

Mailing Address 35 Pine Point Way

3 Wellfleet, MA. 02667

Phone (Home) 617-480-6835 (cell) 617-480-6835

E-mail dmeadfox@gmail.com

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

I have been on the Town Energy Committee for two years. I am also the
Program Manager for Outer Cape Energize, an Outer Cape program cover
Provincetown, Truro, Wellfleet, and Eastham. The program has partnered with
the Cape Light Compact and MA Clean Energy Center to provide energy
conservation and efficiency and reduced-price PV residential and business
systems.

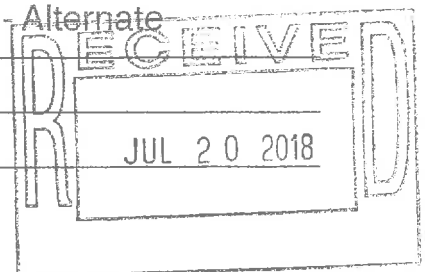
☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I am a co-founder of Climate Mobilization Outer Cape and on the Board of the
Massachusetts Climate Action Network. I have a background in consulting,
non-profit management, and organizational development.

☐ Committees/Boards of Interest: 1) Cape Light Compact Board - Alternate

2) _____

3) _____



To Wellfleet SelectBoard

I would like to support the application of David Mead-Fox for the position of Wellfleet's Alternate Member of the Cape Light Compact Board.

David has shown a strong affinity for working collaboratively with the Energy Committees of the Outer Cape towns.

He helped to conceive and form a working group of Outer Cape Energy Committees. The first project of that group is the Outer Cape Energize program in which the towns of Eastham, Wellfleet, Truro and Provincetown collectively applied for a Solarize Mass grant and carried out a six-month program, which included installing Solar Arrays, replacement of carbon fuels and energy conservation. David was the project manager and coordinator for that effort.

This group partnered with the Cape Light Compact to promote energy conservation.

The Outer Cape Energy Committees will be seeking to continue working together on future project building on the relationships that have formed in the last six months.

David has also been an alternate and a full member of the Energy Committee and taken an active role on that committee.

In summary, David has shown the commitment to working collectively and the management ability to do so successfully. His appointment by the Board as an alternate member would strengthen Wellfleet's contribution to the Compact.

Sincerely,

Richard Elkin

Wellfleet Representative,
Cape Light Compact



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

III

APPOINTMENTS

REQUESTED BY:	BOS
DESIRED ACTION:	Appoint members to the Parking Task Force
PROPOSED MOTION:	I move to appoint <ul style="list-style-type: none">• Dale Donovan• Dennis O'Connell• Jennifer Wertkin• Sheila Lyons• Joe Aberdale• Wayne Clough to the Parking Task Force for a 3-year term ending June 30, 2021.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

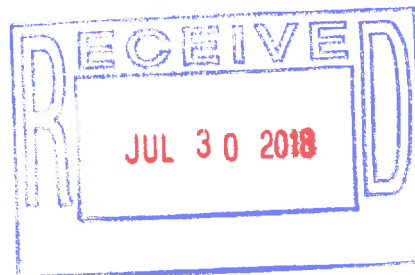
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

☐ Name Dale Donovan Date July 30, 2018
Mailing Address 30 Old Truro Road
Wellfleet, MA 02667
Phone (Home) 508-349-3400 Phone (Business) —
e-mail: dwellfleet@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Local Comprehensive Plan Committee, Planning Board
Board of Selectmen

☐ 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) Parking Task Force
2) _____
3) _____





TOWN OF WELLFLEET
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FILL OUT THE FORM BELOW and mail it to:

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

☐ Name R. Dennis O'Connell Date July 31, 2018

Mailing Address P.O. Box 2121

Wellfleet MA 02667

Phone (Home) 508-349-2162 (cell) _____

E-mail dennyoc@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Planning Board, Wellfleet Conservation Trust, Friends

of the Wellfleet Libraries, Charter Review Committee, Retired
Financial Executive,

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

BA - Geology

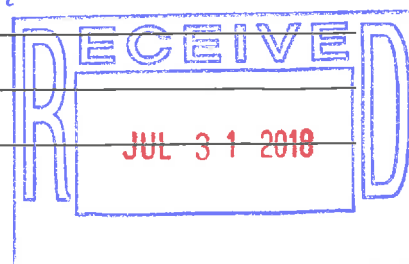
MBA -

☐ Committees/Boards of Interest: 1) _____

2) _____

3) _____

Parking Task Force





TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

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

☐ Name Jennifer Wertkin Date 8/1/18

Mailing Address 20 Dory Lane
Eastham MA 02642

Phone (Home) _____ (cell) 917-617-8793

E-mail Jennifer.Wertkin@wellfleet-ma.gov

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

I am the library Director and we have parking
spaces

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

AUG 1 2018

☒ Committees/Boards of Interest: 1) Parking task force
2) _____
3) _____



TOWN OF WELLFLEET
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FILL OUT THE FORM BELOW and mail it to:

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

☐ Name Sheila Lyons Date 8/3/18

Mailing Address PO Box 1638
35 Henry Jones Ln.

Phone (Home) _____ (cell) 508-246-0610

E-mail sl Lyons03@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Have served Wellfleet as rep to the

Assembly of Delegates, Comprehensive Planning
Committee (2008) & County Commissioners
Currently the pres. of the Wellfleet town foreign
Advisory Committee to National Seashore (County
Rep)

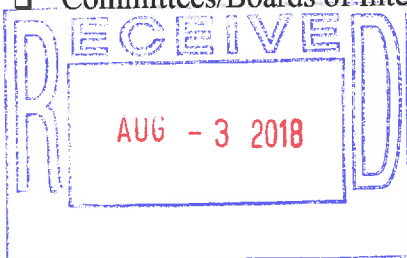
☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I believe that the knowledge &
insight & general in these positions
has given me experience to
succeed on the Planning Committee task force.

☐ Committees/Boards of Interest: 1) Planning Committee

2) _____

3) _____





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

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FILL OUT THE FORM BELOW and mail it to:

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

☐ Name Joe Aberdale Date 8/2/18

Mailing Address 115 Old Long Pond Rd.
Wellfleet

Phone (Home) 508-349-6106 (cell) 413-530-5033

E-mail josephaberdale@gmail.com

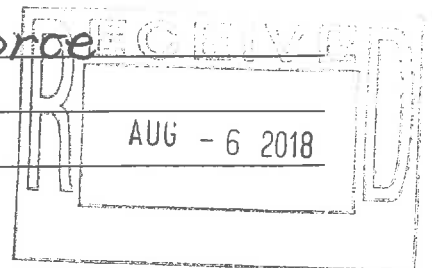
☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Marina Advisory Committee 16 years -

Presently chairman. Active marina user 48 years

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

Extensive administrative and managerial
experience.

☐ Committees/Boards of Interest: 1) Parking Task Force
2) _____
3) _____





TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02

☐ Name Wayne Clough Date 8/1/18

Mailing Address P.O. Box 339

South Wellfleet, MA 02663

Phone (Home) 508-349-3238 (cell) 617-538-1133

E-mail gacwlc2012@gmail.com

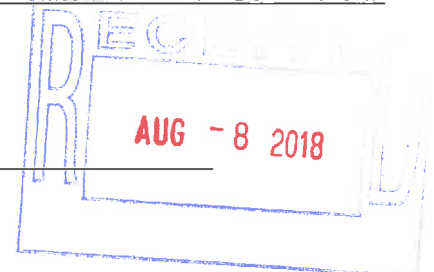
Please describe briefly any work experience, including volunteer service, that you feel would be

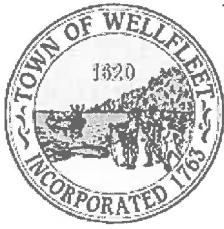
useful to the Town: I have a financial and real estate background spanning 45 years with established contacts within the parking industry, including both private and public facilities. An active participant in Wellfleet activities since 1978, I was a Board Member and Past President of the former Wellfleet National Seashore Taxpayers Association, currently known as the Wellfleet Non-Resident Taxpayers Association. My experience working on committees includes tenure as Secretary, Vice President and then President of the Duxbury Education Foundation (DEF). An organization committed to supporting projects difficult to fund due to budgetary restrictions, DEF held eight fund raising events per year garnering roughly \$100,000 per year for grant distribution. While managing multiple projects with many moving parts, I also spearheaded efforts to implement technological changes that improved the fund raising, charitable function planning and accounting systems for the DEF.

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

My formal education consists of an accounting degree from Bentley University, a Master's in Business Administration from Babson University and additional training in project feasibility and finance. I have been a recurrent guest speaker at Boston University's MBA Real Estate Program for over 30 years and the have taught real estate finance at the Greater Boston Real Estate Board for Commercial Brokers fulfilling their license renewal requirements.

☐ Committees/Boards of Interest: 1) Parking Task Force





BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

IV

USE OF TOWN PROPERTY

REQUESTED BY:	Sean & Jessica Williams
DESIRED ACTION:	Approve the use of Town property for the Williams's at Bakers Field Tent
PROPOSED MOTION:	I move to approve the use of Town-owned property for Sean and Jessica Williams at the Bakers Field Tent on Thursday, August 23rd, 2018 from 5:30 pm to 8 pm, subject to terms and conditions, if any, as listed in the application, for a fee of \$110.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

18-26

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Sean & Jessica Williams Affiliation or Group _____

Telephone Number 860.836.4889 Mailing Address _____

Email address jlenoreloucks@gmail.com _____

Town Property to be used (include specific area) _____
Mayo Beach Tent (Bakers Field)

Date(s) and hours of use: Thursday August 23rd, 2018 from appx 5:30pm to 8pm.

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.

Welcome picnic for out of town visitors coming for our wedding the next day, approx 30 people total. We will be providing a light meal (sandwiches, chips, and cookies) ordered from a local sandwich shop. No fees will be charged.

Describe any Town services requested (police details, DPW assistance, etc.)
None

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure 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.

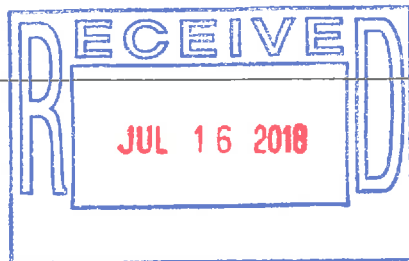
Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date:



Processing Fee: \$50.00 paid

Fee: \$110.00

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:

Comments/Conditions:

Permits/Inspections needed:

Inspector of Buildings:

Comments/Conditions:

Permits/Inspections needed:

Police Department:

Comments/Conditions:

Fire Department:

Comments/Conditions:

DPW:

Comments/Conditions

Community Services Director:

TELEPHONE APPROVAL SGT (BCL)

Comments/Conditions: OK

8/9/18

Harbormaster:

Comments/Conditions

Shellfish:

Comments/Conditions

Recreation:

Comments/Conditions

Events should provide a portable toilet & trash can with trash carried out. Area cannot be completely

shut down since it is a public park

Town Administrator:

Comments/Conditions

Daniel R. Hoort

8/9/18



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – A. Contract for Shellfish Department barge

REQUESTED BY:	Shellfish Constable Nancy Civetta
DESIRED ACTION:	Approve contract for the new shellfish barge.
PROPOSED MOTION:	I move to approve the contract for the new shellfish barge as presented and authorize the Town Administrator to sign the contract as presented.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

FORM OF CONTRACT AGREEMENT

Made this the 14th (day) of July (month) 2018 (year) between the Town of Wellfleet, Massachusetts (Town) and Bay Sails Marine, Inc. (Company).

WITNESSETH:

That for and in consideration of the following mutual covenants contained herein the parties agree with each other as follows:

ARTICLE I: The Company agrees to provide and the Town agrees to purchase:

(1) New Cultch Barge

All in accordance with a bid, dated, June 29, 2018, the detailed terms, specifications, and conditions set forth in the attached papers which are made a part of this contract and modifications as agreed upon by the parties.

ARTICLE II: The Town agrees to pay the Company the sum of \$92,600.00 for the cultch barge as modified under the following payment schedule:

\$30,866.66	When hull is ordered
\$30,866.66	When hull is delivered to Bay Sails Marine, Inc.
\$30,866.68	When cultch barge is delivered to the town marina parking lot

IN WITNESS: Whereof the respective parties hereto have caused this instrument to be duly subscribed and sealed.

TOWN OF WELLFLEET

(OWNER)

(Town Agency)

BAY SAILS MARINE, INC.

(Name of Company) CONTRACTOR

BY: _____
Daniel Hoort, Town Administrator

DATE: _____

BY: _____
Nancy Civetta, Shellfish Constable

DATE: _____

Bay Sails Marine, Inc.

Corporate Name

BY:  _____
Lyle Butts, President/Corporate Officer

DATE: 7/19/18 _____
04-2464938 _____
Federal Identification #



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – B. Proclamation

REQUESTED BY:	Deb Martin
DESIRED ACTION:	Proclaim week of Sep 9-15, 2018 as “Suicide Prevention Awareness Week”
PROPOSED MOTION:	I move to proclaim the week of September 9 th through the 15 th as “Suicide Awareness Week.”
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Kevin A. Marshall
Co-Chair

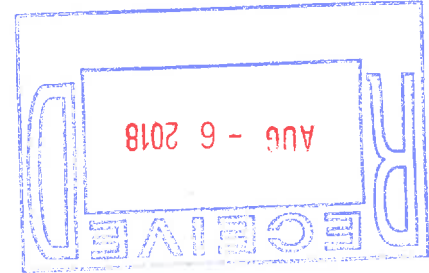
Deborah K. Martin
Co-Chair



P.O. Box 119
Barnstable, Massachusetts
02630

www.suicideispreventable.net

August 3, 2018



Dear Board of Selectmen:

Each year, we lose more than thirty Cape & Island residents to suicide. For each of these suicide deaths, it is estimated more than thirty people are affected, six of them profoundly. Suicide is a public health issue in our communities; and it is preventable.

In recognition of National Suicide Prevention Month, the Cape & Islands Suicide Prevention Coalition is once again seeking to have the week of September 9th -15th, 2018 named "Suicide Prevention Awareness Week" in all of the Cape and Islands towns.

We aim to recognize this painful and often hidden part of our communities, to demonstrate our commitment to suicide prevention, and to send a message of hope to those struggling, grieving, or affected in any way by suicide. We know that by decreasing the stigma that surrounds suicide, we increase the likelihood that someone will reach out for help.

Please accept this proclamation request for the selectman's agenda for an early September or late August meeting (Sample proclamation wording is attached) we appreciate your consideration for this request, and look forward to hearing from you.

The proclamation can be emailed to me at suicideprevention@capecoalition.com or mailed to me at: Cape and Islands Suicide Prevention Coalition, P.O. Box 119, Barnstable, MA 02630

Warm Regards,

Deb Martin
Co-Chair
Cape & Islands Suicide Prevention Coalition

PROCLAMATION SUICIDE PREVENTION WEEK

WHEREAS, in the United States, one person dies by suicide every 12 minutes and 121 people die by suicide each day; and

WHEREAS, 20 veterans die by suicide each day; and

WHEREAS, suicide is the second leading cause of death for Massachusetts residents ages 15-44 and the suicide rate on the Cape and Islands is 1.4 times higher than the State average; and

WHEREAS, suicide is a tragic and disruptive event for families and communities ~ it is estimated that annually, there are 6.3 million suicide loss survivors who have lost a loved one to suicide; and

WHEREAS, suicide is a public health issue and a community concern, and through increased education and awareness of the issue a great number of suicides can be prevented;

THEREFORE, we do hereby officially designate the week of September 09 - 15, 2018 as "***SUICIDE PREVENTION WEEK***" in the Town of Wellfleet MA, Barnstable County.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – C. FY 2019 Goals

REQUESTED BY:	TA
DESIRED ACTION:	Approval of FY 2019 Goals
PROPOSED MOTION:	I move to approve the FY 2019 Goals as compiled and presented by the Town Administrator.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Summary of FY 2019 Selectboard Goals

Property and Buildings

- Develop a maintenance dredging plan (KB) (JR) (HMW)
- Town should purchase a dredge (JH)
- Decide on Shellfish Shack (KB) (JR) (HMW) (JH)
- Develop a beach parking replacement plan (KB) (JR) (HMW)
- Address town-wide parking issues (JR)
- Address Shellfish Dept office and work space needs (HMW)
- Potential property acquisition – Marina land by shellfish office (JR)
- Potential property acquisition – News Dealer property (JR) (JH)
- Expand Wellfleet Library (JH)
- Discuss Town owned land in S Wellfleet at Marconi (JH)

Housing

- Determine feasibility of housing at 95 Lawrence Road (KB) (HMW)
- Explore “market mechanisms” for affordable/year-round rental housing (JC) (JR)
- Explore funding mechanisms to support lower income paths to home ownership (JC)
- Address Affordable Housing (JH)

Economic Development

- Encourage new business growth in Wellfleet (JC)
- Explore pro-business policies that create and sustain jobs (JC)

General

- Work with DPW & Arbor Committee to plant more shade trees, particularly in central district (KB) (HMW)
- Re-consider plan for Town Hall lawn (HMW)
- Phase out Pay-As-You-Throw and develop single stream recycling (KB)
- Install a transmission cell tower at northeast corner of land at the transfer station (KB)
- Appoint a new WMA (Wastewater Management Authority) to follow through on the Section 208 plan (HMW)
- A coastal management plan, to be developed by committee and the NRAB (KB)
- Pursue the Comprehensive Wastewater Committee’s recommendation for a Water Resource Director (JC)
- Have conversation with Cape Cod Commission (JH)
- Consider beach smoking ban (JH)

KB – Goals suggested by Select person Kathleen Bacon

JC – Goals suggested by Select person Justina Carlson

JH – Goals suggested by Select person Jerry Houk

JR – Goals suggested by Select person Janet Reinhart

HMW – Goals suggested by Select person Helen Miranda-Wilson



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – D. Staff Re-organization

REQUESTED BY:	TA
DESIRED ACTION:	Approval of the financial staff reorganization
PROPOSED MOTION:	I move to approve the financial staff reorganization as presented by the Town Administrator and the Assistant Town Administrator.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – E.

Discussion of Outer Cape Intermunicipal Agreement

REQUESTED BY:	TA
DESIRED ACTION:	Discussion of intermunicipal agreement between the towns of Eastham, Provincetown, Truro and Wellfleet
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

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

MEMORANDUM

To: Select Board

From: Dan Hoort, Town Administrator

Subject: Outer Cape Intermunicipal Agreement

Date: August 14, 2018

The Town Managers of Provincetown and Truro and the Town Administrators of Eastham and Wellfleet have been discussing the possibility of an Intermunicipal Agreement between the four towns. The proposed agreement as follows is modeled after a current agreement between Provincetown and Truro.

The agreement makes no commitment of resources between the communities, but facilitates cooperation in the future by laying the ground rules for cooperation. With limited resources and staffing always an issue the cooperation between our communities will help meet the needs of our four Outer Cape Towns.

This agreement is being reviewed in August by the four Select Boards. If all four Select Boards agree with the proposed agreement it will be brought back in September for approval and signature.

INTER-MUNICIPAL AGREEMENT

This Inter-Municipal Agreement (IMA) (hereinafter "Agreement"), dated July 1, 2018, by and between the Town of Provincetown, acting through its Board of Selectmen (hereinafter "Provincetown"), the Town of Truro, acting through its Board of Selectmen (hereinafter "Truro"), the Town of Eastham, acting through its Board of Selectmen (hereinafter "Eastham"), and the Town of Wellfleet, acting by and through its Board of Selectmen (hereinafter "Wellfleet"), is entered into pursuant to G.L. c. 40 "A, upon the following terms and conditions:

WHEREAS, the Towns of Provincetown, Truro, Eastham and Wellfleet are all Outer Cape Cod municipalities;

WHEREAS, the Towns have determined that the sharing of personnel and equipment under certain circumstances will increase their ability to provide adequate and professional public services for their communities; and

WHEREAS, the Towns desire to enter into an agreement which sets forth mutually agreeable terms and conditions for the sharing of public employees and equipment.

NOW, THEREFORE, in consideration of these promises and the mutual covenants herein contained, Provincetown, Truro, Eastham and Wellfleet agree as follows:

I Scope of Coverage

Any Town may propose regionalizing services or make a request for assistance from another Town for any public purpose, including but not limited to services performed by or through the departments of health and conservation and/or inspectional services.

Each "Request" shall be initiated and approved by the Town Manager in Provincetown, the Town Manager in Truro, the Town Administrator in Eastham or by the Town Administrator in Wellfleet, or their designees, who shall hereinafter be referred to as the "Town Managers", who shall then inform their respective Boards of Selectmen within seven (7) days.

Each Request shall be reduced to writing and include all pertinent information such as the nature, location, and expected duration of the event or situation giving rise to the request; the number and type of employees requested; the type of equipment and logistical support needed; the financial terms and method of allocating costs, the location to which the employees are to report; and the name of supervisor, and any other pertinent information. Each Request shall take effect upon signature of the Town Managers.

The provisions of this Agreement shall not be construed as imposing an obligation on any Town to respond to a request for assistance by another Town or to provide services within the borders of another Town. The extent of assistance to be furnished under this Agreement shall be determined

solely by the Town Managers, on a case-by-case basis, and it is understood and agreed that the assistance furnished under this Agreement may be recalled upon reasonable notice at the sole discretion of the Town Manager of the Town providing the employees or equipment.

II Command and Control

All public employees rendering services in the other Town pursuant to this Agreement, shall report to the identified supervisor, and carry out the assigned responsibilities; however, they shall remain subject to the command and control of their employer. The Town Managers will work together to coordinate the allocation of personnel to maximize efficiency and to avoid duplicate or conflicting commands.

Any equipment furnished shall, to the extent possible, be operated by the public employees of the Town providing the equipment.

All employment rights, compensation and benefits of public employees rendering services pursuant to this Agreement shall be the responsibility of the Town by which the public employee is regularly employed and such employees shall not be considered employees of the other Town for any purpose.

Each Town shall assume and be responsible for all of its own equipment costs, including but not limited to damage or loss of its own equipment and the use of fuel or other expendable supplies, provided, however, that the parties may agree to provide reimbursement under the circumstances of a particular request.

III Liability and Immunity

All immunities from liability enjoyed by the public employees of each Town within their own jurisdiction shall extend to their participation in rendering services under this Agreement outside its boundaries and such public employees shall maintain any rights of indemnification granted by law for any claims arising out of the actions taken within the scope of their employment.

Each Town agrees to assume its own liability for services provided under this Agreement and, to the extent permitted by law, each Town shall indemnify, defend and hold harmless the other Town from and against all claims, demands, liabilities, actions, causes of action, costs and expenses, including attorneys' fees, arising out of the actions of its public employees while performing services in the other Town.

Each Town shall provide and maintain throughout the term of this Agreement appropriate insurance coverage for liability for personal injury or property damage and all insurances for its employees and equipment, including health and workers' compensation.

IV. Term

This Agreement shall take effect on the date first written above and continue in effect for a period of twenty-five (25) years unless sooner terminated.

V. Miscellaneous

This Agreement is not intended to substitute or preclude any other agreements that may now or hereafter be in effect among the Towns with respect to the provision of mutual aid, nor does it supersede any other means of providing mutual aid.

This Agreement may only be amended or modified by written document signed by the Board of Selectmen in each Town.

This Agreement may be terminated by either party upon thirty (30) days written notice to the other party.

All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or mailed, postage prepaid, certified mail, return receipt requested or by electronic mail to:

The Town of Eastham
Town Administrator
2500 State Highway
Eastham, MA 02642
jbeebe@eastham-ma.gov

The Town of Provincetown
Town Manager
260 Commercial Street
Provincetown, MA 02657
dpanagore@provincetown-ma.gov

The Town of Truro
Town Manager
24 Town Hall Road
Truro, MA 02666
rpalmer@truro-ma.gov

The Town of Wellfleet
Town Administrator
300 Main Street
Wellfleet, MA 02667
dan.hoort@wellfleet-ma.gov

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Barnstable County.

If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

Executed as a sealed instrument as of the day and year first written above.

Signature page to follow.

TOWN of EASTHAM

By its Board of Selectmen

Wallace F. Adams, II, Chair

Martin McDonald, Vice Chair

John F. Knight, Clerk

Aimee Eckman, Board Member

Jamie Rivers, Board Member

TOWN of TRURO

By its Board of Selectmen

Robert Weinstein, Chair

Maureen Burgess, Vice Chair

Janet W. Worthington, Clerk

Kristen Reed, Board Member

Paul Wisotzky, Board Member

TOWN of PROVINCETOWN

By Its Board of Selectmen

Louise A. Venden, Chair

Thomas N. Donegan, Vice Chair

Cheryl L. Andrews, Board Member

Robert Anthony, Board Member

Lise King, Board Member

TOWN of WELLFLEET

By Its Board of Selectmen

Janet Reinhart, Chair

Helen Miranda-Wilson, Vice Chair

Justina Carlson, Clerk

Kathleen Bacon, Board Member

Jerry Houk, Board Member



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – F. **Annual Review of Town Administrator**

REQUESTED BY:	Chair
DESIRED ACTION:	Discussion of the annual review of the Town Administrator.
PROPOSED MOTION:	T B D
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town Administrates Performance Evaluation Form

BOARD OF SELECTMEN

TOWN ADMINISTRATOR PERFORMANCE EVALUATION

I. PURPOSE

The Board of Selectmen of the Town of Wellfleet shall conduct a performance evaluation of the Town Administrator in a manner defined in the Town Administrator's contract or as determined by the Board.

II. FORMS

The performance evaluation forms to be utilized are as attached. The individual performance evaluation documents of the Selectmen are considered work products/personal documents and shall not be publicly released. The only document to be released will be the overview document compiling the scores and comments developed by the Chairman.

III. PROCEDURE

The following timeline shall be utilized.

Reflective on the Prior Fiscal Year 2018	
1. A schedule shall be determined on which the final review shall be made public by the Board. The document shall be released at a meeting of the Board of Selectmen.	08/14/18
2. 30 days prior to the public release date each Board member shall be given a copy of the performance review form.	08/14/18
3. 10-30 days prior to the public release date each Board member shall meet individually with the Town Administrator to discuss each aspect of the performance review. After the meeting each Selectman shall fill out the performance review document.	08/14/18- 09/11/18
4. No later than 8 days prior to the public release date each Board member shall turn in their completed forms to the Chairman of the Board. The Chairman shall compile the scores and develop an overview for public release.	09/17/18
5. 4 days prior to the public release date, the Chairman shall provide a copy of the public document to the Town Administrator and the other Selectmen for their review.	09/21/18
6. The overview shall be released with a prepared statement from the Chairman at the selected meeting of the Board of Selectmen.	09/25/18

Town Administrator's Performance Evaluation Form

Instructions

A space has been provided for each statement within the performance areas. Check the number which most accurately reflects the level of performance for the factor. If you did not have an opportunity to observe or make a determination on a particular factor, please indicate so in the N/O space.

Rating Scale (1-4)

Improvement Needed (1)	The Administrator's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
Satisfactory/Acceptable (2)	The Administrator's work performance consistently meets the standards of the position.
Strong Performance (3)	The Administrator's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
Excellent/Highly Commendable (4)	The Administrator's work performance is consistently excellent when compared to the standards of the job.
Not Observed (N/O)	This rating is used when the reviewer has not directly observed the actions of the Administrator. It will not be counted in the compilation of scores.

2018 Town Administrator Review

Submitted by _____ (initials)

Administration

1 Personal/Professional	1	2	3	4	N/O
a. Is able to resolve difficult problems, manage conflict and work effectively under pressure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is fully knowledgeable and committed to the field of local government management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Acts in a fair and equitable manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Is creative, with the ability to reach for effective and inventive solutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Is a person of integrity and honesty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

2 Board Support/Relations	1	2	3	4	N/O
a. Maintains a professional working relationship with the Board, promoting a climate of mutual respect and trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Provides quality analysis of policy issues and proposals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Interprets, supports and implements Board decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Keeps Board members informed of issues and activities in Town government and in the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Provides support material and other necessary information to Board members as requested	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Responds to requests for action from the majority of the Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Listens and understands Selectmen concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Works with Chairman to establish agenda that addresses issues in a timely manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Works with the Board to annually evaluate, develop and implement goals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

2018 Town Administrator Review

Submitted by _____ (initials)

3 Financial Management	1	2	3	4	N/O
a. Establishes annual budget process and considers needs, goals and priorities as set by the Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Effectively monitors and controls budget expenditures to minimize waste and inefficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Accurately forecasts and reports the Town's financial condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Presents budget information in a manner that promotes full understanding of the issues and needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Manages the Town's debt program to balance the needs of the Town and the rating agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Develops and maintains a long-term financial plan and works with the BOS to develop strategies and direction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

4 Personnel Management/Organizational Leadership	1	2	3	4	N/O
a. Recruits, selects and retains quality personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Assures systematic performance evaluation of personnel under the authority of the Town Administrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Establishes high standards or performance for all department heads; recognizes, develops and utilizes their leadership abilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Effectively delegates tasks and assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Provides leadership in negotiating labor contracts; keeps Board informed of progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Strives to maintain good staff morale and maintains open, honest and professional relationship with staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Develops proposals for cost effective reorganization of Town operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Encourages trust and mutual respect between staff and Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

2018 Town Administrator Review

Submitted by _____ (initials)

5 Community Leadership/Public Relations	1	2	3	4	N/O
a. Provides leadership within community by being visible and approachable; is responsive to citizen complains; responds promptly to top e-mails and calls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Maintains good communications with the business community; summer residents advisory committee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Maintains effective communication with other communities; municipal organizations, and state agencies to enhance the Town's position	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

6 Town Operations and Infrastructure	1	2	3	4	N/O
a. Provides effective oversight and coordination of Town programs and services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Seeks to enhance municipal services and delivery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Promotes use of technology and innovation in service delivery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Provides a long-range plan to establish a funding mechanism for capital projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:					

Suggested TA Goals for 2019
1
2
3
4
5



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – G. **Update on Short-term Rental Tax**

REQUESTED BY:	TA
DESIRED ACTION:	Discussion of the recent legislation regarding the short-term rental tax.
PROPOSED MOTION:	T B D
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

MEMORANDUM

To: Select Board

From: Dan Hoort, Town Administrator

Subject: Short-term rental tax

Date: August 14, 2018

As you are most likely aware the Massachusetts legislature has passed legislation to expand the short-term room occupancy tax to all short-term rentals including rooms, condos and houses. I've researched the current legislation (House Bill 4841), a fact sheet of my findings follows on the next page. Following that is the actual legislation. The legislation now goes to Governor Baker for signature.

Governor Baker has recently proposed two amendments to the legislation. Governor Baker proposed the following amendments:

- A. Baker proposes a change that would exempt homeowners who rent their rooms or houses for a total of less than 14 days a year.
- B. A change that would limit the amount of information included in the registry in which all short-term rentals would be listed to eliminate "personally identifiable information" from the registry.
- C. Baker also wants to redefine a short-term rental from its current 30 days or less to 90 days or less.

It is unclear at this point what will happen with the legislation and how Governor Baker's amendments will affect it. Because of the rules of the legislature it is possible that Governor Baker's amendments could kill the legislation for this year. At this time the legislation is on hold while the legislature determines how to address Governor Baker's proposed amendments.

No action is required on the part of the Town unless it wishes to exercise any of the following options.

- A. Increase or decrease the amount of the local options tax which currently stands at 4%. The current law allows it to be anywhere between 0% and 6%.
- B. Adopt a Community Impact Fee of up to 3%
- C. Opt out of the Cape Cod and Islands Water Protection Fund. (2.75%)

If/when the legislation is enacted the Town should consider if it wishes to designate a percentage of the additional receipts for specific purposes which might include:

- A. Maintenance Dredging
- B. Housing
- B. Economic Development and Tourism
- C. Capital Improvements

Short-term Rental Tax Fact Sheet House Bill #4841

The Commonwealth of Massachusetts Executive Office of Housing and Economic Development will establish and maintain a short-term rental registry. The short-term rental occupancy tax is effective for units that rent for \$15 or more a day and for rentals of 31 consecutive days or less. The occupancy tax is paid by the renter, not the owner of the property. The effective date of this legislation is January 31, 2019.

The legislation provides an exemption to a Bed and Breakfast home which is defined as a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

The legislation establishes a Cape Cod and Islands Water Protection Trust Fund. Amounts credited to the Fund shall be expended or applied, in a manner determined by, and only with the approval of the Cape Cod and Islands Water Protection Fund Management Board. . . The Select Board appoints the Town's representative who shall be a member of the Select Board or a member of the employed professional staff of the Town.

State Tax:

5%

An excise shall be imposed upon the transfer of occupancy of a room or unit in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel by an operator at the rate of 5% of the total amount of rent for each such occupancy. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent.

Cape Cod and Islands Water Protection Tax

2.75%

Optional Local Excise Tax: (subject to Town meeting vote)

Up to 6%

Community Impact Fee: (subject to Town meeting vote)

Up to 3%

Section 3D. (a) Summary

A town that accepts the Local Excise Tax may, by a separate vote, impose upon an operator a community impact fee of not more than 3%.

Section 3D. (c) Summary

A town shall dedicate not less than 35% of the community impact fees collected under this section to affordable housing or local infrastructure projects.

- A person shall not operate a bed and breakfast establishment, hotel, lodging house, short-term rental or motel unless a certificate of registration has been issued to the person. (this is at the state level)
- If adopted by Town meeting vote the optional local tax shall take effect on the first day of the calendar quarter following 30 days after such acceptance, or on the first day of such later calendar as the town may designate.
- The Town will decide whether properties will be required to undergo health and safety inspections and if yes, the frequency of those inspections.
- An operator shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental. . .

HOUSE No. 4841

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2400) of the House Bill regulating and insuring short-term rentals (House, No. 4327), reports recommending passage of the accompanying bill (House, No. 4841). July 29, 2018.

Aaron Michlewitz	Michael J. Rodrigues
Sarah K. Peake	Karen E. Spilka

HOUSE No. 4841

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act regulating and insuring short-term rentals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 23A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 68. (a) The executive office of housing and economic development, in
4 consultation with the executive office of technology services and security and the department of
5 revenue, shall establish and maintain a registry for all operators under chapter 64G who file an
6 application and are issued a certificate of registration in accordance with section 67 of chapter
7 62C.

8 (b) The executive office of housing and economic development shall promulgate
9 regulations, in accordance with section 2 of chapter 30A, that are necessary to: (i) develop and
10 implement a registry that is accessible and available to the public; and (ii) support the
11 competitive operation of the traditional lodging industry, short-term rental industry and hosting
12 platforms to operate competitively in the commonwealth. The regulations shall require that a
13 public hearing be held and that a small business impact statement be filed.

(c) The executive office of housing and economic development shall, in developing regulations to implement the registry, consider: (i) existing practices of peer states; (ii) data security practices, protocols and standards; (iii) technological feasibility of existing digital systems, including the feasibility of developing and maintaining a searchable online directory; (iv) information required to be collected and maintained for operators in the registry, which shall, at a minimum, include a list of legal addresses for accommodations offered for rent by operators who are registered in accordance with section 67 of chapter 62C; (v) any forms or records necessary to implement this section and meet such requirements under this chapter and chapter 64G; (vi) practices utilized to disclose or report information to cities and towns by request; (vii) impacts on the traditional lodging industry, short-term rental industry and hosting platforms; (viii) the fiscal impact to the commonwealth; and (ix) any relevant federal or state laws and regulations.

The executive office of housing and economic development shall establish procedures and protocols to protect the confidentiality and security of an operator's personal information and tax information and prohibit the disclosure of such personal information and tax information maintained pursuant to this section.

SECTION 2. Chapter 29C of the General Laws is hereby amended by adding the following 2 sections:-

Section 19. There shall be a separate fund to be known as the Cape Cod and Islands Water Protection Fund. The fund shall be subject to this chapter, except as otherwise provided in this section. There shall be credited to the fund revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund including,

but not limited to, revenues received under the excise imposed under section 3C of chapter 64G, any investment income earned on the fund's assets and all other sources, each source being tracked separately for accounting purposes as of June 30 of each year.

The trust shall hold the fund in an account separate from other funds of the trust. Proceeds of the fund shall not be used to offset or otherwise replace contract assistance funds or reserve funds used for pool financing. The trust shall apply and disburse amounts credited to the fund, without further appropriation, to provide subsidies and other assistance, which may include principal forgiveness, to local governmental units and other eligible borrowers in the payment of debt service costs on loans and other forms of financial assistance made by the trust for water pollution abatement projects in municipalities that are members of the fund. Each municipality within Barnstable or Nantucket counties or within the county of Dukes County shall be a member of the fund if it is subject to: (i) an area wide wastewater management plan under section 208 of the federal Clean Water Act, 33 U.S.C. 1288; or (ii) a suitable equivalent plan determined by the department of environmental protection. Water pollution abatement projects eligible for subsidies and other assistance under this section may include the utilization of innovative strategies and alternative septic system technologies that result in nutrient reduction for marine and fresh waters.

The fund may provide subsidies and other assistance as provided in this section with respect to debt incurred prior to the establishment of the fund in the towns of Nantucket, Edgartown, Tisbury, Oak Bluffs, Falmouth, Chatham and Provincetown and the city of Barnstable for water pollution abatement projects apart from the trust.

57 Amounts credited to the fund shall be expended or applied only with the approval of the
58 Cape Cod and Islands Water Protection Fund Management Board established under section 20
59 and in a manner determined by the board, in addition to any approvals required under this
60 chapter. The board, subject to a memorandum of understanding with the department of
61 environmental protection, may direct the comptroller to transfer a specified amount not to exceed
62 10 per cent of the annual revenue deposited into the fund to the department for the department to
63 contract with a regional planning agency, institution of higher education or non-profit
64 corporation to evaluate and report on the efficacy of adaptive management measures to reduce
65 nitrogen pollution of coastal waterways undertaken pursuant to an area wide wastewater
66 management plan or a suitable equivalent plan, to monitor the water quality and watersheds of
67 areas subject to the study and to support further assessment and water quality modeling to further
68 refine area wide wastewater management plans or suitable equivalent plans in Barnstable and
69 Nantucket counties and the county of Dukes County. Any amounts remaining in the fund at the
70 end of a fiscal year shall be carried forward into the following fiscal year and shall remain
71 available for application and disbursement without further appropriation.

72 A municipality that is a member of the fund under this section may withdraw from the
73 fund by a $\frac{2}{3}$ vote of its legislative body; provided, however, that a municipality shall not
74 withdraw from the fund during the term of any financial assistance award from the fund to the
75 municipality. A municipality that has withdrawn from the fund shall not have representation on
76 the Cape Cod and Islands Water Protection Fund Management Board established under section
77 20. A municipality that has withdrawn from the fund and votes, by majority vote of its legislative
78 body, to return to the fund shall not receive money from the fund until not less than 2 years from
79 the date of its vote to return.

80 Section 20. There shall be a Cape Cod and Islands Water Protection Fund Management
81 Board that shall consist of 1 person to be appointed by each board of selectmen or town council
82 in each municipality that is a member of the Cape Cod and Islands Water Protection Fund;
83 provided, however, that an appointee of a board of selectmen or town council shall be a member
84 of the respective appointing authority, a town manager, town administrator or other municipally
85 employed professional staff. The executive director of the Cape Cod commission, the executive
86 director of the Martha's Vineyard commission and the town manager of Nantucket shall serve as
87 non-voting ex-officio members of the board.

88 Each member of the management board shall serve for a term of 3 years and until a
89 successor is appointed and qualified and each member of the management board shall be eligible
90 for reappointment. Each member of the management board appointed to fill a vacancy on the
91 management board shall be appointed for the unexpired term of the vacant position. The
92 members of the management board shall select a member to serve as chairperson and vice-
93 chairperson for a term established by vote of the management board. The Cape Cod commission,
94 in consultation with the Martha's Vineyard commission, shall provide administrative and
95 technical support to the management board and may be compensated for its associated costs by
96 vote of the management board. The management board's duties shall be limited to determining
97 the method for subsidy allocation, including, but not limited to, an equitable distribution among
98 participating municipalities consistent with revenue deposited from each municipality into the
99 fund, and to ensuring that money from the Cape Cod and Islands Water Protection Fund is spent
100 only for the purposes in section 19.

101 SECTION 3. Section 1 of chapter 40U of the General Laws, as appearing in the 2016
102 Official Edition, is hereby amended by striking out, in line 5, the words "regulating the" and

103 inserting in place thereof the following words:- related to the use of property for short-term
104 rental use or regulating a.

105 SECTION 4. Section 16 of chapter 62C of the General Laws, as so appearing, is hereby
106 amended by inserting after subsection (g) the following subsection:-

107 (g½) Notwithstanding subsection (g), the department of revenue shall promulgate
108 regulations to minimize the administrative burden relative to filing returns under said subsection
109 (g) on operators who offer their accommodations to the public for not less than 1 day in 5
110 separate months, or fewer, in the taxable year. The regulations may authorize an operator to file a
111 return only for a month that the operator's accommodation is offered to the public.

112 SECTION 5. Subsection (b) of section 21 of said chapter 62C, as amended by section 3
113 of chapter 90 of the acts of 2018, is hereby amended by adding the following 2 paragraphs:-

114 (29) the disclosure of information necessary for administration of the community impact
115 fee imposed pursuant to section 3D of chapter 64G.

116 (30) the disclosure of information to the executive office of housing and economic
117 development necessary for the establishment and maintenance of a registry pursuant to section
118 68 of chapter 23A.

119 SECTION 6. Chapter 64G of the General Laws is hereby amended by striking out
120 sections 1 to 6, inclusive, as appearing in the 2016 Official Edition, and inserting in place thereof
121 the following 11 sections:-

122 Section 1. As used in this chapter, the following words shall have the following meanings
123 unless the context clearly requires otherwise:

“Bed and breakfast establishment”, a private owner-occupied house where not less than 4 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

“Bed and breakfast home”, a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

“Commissioner”, the commissioner of revenue.

“Hosting platform”, a service through a digital platform, third-party website, software, online-enabled application, mobile phone application or some other, similar electronic process that allows: (i) an operator to advertise, list or offer the use of an accommodation subject to the excise under this chapter in exchange for rent; (ii) an operator to collect the payment of rent on an accommodation; and (iii) a person to arrange, book, reserve or rent an accommodation.

“Hotel”, a building used for the feeding and lodging of guests licensed or required to be licensed under section 6 of chapter 140.

“Intermediary”, a person or entity, other than an operator, that facilitates the sale, use or possession of an occupancy and charges a room charge to the general public; provided, however, that the term “facilitates” shall include a person or entity that brokers, coordinates or in any other way arranges for the purchase, sale, use or possession of occupancies by the general public; provided further, that the term “intermediary” shall include a hosting platform and operator’s agent.

“Lodging house”, a house licensed or required to be licensed under section 23 of chapter 140 and where lodgings are rented to not less than 4 people who shall not be within the second degree of kindred to the owner or operator of such lodging house.

145 “Motel”, a building or portion of a building in which a person is lodged for hire with or
146 without meals and that is licensed or required to be licensed under section 32B of chapter 140;
147 provided, however, that a “motel” shall not include a hotel or lodging house.

148 “Occupancy”, the use or possession or the right to the use or possession of a room in a
149 bed and breakfast establishment, hotel, lodging house, short-term rental or motel designed and
150 normally used for sleeping and living purposes for a period of not more than 31 consecutive
151 calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or
152 licensee; provided, however, that “occupancy” shall include the right to the use or possession of
153 the furnishings or the services and accommodations, including breakfast in a bed and breakfast
154 establishment, accompanying the use and possession of such a room.

155 “Occupant”, a person who uses, possesses or has a right to use or possess a room in a bed
156 and breakfast establishment, hotel, lodging house, short-term rental or motel for rent under a
157 lease, concession, permit, right of access, license or agreement.

158 “Operator”, a person operating a bed and breakfast establishment, hotel, lodging house,
159 short-term rental or motel in the commonwealth including, but not limited to, the owner or
160 proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other
161 person otherwise operating such bed and breakfast establishment, hotel, lodging house, short-
162 term rental or motel.

163 “Operator’s agent”, a person who on behalf of an operator of a bed and breakfast
164 establishment, hotel, motel, short-term rental or lodging house: (i) manages the operation or
165 upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent;

provided, however, that an “operator’s agent” shall include, but not be limited to, a property manager, property management company or real estate agent.

“Person”, an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

“Professionally-managed unit”, 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator’s primary residence.

“Rent”, the total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on behalf of an operator under section 13 for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

“Short-term rental”, an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Section 2. This chapter shall not include: (i) lodging accommodations at a federal, state or municipal institution; (ii) lodging accommodations, including dormitories, at religious,

charitable, educational and philanthropic institutions; provided, however, that the exemption allowed shall not apply to accommodations provided by any such institution at a hotel or motel generally open to the public and operated by the institution; (iii) privately-owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; (iv) religious or charitable homes for the aged, infirm, indigent or chronically ill; (v) summer camps for children up to 18 years of age or developmentally disabled individuals; provided, however, that a summer camp that offers its facilities off season to individuals 60 years of age or older for a period of not more than 30 days in a calendar year shall not lose its exemption under this section; (vi) bed and breakfast homes; (vii) lodging accommodations provided to seasonal employees by employers; (viii) alcohol and drug free housing that is certified pursuant to section 18A of chapter 17; (ix) tenancies at will or month-to-month leases; and (x) time-shares, as defined in section 2 of chapter 183B.

For the purposes of this section, “developmentally disabled individual” shall mean an individual who has a severe chronic disability that: (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is likely to continue indefinitely; (iii) results in substantial functional limitations in not less than 3 of the following areas of major life activity: (A) self-care; (B) receptive and expressive language; (C) learning; (D) mobility; (E) self-direction; (F) capacity for independent living; and (G) economic self-sufficiency; and (iv) reflects the individual’s need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Section 3. An excise shall be imposed upon the transfer of occupancy of a room or unit in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel by an operator

at the rate of 5 per cent of the total amount of rent for each such occupancy. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent.

The operator shall pay the excise to the commissioner at the time provided for filing the return required under section 16 of chapter 62C.

Section 3A. A city or town that accepts this section may impose a local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within that city or town by an operator at a rate of not more than 6 per cent of the total amount of rent for each such occupancy; provided, however, that the city of Boston may impose such local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within the city by an operator at the rate of not more than 6.5 per cent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of rent is less than \$15 per day or its equivalent or if the accommodation is exempt under section 2. An operator shall pay the local excise imposed under this section to the commissioner at the same time and in the same manner as the excise due to the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. Acceptance of this section shall be: (i) by a majority vote of the city council with the approval of the mayor in the case of a city with a Mayor; (ii) by a majority vote of the city council in every other city; (iii) by a majority vote of the annual town meeting or a special meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) by a majority vote of the town council in the

case of a municipality with a town council form of government. This section shall take effect on the first day of the calendar quarter following 30 days after its acceptance or on the first day of a later calendar quarter as the city or town may designate. The city or town, in accepting this section, shall not revoke or otherwise amend the applicable local tax rate more often than once in a 12-month period.

The commissioner shall make available to a city or town requesting such information the total amount of room occupancy tax collected in the preceding fiscal year in the city or town requesting the information.

Section 3B. Notwithstanding sections 9 and 10 of chapter 152 of the acts of 1997, the convention center financing fee imposed upon the transfer of occupancy of a short-term rental in the cities of Boston, Cambridge, Springfield, Worcester, West Springfield and Chicopee shall revert half to the General Fund and half to the city in which the short-term rental was transferred.

Section 3C. In addition to the excise imposed under section 3 and any excise imposed under section 3A, an excise shall be imposed on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within a municipality that is a member of the Cape Cod and Islands Water Protection Fund established under section 19 of chapter 29C at a rate of 2.75 per cent of the total amount of rent for each such occupancy; provided, however, that all revenues received from the excise under this section shall be credited to the Cape Cod and Islands Water Protection Fund. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent. An operator shall pay the excise due to the Cape Cod and Islands Water Protection Fund to the commissioner at the same time and in the same manner as the excise due to the commonwealth.

256 Section 3D. (a) A city or town that accepts section 3A may, by a separate vote and in the
257 same manner of acceptance as set forth in section 3A, impose upon an operator a community
258 impact fee of not more than 3 per cent of the total amount of rent for each transfer of occupancy
259 of a professionally managed unit that is located within that city or town.

260 (b) A city or town that votes to impose a community impact fee under subsection (a)
261 may, by a separate additional vote and in the same manner of acceptance as set forth in section
262 3A, also impose the community impact fee upon each transfer of occupancy of a short-term
263 rental unit that is located within a two-family or three-family dwelling that includes the
264 operator's primary residence.

265 (c) All community impact fees under this section shall be paid monthly by the operator to
266 the municipality. A city or town shall dedicate not less than 35 per cent of the community impact
267 fees collected under this section to affordable housing or local infrastructure projects.

268 Section 4. Except as provided in section 13, reimbursement for the excise imposed under
269 this chapter shall be paid by the occupant of any such room to the operator and each operator
270 shall add to the rent and collect from the occupant the full amount of the excise imposed by this
271 chapter or an amount equal as nearly as possible or practical to the average equivalent thereof
272 and such excise shall be a debt from the occupant to the operator when so added to the rent and
273 shall be recoverable at law in the same manner as other debts.

274 Section 5. The amount of the excise collected by the operator from the occupant pursuant
275 to this chapter shall be stated and charged separately from the rent and shown separately on any
276 record of the excise at the time the transfer of occupancy is made or on any evidence of such
277 transfer issued or used by the operator.

278 Section 6. A person shall not operate a bed and breakfast establishment, hotel, lodging
279 house, short-term rental or motel unless a certificate of registration has been issued to the person
280 in accordance with section 67 of chapter 62C.

281 Section 6A. No person subject to this chapter shall engage in an unlawful practice under
282 section 4 of chapter 151B.

283 SECTION 7. Said chapter 64G is hereby further amended by striking out sections 7A and
284 7B, as so appearing, and inserting in place thereof the following 2 sections:-

285 Section 7A. An operator who has paid to the commissioner an excise pursuant to section
286 3 upon an account later determined to be worthless shall be entitled to an abatement of the excise
287 paid on the worthless account. A claim for abatement shall be filed not later than April 15
288 annually and shall cover the amount of the excise on accounts determined to be worthless in the
289 prior calendar year.

290 An operator who recovers an excise on an account determined to be worthless and for
291 which an application for abatement has been filed shall report and include the same in a monthly
292 return at the time of recovery.

293 Section 7B. An operator who fails to pay to the commissioner money required to be paid
294 by this chapter shall be personally and individually liable therefor to the commonwealth. As used
295 in this section, the term “operator” shall include an officer or employee of a corporation or a
296 member or employee of a partnership or a limited liability company who, as such officer,
297 employee or member, is under a duty to pay the excises imposed by this chapter.

298 An operator who misrepresents to an intermediary that the transfer of occupancy of the
299 operator's property is exempt from the excise imposed by sections 3, 3A, 3C and 3D shall be
300 liable for any unpaid excise under said sections 3, 3A, 3C and 3D and shall be deemed to have
301 committed an unfair trade practice under chapter 93A in making such a misrepresentation to the
302 intermediary.

303 SECTION 8. Said chapter 64G is hereby further amended by striking out section 12, as
304 so appearing, and inserting in place thereof the following 7 sections:-

305 Section 12. No excise shall be imposed under this chapter upon the transfer of occupancy
306 of a room in a hotel, lodging house, short-term rental or motel if the occupant is an employee of
307 the United States military traveling on official United States military orders that encompass the
308 date of such occupancy. Each operator shall maintain such records as the commissioner shall
309 require to substantiate exemptions claimed under this section.

310 Section 13. (a) An operator may elect to allow an intermediary to collect rent or facilitate
311 the collection or payment of rent on its behalf through a written agreement on an accommodation
312 subject to the excise under this chapter. An intermediary that enters into a written agreement with
313 the operator to collect rent or facilitate the collection or payment of rent on behalf of the operator
314 of an accommodation subject to the excise under this chapter shall: (i) apply for and obtain a
315 certificate of registration from the commissioner in accordance with section 67 of chapter 62C on
316 behalf of the operator; (ii) assess, collect, report and remit the excise to the commissioner as
317 described for operators in sections 3, 3A, 3B, 5, 7A, 7B and 12; (iii) assess, collect and remit the
318 community impact fee to the municipality as described for operators in section 3D; (iv) maintain
319 records of any excises collected that have been remitted to the commissioner and shall make

these records available to the department upon request; (v) ensure that the operator is registered pursuant to said section 67 of said chapter 62C prior to permitting such operator to list or offer an accommodation for rent through the use of the intermediary; and (vi) notify the operator that the operator must comply with all applicable municipal, state and federal laws including, but not limited to, the collection and remittance of required excises. The certificate of registration obtained from the commissioner pursuant to this subsection shall identify and be in the name of the individual operator, not the intermediary.

(b) An intermediary collecting and remitting the excise on behalf of an operator shall provide notification within a reasonable time to the operator that the excise has been collected and remitted to the commissioner pursuant to section 3. The notification may be delivered in hand or by mail or conveyed by electronic message, mobile or smart phone application or another similar electronic process, digital media or communication portal. An operator shall not be responsible for collecting and remitting the excise on a transaction for which the operator has received notification from an intermediary that the excise has been collected and remitted to the commissioner on their behalf.

(c) The intermediary shall not be liable for faults in collecting or remitting the excise proximately caused by the intermediary's reasonable reliance on representations made to it by the operator about the nature of the property being rented, the duration of the occupancy or other similar misrepresentations made by the operator to the intermediary. The operator shall be liable for any unpaid excise resulting from any such misrepresentation. An intermediary shall not be liable for any over collection of the excise if the excise collected was remitted to the commissioner and the over collection resulted from the intermediary's reasonable reliance on the operator's representations about the nature of the property being rented or the nature of the

occupancy or whether such property was exempt from the excise. The operator shall be liable for monetary damages to the occupant resulting from any such misrepresentations.

Section 14. A city or town, by ordinance or by-law, may regulate operators registered pursuant to section 67 of chapter 62C and impose penalties for the violation of such an ordinance or by-law. A city or town, by ordinance or by-law, may:

(i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year;

(ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis;

(iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices;

(iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this

section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections;

(v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and

(vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations.

Notwithstanding any ordinance or by-law adopted by a city or town pursuant to this section, an operator of a short-term rental shall post inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

Section 15. Nothing in this chapter shall confer a right to lease, sublease or otherwise offer a residential unit as a short-term rental where such use is prohibited by a homeowner's association agreement or requirements, a rental agreement or any other restriction, covenant, requirement or enforceable agreement.

Section 16. For residential units subject to rent control provisions, operators of short-term rentals shall charge not more than the prorated maximum amount allowed.

Section 17. The commissioner shall annually publish a report on the economic activity of short-term rentals in the commonwealth rented for occupancy through a hosting platform or

intermediary. The commissioner may require a hosting platform, intermediary or operator of a short-term rental to submit to the department of revenue, in a form approved by the commissioner, information necessary to compile the report including, but not limited to: (i) the aggregate rent paid by all occupants during the reporting period; (ii) the total amount of revenue collected from the excise on the transfer of occupancy of the short-term rentals; and (iii) the total amount of revenue collected from the local excise on the transfer of occupancy of the short-term rentals.

The department shall make available any data set used pursuant to this section to a regional planning agency, municipality or other public agency requesting such information; provided, however, that the department shall utilize the practices that are necessary to prevent the public disclosure of personal information regarding operators and occupants. The department shall annually publish local summary statistics on its website. The department shall take all measures necessary to protect the confidentiality and security of an operator's personal tax information from any disclosure pursuant to this section.

Section 18. The commissioner shall promulgate rules and regulations for assessing, reporting, collecting, remitting and enforcing the room occupancy excise pursuant to this chapter.

SECTION 9. Chapter 175 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4F. (a) As used in this section, the terms "hosting platform", "operator" and "short-term rental" shall have the same meanings as under section 1 of chapter 64G unless the context clearly requires otherwise.

408 (b) An operator shall maintain liability insurance of not less than \$1,000,000 to cover
409 each short-term rental, unless such short-term rental is offered through a hosting platform that
410 maintains equal or greater coverage. Such coverage shall defend and indemnify the operator and
411 any tenants or owners in the building for bodily injury and property damage arising from the
412 short-term rental.

413 (c) Prior to an operator offering a short-term rental through the use of a hosting platform,
414 the hosting platform shall provide notice to the operator that standard homeowners or renters
415 insurance may not cover property damage or bodily injury to a third-party arising from the short-
416 term rental.

417 (d) Insurers that write homeowners and renters insurance may exclude any and all
418 coverage afforded under the policy issued to a homeowner or lessee for any claim resulting from
419 the rental of any accommodation under chapter 64G. Insurers that exclude the coverage
420 described in this section shall not have a duty to defend or indemnify any claim expressly
421 excluded by a policy. Nothing under this section shall preclude an insurer from providing
422 coverage for short-term rentals.

423 (e) Any policy or policy form intended to cover operators of short-term rentals from
424 liabilities, whether the policy or policy form is provided by a hosting platform or an operator
425 itself, shall be filed according to instructions provided by the division of insurance.

426 (f) An operator who intends to operate a short-term rental shall provide notice to any
427 insurer that writes a homeowners or renters insurance policy for the property where such short-
428 term rental is to be located of the operator's intent to operate such short-term rental.

SECTION 10. There shall be a commission to study the feasibility and potential for use of lodging units within the hospitality industry, including hotel, motel, bed and breakfast and short-term rentals, as resources to increase the availability of emergency shelter for individuals and families displaced during extreme weather events or other states of emergency declared by the governor. The commission shall study and make recommendations relating to: (i) ways to maintain up-to-date inventories of units available for shelter during emergencies; (ii) networks to alert local officials about the availability of hospitality industry units as emergency shelter; (iii) platforms and protocol for communication and coordination between the hospitality industry and state and local officials during emergencies; and (iv) any other factors deemed relevant by the chair of the commission.

The commission shall consist of: the director of the Massachusetts emergency management agency or a designee, who shall serve as chair; 2 members appointed by the Massachusetts Lodging Association, Inc.; 3 members appointed by the Massachusetts Municipal Association, Inc., 2 of whom shall have experience in local emergency planning and management and 1 of whom shall have experience in municipal licensure processes; and 3 members appointed by the governor, 1 of whom shall be a representative of the department of revenue, 1 of whom shall be a representative of a hosting platform, as defined in section 1 of chapter 64G of the General Laws, and 1 of whom shall be a representative of a non-profit entity with experience in national-level emergency management and relief.

The commission shall report the results of its study, together with drafts of recommended legislation, if any, by filing the report with the clerks of the house of representatives and senate not later than July 31, 2019.

SECTION 11. The transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in a municipality that becomes a member of the Cape Cod and Islands Water Protection Fund under section 19 of chapter 29C of the General Laws after December 1, 2018 shall be subject to the excise under section 3C of chapter 64G of the General Laws on the first day of a calendar quarter after it has joined the fund, as the municipality may designate.

SECTION 12. Notwithstanding section 19 of chapter 29C of the General Laws, a municipality included in the Cape Cod and Islands Water Protection Fund shall not withdraw from the fund for 1 year after the effective date of this act.

SECTION 13. The executive office of housing and economic development shall promulgate regulations necessary to implement a registry pursuant to section 68 of chapter 23A of the General Laws not later than June 30, 2019.

SECTION 14. Sections 3, 3A, 3B, 3C and 3D of chapter 64G of the General Laws shall take effect for transfers of occupancies of short-term rentals that commence on or after January 1, 2019 and for which contracts with occupants were entered into on or after November 1, 2018.

SECTION 15. A city or town that accepted section 3A of chapter 64G of the General Laws before January 1, 2019 shall be deemed to have accepted said section 3A of said chapter 64G for the purposes of this act.

SECTION 16. Section 9 shall take effect on January 1, 2019.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

V

BUSINESS – H. **Special Town Meeting Warrant**

REQUESTED BY:	TA
DESIRED ACTION:	Preliminary discussion of the articles on the September 24, 2018 special town meeting warrant.
PROPOSED MOTION:	T B D
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

MEMORANDUM

To: Select Board

From: Dan Hoort, Town Administrator

Subject: Special Town Meeting Warrant

Date: August 14, 2018

The Select Board has called a special town meeting for September 24, 2018. The primary purpose for the meeting is to approve a long-term lease for the solar array at the land fill. By our Charter the last day for any petitioned article to be received for the warrant is August 21, 2018. At this time we have six potential articles on the warrant.

1. Long-term lease for solar array at landfill.

The 20 year lease is required to finalize the contract for the solar array and must be approved by town meeting voters.

2. Prior Year Invoices

We have three invoices that were received after the close of the books for FY 2018. By law these must be approved by town meeting voters with a 9/10 vote of approval required.

3. Funding for new lifeguard stations

Our current wood lifeguard stations are too often being used by night-time beach goers as kindling for bonfires. This article would request a transfer of funds from the beach fund to purchase anodized aluminum lifeguard stations.

4. Funding for communication improvements for beach radios

Dead spots exist at our beaches where radio transmission is lost. The Beach and Public Safety Departments are researching 'repeaters' which may improve the communications between lifeguards and public safety departments.

5. Approval of Verizon easement for new police station

Eversource is requesting an easement for placement of wiring and equipment at the police station transformer.

6. Purchase of 3 Kendrick Avenue

The property at 3 Kendrick Avenue is currently listed for \$898,000. While several departments have mentioned the value for the Town to own this property we do not currently have a plan for its use. Should Town meeting voters agree ownership of this property by the Town is important, the property could be purchased now with a plan for its use developed in the future. The property may not be available if the Town waits until the April 2019 town meeting.

This article would require calling a special town election to approve the debt exclusion ballot question needed to fund this purchase.

The vote to close the warrant, insert the articles and make recommendations on the articles is planned for the August 28th BOS meeting.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

August 14, 2018

VI



TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: August 10, 2018

This report is for the period July 21, 2018 through July 10, 2018.

1. General

- Finalizing warrant for September 24th special town meeting.
- Working with Eversource and National Park Service for installation of electric vehicle charging stations.

2. Fiscal Matters

- Preparing five-year fiscal forecast for Select Board & Finance Committee

3. Meetings

- July 23 – Meeting with Housing Authority Chair and Vice Chair
- July 24 - Select Board meeting
- July 25 – Meet with Barnstable County IT regarding phone system upgrade
- July 26, 27 & 30 – Vacation days
- July 31 – Cable Advisory Committee meeting
- August 1 – Town Moderator regarding town meeting audio issues
- August 1 – Energy Committee Chair regarding solar array progress
- August 2 – Pre-Oysterfest meeting
- August 3 – Meeting Steve Cooney & ChristiAnn Mason re 3 Kendrick Ave
- August 8 – Meeting with Erica Chapman Wagner
- August 9 – Meeting with auditors (annual check-in)

4. Complaints.

- Noise complaint regarding The Well.

5. Miscellaneous.

- Open Meeting Law training being planned for September

6. Personnel Matters:

- Working to cover staffing shortfalls in light of delay in financial re-organization

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

VIII

CORRESPONDENCE AND VACANCY REPORT

Date: August 5, 2018
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

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		

Cape Light Compact Governing Board (1 representative, 1 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	1 year to complete term
Requesting Appointment: No applications on file		

Commission on Disabilities (up to 7 Members)

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

Comprehensive Wastewater Management Planning Committee (7 Members)

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

Conservation Commission (7 Members)

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

Council on Aging Committee (At least 11 Members)

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

Cultural Council (no more than 15 members)

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

Energy Committee (11 members total)

Vacant Positions	Appointing Authority	Length of Term
1 position	Board of Selectmen	1 year to complete term



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

August 14, 2018

1 BOS Rep

Board of Selectmen

BOS Term

Requesting Appointment: No applications on file

Finance Committee (9 members, 2 alternate)

Vacant Positions

Appointing Authority

Length of Term

1 Position

Town Moderator

3 years

2 Alternate Positions

3 years

Requesting Appointment: No applications on file

Herring Warden (1 Warden, 1 Assistant Warden)

Vacant Positions

Appointing Authority

Length of Term

1 Assistant Position

Board of Selectmen

3 years

Requesting Appointment: No applications on file

Local Housing Partnership (5 Community Members)

Vacant Positions

Appointing Authority

Length of Term

2 Community Position

Board of Selectmen

Requesting Appointment: No applications on file

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions

Appointing Authority

Length of Term

1 Position

Board of Selectmen

3 years

Requesting Appointment: No applications on file

Planning Board (7 members)

Vacant Positions

Appointing Authority

Length of Term

2 Positions

Board of Selectmen

5 years

Requesting Appointment: No applications on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions

Appointing Authority

Length of Term

1 Alternate Position

Board of Selectmen

3 years

Requesting Appointment: No applications on file

CORRESPONDENCE TO THE BOARD OF SELECTMEN

July 25, 2018 – August 14, 2018

Letters/Emails:

7/25/18	Dick Elkin	recommendation for David Mead-Fox
7/25/18	Jude Ahern	response to Chief Fisette
7/25/18	Ken Lockwood	Beachcomber patrons and Wellfleet resources
7/26/18	Eric Bibler	Tourism, bars, beaches
7/26/18	Maura Donahue	Tourism, bars, beaches
7/26/18	Solarize	Solarize Outer Cape metric 7/22/18
7/27/18	Janice O'Connell	CC Regional Government Assembly of Delegates meeting notice
7/27/18	Anne McGuire	CC Selectmen and Councilor's Association Breakfast invitation
7/28/18	Eric Bibler	Changes at Compo Beach, CT
7/30/18	Eric Bibler	Invitation to Non-resident taxpayers in Wellfleet to share concerns
7/30/18	Deanna Desroches	Couch to 5K Barnstable Fall 2018
7/31/18	Tim Callis	The Well noise complaint
8/1/18	Maura Donahue	Tourism, bars, beaches
8/1/18	Eric Bibler	Tourism, bars, beaches
8/2/18	Radu Luca	Email re: handicapped parking
8/2/18	Wellfleet Historical Society	Wellfleet Historic Preservation Workshop
8/3/18	Sheila Hoogeboom	Commended Johnny Clam on SPAT tour
8/5/18	Dan Hoort	Cahoon Hallow Beach Erosion and Closure
8/6/18	Wellfleet Cultural Council	WCC 2018 Grant Cycle
8/6/18	Eric Bibler	Report of Beach Parking Task Force / Erosion
8/6/18	Deb Martin	Cape & Islands Suicide Prevention Coalition request for Proclamation
8/6/18	George Butler Adjusters, Inc.	Kathryn MacNutt proof or insurance
8/6/18	Laura Fisher	Parking Task Force and Split Tax
8/7/18	Wellfleet Chamber of Commerce	Wellfleet Historical Society Museum seeks Museum Coordinator
8/8/18	Laura Fisher	Possible Additional Town Revenue w/ Tourist Development Tax
8/9/18	Lilli Ann Green	CCNS Advisory Commission Legislation – BOS letters of support

Internal Memos:

8/5/18

Nancy Civetta

Shellfishing closed due to heavy rains

8/6/18

Nancy Civetta

Shellfishing to resume at sunrise on Wednesday, Aug 8

8/7/18

Nancy Civetta

Shellfish permit suspension, Shawn Arsenault

Fed/State/Local:

7/30/18

David P. Pierce, Ph.D.

DMF letter on Mike Kubiak shellfishing permit suspension

8/5/18

David P. Pierce, Ph.D.

DMF letter announcing closure of shellfishing in Outer Cape Towns

8/7/18

David P. Pierce, Ph.D.

DMF letter announcing opening of shellfishing in Outer Cape Towns

8/7/18

EPA – Stormwater

Notice of Intent (NOI) Filing Deadline – October 1, 2018

Legal:

Notices:

Applications:

7/20/18

David Mead-Fox

Cape Light Compact Board - Alternate

7/30/18

Dale Donovan

Parking Task Force

7/31/18

Dennis O’Connell

Parking Task Force

8/1/18

Jennifer Wertkin

Parking Task Force

8/6/18

Joe Aberdale

Parking Task Force

8/8/18

Wayne Clough

Parking Task Force



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

IX

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes of 7.24.2018 as amended.
PROPOSED MOTION:	I move to approve the meeting minutes of 7.24.2018 as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

Wellfleet Select Board Meeting Tuesday, July 24, 2018, at 6:30 p.m. Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet MA 02667

Select Board Members Present: Chair Janet Reinhart - Chair; Helen Miranda Wilson – Vice Chair, Justina Carlson – Clerk, arrived at 6:50 pm, Kathleen Bacon, Jerry Houk.

Also Present: Dan Hoort - Town Administrator, Joe Powers – Assistant Town Administrator / Town Clerk, Radu Luca – Executive Assistant to the Town Administrator.

Chair Janet Reinhart called the meeting to order at 6:30 p.m.

I. Announcements, Open Session and Public Comment

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

Reinhart asked some agenda items would be taken out of order.

Hoort announced that Article 46 at ATM authorized the Town to sell the property at 0 West Main Street Street and that property was sold today.

Lilli Green said that bill H2473 put forth by Rep Sarah Peake would allow for the protection of the health of the citizens of the Commonwealth would be brought to the House and Senate floors for a vote and encouraged the audience to contact the House Chair Jeffrey Sanchez and Senate Chair Karen Spilka in support of this bill.

David Still, the Communications Coordinator for the Cape Cod Commission was present to invite the Selectboard and the members of the audience to the 5th Annual One Cape Summit to be held on August 16 and 17 at the Wequassett Resort in Harwich. Some of the issues covered will be: water quality, housing, and economic development.

Hoort said that this item is not on tonight's agenda due to a mistake by staff and the Selectboard can address it because this issue was not anticipated in a timely fashion. Wilson mentioned the application for the use of Town owned property that Harriet Arnoldi had filed on July 10th, 2018 and paid the application fee. Since this is a time sensitive matter, with the event planned for August 4th, 2018, Wilson encouraged the Selectboard to act on this item at tonight's meeting. Bacon asked whether there would be a lot of trash

I move to approve the use of Town owned property for Harriet Arnoldi (Art Peace Makers Dot Org) at the Mayo Beach tent on August 4th, 2018 from 2:30 pm to 6:30 pm, subject to the conditions, if any, listed in the application form.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries.

Carlson was not present for this vote.

II. Public Hearing(s)**A. Winslow Tavern – extension of seasonal liquor license to January 1, 2019**

Bacon recused herself from this agenda item and left the room.

Tracey Hunt from Winslow Tavern was present to speak to the application. Houk said he would vote against this agenda item because it would affect some of the businesses who purchase a year-round license and struggle through the winter time. Houk also said there was a precedent for not granting extensions to seasonal licenses. Wilson asked Hunt whether there's the option to stay open year-round but staffing and housing are some of the major impediments for staying open year-round. Hunt said that the Principal Clerk advised her to apply for an extension of their seasonal license before they applied for a year-round liquor license. Reinhart said she'd been hearing how great it would be if more businesses were open longer into the season or year-round. The President of the Chamber of Commerce said there's a risk to staying open year-round and that it is his opinion the Selectboard should approve this agenda item. Wilson said the Selectboard is the Licensing Board on this matter and she doesn't think approving this extension would negatively impact other competing businesses.

I move to approve the extension of the seasonal liquor license for Winslow Tavern to January 1, 2019.

Motion: Wilson

Second: Carlson

3-1-0. Motion carries. Bacon

was not present for this vote as she had previously recused herself.

B. Mike Kubiak – appeal of shellfish permit revocation

Mike Kubiak and his representative, Attorney Jamie Veara, were present to discuss Kubiak's appeal. Veara presented the sequence of events, as they allegedly happened, on June 19, 2018. Veara said that Kubiak was not in violation of Wellfleet Shellfishing Regulations pertaining to being obligated to present the catch for inspection because the Shellfish Constable should have had "reasonable doubt" to require of Kubiak to present the alleged catch for inspection. Veara said he has had his license revoked for two weeks in the height of the summer. Veara also said Kubiak is a young shellfisherman with a young family and he deserves a second chance and have his license reinstated. Bacon said Kubiak is trying to make a living here in town and hopes that the Selectboard gives Kubiak a second chance. Bacon also said that we all need to be on the same side here working together as a community. Wilson said our Shellfish Regulations are vetted and approved by the Division of Marine Fisheries. Wilson also asked when Kubiak's cooler was opened and inspected and proved to be empty. Veara said that happened at the Police Station. Wilson also said there were a series of three, separate violations from Kubiak, and all of them were properly documented. Some, if not all, Wellfleet Shellfishing Regulations violations are also State regulations violations. Houk asked whether Kubiak understands the gravity of his actions and decisions. Veara responded and said he had

been representing Kubiak for a few weeks and that he is a different person now than he was two weeks before. Carlson (disclosed that her partner has a shellfish grant, but that there is no financial gain from discussing or deliberating on the issue) said that maybe getting all these organizations involved in this process was a bit overzealous. Mike Kubiak said he had misinterpreted the rules and regulations pertaining to the "reasonable cause" for inspection and that he now understands how he was wrong. Reinhart stressed the importance of the respect for the law and law enforcement authorities. Kubiak publicly apologized to the entire Shellfish Department, individually, for his comments and behavior. Jude Ahern, from the audience, is concerned about Kubiak's swagger and that, given his background in law enforcement, Kubiak should understand the law and law enforcement. Ahern believes Kubiak is a risk to the other shellfishermen, to the law enforcement officers and to the town residents. Wilson said that she is concerned about the accruing of violations (town and state regulations), especially the failure to present the catch for inspection and the intimidation of the constables and the other shellfishermen. Houk asked Veara whether he had read the letter from the Harbormaster pertaining to Kubiak's behavior. Veara responded and said yes and that Kubiak's permit revocation shouldn't be judged on the accruing of violations. Reinhart asked Civetta to speak to the list of Kubiak's violations. Civetta presented a synopsis of: written warning, verbal warning about storage, the first ticket, the failure to display the catch (cooler) for inspection. Civetta also said that one fisherman got his commercial license revoked in Edgartown by the Selectboard for six months for failure to present the catch for inspection. Civetta clarified that there was vulgar language used by Kubiak when he addressed her. Wilson said that all the materials for tonight's meeting pertaining to this agenda item are posted on the Town's website. Civetta said that Kubiak cannot be trusted not to put other shellfishermen in danger and Wellfleet's good name and reputation. Linda Kubiak, Mike's mother, said she is not proud of what her son had said or done, but she added that Mike had spent \$55,000 on his fishing boat and does not believe the allegations that he stole to be true. Wilson said she hopes the board does not take any action on this item at tonight's meeting and maintain their previous decision to have Kubiak's license for the rest of the year.

Chip Benton said that, as a member of the shellfishing community, is happy with the job Civetta has been doing on the job and thinks the Selectboard should support the Constable and stand by their decision, because they had been too lenient in the past.

I move to take no action and allow the revocation of Kubiak's permit through December 31, 2018.

**Motion: Wilson
opposed.**

Second: Carlson

4-1-0. Motion carries. Bacon

Bacon added that her vote tonight is not an indication of non-support of the Shellfish Constable and her duties and responsibilities.

The Selectboard reconvened in public session after a 10-minute break.

III. Appointments/Reappointments

A. Reappointment of Shellfish Constable Nancy Civetta for three-year term

This agenda item was taken out of order and discussed before the Public Hearings portion of the meeting.

Hoort said Civetta has been with the Town for a year and is very happy with the job Civetta has been doing and commended the entire Shellfish Department. Bacon said Civetta has been doing a great job. Wilson said Civetta completed the course required by Barnstable County and Mass Division of Marine Fisheries. Reinhart said Civetta came in at a difficult time, but she done a tremendous job managing and improving the shellfishing industry in town.

Civetta thanked John Mankevetch and Chris Manulla for their help and expertise, the Town Administrator and the Principal Clerk and the different Town Departments that have collaborating with the Shellfish Department: DPW, Health & Conservation, Beach. Civetta also presented the Selectboard with a list of achievements the Shellfish Department has accomplished in the past year. Wilson said Civetta's record keeping is excellent and she received applause from the audience. Lilli Green commended Civetta for the article in the Cape Cod Times.

I move to reappoint Nancy Civetta as Wellfleet's Shellfish Constable for a three-year term ending on June 30, 2021.

Motion: Bacon

Second: Wilson

4-0-0. Motion carries. Reinhart

was absent for this vote.

B. Comprehensive Wastewater Planning Committee – Janet Drohan for a three-year term

Appointment of Janet Drohan to the CWPC for a three-year term ending on June 30, 2021.

Motion:

Second:

Reinhart announced Janet Drohan withdrew her application.

IV. Business

A. Consideration of change to daily beach parking fee [T. LeBart]

Bruce Bierhans and Todd LeBart, from the Beachcomber, was present to speak against the price hike at white Crest Beach. Bierhans read out loud a Yelp review from a potential customer who wanted to patronize the venue for lunch but didn't want to pay the \$40 parking fee. He also said how the Beachcomber is involved in the community, especially

through donations, and how the venue is an economic engine for the town. LeBart presented the history of price increases at the beach and how he believes the doubling of the rate has negatively impacted his business. Wilson thinks this fee change needs another look, that it shouldn't be as high as it is now and acknowledges that the Beachcomber has been very successful over the years. Bacon said that the intent of the hike was not to affect individual businesses, but to create parking availability for residents and make the beaches more accessible for residents with beach parking stickers. Bacon also said that the Beach Administrator has a five-year plan with regard to beach parking. Carlson said it's too early and too soon to discuss the negative consequences of this price hike when it's bringing double the parking revenue at that location for the Town. Reinhart said there was a good meeting with representatives from the Town and the Beachcomber about our beaches and particularly with regard to the garbage issue over July 4th weekend at Cahoon Hollow Beach. Reinhart also said our beaches have become more popular and there was an unprecedented number of people coming to our beaches over July 4th weekend. Reinhart also announced the formation of the Parking Task Force under the direction of the Town Administrator. Richard Robicheau thinks the \$40 fee is high, but we should keep it for the rest of the season. A representative from Even Tide motel said that the \$40 fee and Wellfleet having the most expensive beach on the Cape sends the wrong message and said that the rate should be lowered. Reinhart said that usually cars parking at the beach are filled with four to eight people. Bacon said that a lot of people do not go to the Wellfleet anymore because the town has changed and that those changes have happened on Ocean View Drive. Bacon said she was overwhelmed by what she witnessed on Ocean View Drive on July 4th and said she did not feel safe. Molly Caskoff said there's been a lot of price increases in Wellfleet and that we are not an elite town like other towns on the Cape. She also added and said that a lot of the younger partying crowd come to Wellfleet because of the Beachcomber and the beaches. Wilson said the drinking crowd has gotten exponentially bigger and doesn't go well in a community like ours. Carlson said the BOS received negative mail about the problems on Ocean View Drive and the Selectboard needs to make the right decisions to protect the town and our beaches and it is not a good business decision to change the rate so soon after increasing it. Houk then said the \$40 fee is too high and motioned to reduce it to \$30.

I move to reduce the daily parking fee at White Crest Beach from \$40 to \$30 for the rest of the season.

Motion: Houk

Second: Wilson

3-2-0. Motion carries.

B. CCNS Advisory Commission and The Barnstable County Assembly of Delegates Update [L. Green]

Lilli Ann Green presented an update on the CCNS Advisory Commission and the Barnstable County Assembly of Delegates. All materials and presentations were included

in the packet for tonight's meeting. Green also said she would run again for the Barnstable County Assembly of Delegates and her name would be on the ballot in November.

B. Herring River Restoration Project discussion [Wilson]

Wilson met with representatives from Truro and Wellfleet to discuss the MOU and there would be a posted, public meeting of the Executive Council taking place soon.

D. Discussion regarding potential property acquisitions [TA]

301 Main Street and 3 Kendrick Avenue

Hoort said the 301 Main is the News Dealer property. He said he'd been trying, unsuccessfully, to reach the owner of that property. Hoort asked why the BOS would like to purchase these properties, for what purpose, and if the board decides to go ahead further, we would have to go into executive session. Houk said that, in discussing with the Conservation Agent, there might be some issues associated with the building and he suggested we could use the power of eminent domain to acquire the property, but we need to put a lot of work done. Houk said that the building at 301 Main could be used for Town offices and that the property at 3 Kendrick, although appealing, is too expensive. Carlson said both properties are appealing, but we do need to make sure that we're responsible to the infrastructure that we own (particularly with regard to wastewater and Wasterwater management) before buying more. Wilson is for purchase of the property on Main street and adding more Town offices at that location. Bacon clarified that the shellfish shack is assessed at \$0 and we cannot make %50+ improvements on it. Bacon also said that the property on Kendrick Ave has been on the market for a long time and that it's on a flood plain. Bacon likes the TA's idea of using the News Dealer building as an incubator for small businesses and she is reluctant to having office space in that building.

E. Request approval of a Community Host Agreement for a Retail Marijuana Establishment and Registered Marijuana Dispensary for Jason Robicheau dba The Grateful Mind, 15 Bank Street. [TA]

Jason and Richard Robicheau were present. Bacon asked whether any of the planning and zoning issues had been addressed and thinks 15 Bank street is a great location. J Robicheau said all the issues would be addressed in accordance with our bylaws and regulations. Carlson is glad to see a local business and family take advantage of this new opportunity. Wilson said this is a "clean" business with regard to the fact that there's no

pollution for our water and harbor. Houk agrees with Bacon on the location and wished the Robicheau's well.

I move to approve a Community Host Agreement for a retail marijuana establishment and registered dispensary for Jason Robicheau dba The Grateful Mind, at 15 Bank Street.

Motion: Bacon

Second: Wilson

5-0-0. Motion carries.

F. Vote to open 2018 Special Town Meeting Warrant [TA]

Hoort presented a list of key dates for the 2018 Annual Town Meeting, which were included in the packet for tonight's meeting.

I move to open the 2018 Special Town Meeting Warrant.

Motion: Wilson

Second: Bacon

4-0-0. Motion carries. Carlson

was absent for this vote.

G. Formation of Beach Parking Task Force [Reinhart]

Reinhart announced that a Beach Parking Task Force would be formed, but the Selectboard did not act on this agenda item. Reinhart said the parking lot expansion at White Crest Beach Parking Lot might be included within the scope of the Task Force and that most probably the Task Force would be formed by the end of August. Wilson clarified that the Task Force would be subject to Open Meeting Law. Wayne Clough asked whether the Task Force would report to the BOS. Chair Reinhart responded and said yes.

H. Approval of financial staff reorganization [ATA]

Hoort introduced this agenda item and said that with the Town Collector's retirement and the leaving of Assistant Town Manager Brian Carlson, the Town was put in a unique situation where it could assess staff reorganization and reclassification options and opportunities. Houk asked whether the letter from Nancy Vail (included in the Correspondence folder) would impact this reclassification. Hoort responded and said no, it would not impact this reclassification at this point in time. Carlson asked Hoort whether there's a possibility of reaching an agreement with the WEA and Hoort said he's extended an open invitation to the WEA to reach common ground and he'd like to see every employee be able to advance in their position and receive payment increases.

I move to approve the financial staff reorganization as presented by the Town Administrator and the Assistant Town Administrator.

Motion: Bacon

Second: Wilson

2-3-0. Motion does not carry.

I. Approval of FY 2019 Goals [TA]

This agenda item was postponed.

J. Forming of Wastewater Management Authority [Wilson]

Wilson presented a synopsis for this project. Wilson and Greenberg Lemos met twice to discuss this topic and said there are three potential candidates who would like this group. Once the group is formed the grant applying can start and we could receive help and guidance from the Cape Cod Commission.

I move to approve the charge for the Wastewater Management Authority (WMA).

Motion: Wilson Second: Bacon 4-0-0. Motion carries. Carlson was absent for this vote.

V. Town Administrator's Report

VI. Topics for Future Discussion

Wilson wanted to follow up on the project Brian Carlson worked on a project that was part of the matching.

Reinhart said she would like to address the TA's review.

Bacon would like to form a Task Force pertaining to flooding.

Houk suggested to hire Bourne Engineering to assess the uses of the shellfish shack, the property at 3 Kendrick Ave and the property at 301 Main Street.

Carlson addressed the WMA report from ConsCom.

Reinhart asked the TA to invite the Friends of the Herring River Restoration Committee for an update.

VII. Correspondence and Vacancy Report

Wilson said we need more people on certain committees.

VIII. Minutes (July 10, 2018)

Houk said his exact words from the July 10th meeting when quoting Mike Kubiak's language towards the Shellfish Constable be reflected verbatim.

I move to approve the minutes of July 10, 2018 as amended by Wilson prior and during the meeting.

Motion: Wilson

Second: Bacon

5-0-0. Motion carries.

IX. Adjournment

I move to adjourn.

Motion: Bacon

Second: Carlson

5-0-0. Motion carries.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,

Radu D. Luca,
Executive Assistant to the Town Administrator

Link to video here:

<http://viewer.earthchannel.com/PlayerController.aspx?PGD=wellfleetma&eID=71>

Public Records Materials of 7/24/18

1. Public Hearing Notice – Winslow Tavern extension of seasonal license (June 26)
2. Public Hearing Notice – Mike Kubiak shellfish permit revocation appeal (July 13)
3. Memos – Shellfish Department documentation on Mike Kubiak shellfish permit revocation
4. Map and legend – Kubiak appeal describing location of individuals and vehicles at the pier on June 19
5. Application for Town Boards – Janet Drohan (July 18) (withdrawn)
6. Memo – Beach Administrator daily parking revenues (July 9)
7. News article – Cape Cod Times – beach parking (July 18)
8. Presentations – Cape Cod Commission and Barnstable County Assembly of Delegates
9. Agreement – Community Host Agreement for Marijuana Dispensary
10. Memo – Town Clerk 2018 Special Town Meeting key dates
11. Memo – TA Staff Reclassification (July 16)
12. Compilation – Selectboard goals 2019
13. Memo – TA Report (July 20)
14. Memo – Principal Clerk Correspondence and Vacancy Report
15. Minutes – Draft BOS July 10



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
August 14, 2018

X

ADJOURNMENT

REQUESTED BY:	BOS
DESIRED ACTION:	Adjournment
PROPOSED MOTION:	I move to adjourn.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____