



## Wellfleet Selectboard

The Wellfleet Board of Selectmen will hold a public meeting on **Tuesday, August 28, 2018, at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.** *It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.*

**I. Announcements, Open Session and Public Comment**

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

**II. Public Hearing(s)**

- A. One Day Beer and Wine License in Wellfleet Memorial Garden – Betsy Groban
- B. Appeal of shellfishing permit revocation - Shawn Arsenault

**III. Appointments/Reappointments**

- A. Parking Task Force
  - Ginny Parker (3-year term)
  - Daniel Murray (3-year term)
  - C. Wilson Sullivan (3-year term)
  - Janet Reinhart (3-year term)

**IV. Use of Town Property**

- A. Wellfleet Memorial Garden at Preservation Hall – Betsy Groban wedding ceremony on Sep 15th (4-6 pm)
- B. Town Hall Lawn – Friends of Town Hall Spruce Tree – Sep 23<sup>rd</sup> (5-8 pm)

**V. Business**

- A. Approval of Taxation Aid Committee Tax Insert Bill [Manny Smith]
- B. Approval of Recycling Committee Tax Insert Bill [Christine Shreves]
- C. Discussion of plans and directions for the CWMPC and the WMA [Alex Hay]
- D. Vote to insert and make recommendations on 2018 Special Town Meeting articles [TA]
- E. Vote to close 2018 Special Town Meeting Warrant [TA]

**VI. Town Administrator's Report**

**VII. Topics for Future Discussion**

**VIII. Correspondence and Vacancy Report**

**IX. Minutes (August 14, 2018)**

**X. Adjournment**

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2018 AUG 23 P 12:03  
TOWN OF WELFLEET



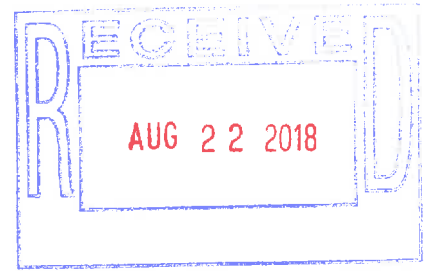
## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

# II

### PUBLIC HEARING – A. One Day Beer and Wine License

<b>REQUESTED BY:</b>	<b>Betsy Groban</b>
<b>DESIRED ACTION:</b>	<b>Approval of one day beer and wine license for Betsy Groban's wedding ceremony in the Wellfleet Memorial Garden at Preservation Hall</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve a one-day beer and wine license for Betsy Groban's wedding ceremony in the Wellfleet Memorial Garden at Preservation Hall on September 15<sup>th</sup>, from 4 to 6 pm, subject to the conditions, if any, as listed in the application form.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with M.G.L. Chapter 138, notice is hereby given that a public hearing will be held on Tuesday, August 28, 2018 at 7:00 p.m. at the Wellfleet Council on Aging to consider the following:

- Application received from Betsy Groban for a One Day Beer and Wine License in the Wellfleet Memorial Garden in Wellfleet Center.

WELLFLEET BOARD OF SELECTMEN

TOWN OF WELLFLEET  
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant Betsy Groban Affiliation Wellfleet Preservation Hall

Address 1462 Cambridge Street, Cambridge MA 02139 Telephone 617-335-8040

2. Type of License All Alcohol (\$150.00/day) \_\_\_\_\_ Beer and Wine (\$100.00/day) champagne

3. Type of Activity Being Conducted Wedding ceremony

4. Date September 15, 2018 Hours of Service 4:00-5:30 p.m.

5. Description of Premises The Memorial Garden adjacent to Wellfleet Preservation Hall

6. Name, Address, Telephone of Designated Manager (person responsible for activity)

Justine Alten at Wellfleet Preservation Hall (335 Main Street, Wellfleet, 508-349-1800)

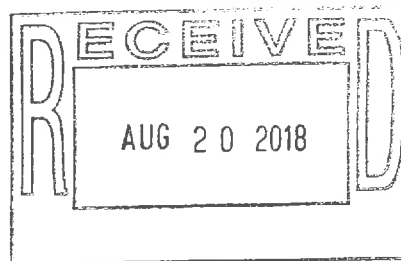
Alexis Accomando (37 Francis Street, Waltham, MA 02451, 617-755-6544)

(Both will be at Preservation Hall all day on 9-15-18)

7. If activity involves food service, please describe fully (i.e. raw shellfish, heated casseroles, bakery goods, etc.)

Betsy Groban  
Applicant's signature

8/16/18



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

Processing Fee \$50.00

*paid*  
*enclosed*

Police Department \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

*PP* *8/20/18*  
*OK.*

Building Department \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

*X*

Fire Department *phone OK*

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Health Department \_\_\_\_\_

Comments/Conditions *Park is not*

*meant to be a venue.*  
*Fragile grass.*

DPW Department *phone OK*

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town Administrator \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

*See health department*  
*concern - ORH*

Other \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Fee

\_\_\_\_\_  
Date Issued



## BOARD OF SELECTMEN

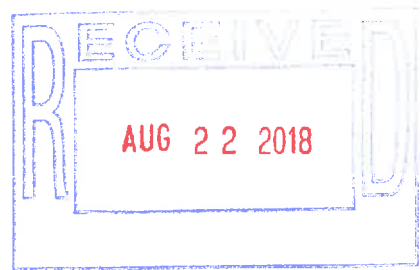
AGENDA ACTION REQUEST  
August 28, 2018

# II

### **PUBLIC HEARING – B. Appeal of Shellfishing Permit Revocation**

<b>REQUESTED BY:</b>	Shawn Arsenault
<b>DESIRED ACTION:</b>	Hear the appeal of Shawn Arsenault shellfishing permit revocation
<b>PROPOSED MOTION:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET  
PUBLIC HEARING



In accordance with MGL Chapter 130 Sections 2, 13, 52, 69, and 98; 322 CMR 16.03 (1) (a) 1, 16.05 (3) (a); and Wellfleet Shellfishing Policy and Regulations Sections 4.12, 4.14, 6.2.1, 6.2.2 and 11.5, notice is hereby given that the Wellfleet Select Board will hold a public hearing on Tuesday, August 28, 2018 at 7:00 p.m. at the Wellfleet Council on Aging to hear an appeal from Shawn Arsenault regarding the automatic suspension of his commercial shellfishing permit for having four seed harvesting violations in five months, among other violations of the town's regulations. Recommendation of the Shellfish Constable will be online in BOS packet for 08/28/18.

WELLFLEET BOARD OF SELECTMEN



FORMERLY  
**WILKINS, DEYOUNG & CARTER**  
ATTORNEYS AT LAW  
270 WINTER STREET  
HYANNIS, MASSACHUSETTS 02601  
TELEPHONE (508) 771-4210 FAX (508) 790-4668  
[WWW.CARTERDEYOUNG.COM](http://WWW.CARTERDEYOUNG.COM)

RECEIVED

2018 AUG 10 P 1:23

TOWN CLERK  
TOWN OF WELLFLEET

JEREMY M. CARTER  
STEVEN S. DEYOUNG  
CINDY A. NUZZOLO  
SETH G. ROMAN

ASHTON G. POULIOT

OF COUNSEL:  
JASON M. RAWLINS  
RUSSELL N. WILKINS

August 7, 2018

Board of Selectmen  
Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667  
Attn: Daniel Hoort, Town Administrator

**Re: Shawn Arsenault  
Shellfish Violation**

Dear Mr. Hoort:

I represent Shawn Arsenault relative to a letter he received on August 3, 2018 from Nancy Civetta, the Shellfish Constable of the Town of Wellfleet notifying him that his license as of August 3, 2018 is hereby suspended. As a result of the notice, my client would like to appeal the suspension and requests that the Board of Selectmen schedule a Public Hearing on this matter.

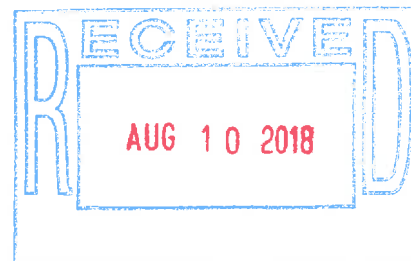
Please send notice of the Hearing date to the undersigned.

Very truly yours,

Jeremy M. Carter, Esq.

JMC/acl

cc: Nancy Civetta, Shellfish Constable, Town of Wellfleet  
Joseph F. Powers, Town Clerk, Town of Wellfleet  
Shawn Arsenault





## Radu Luca

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**From:** Nancy Civetta  
**Sent:** Friday, August 24, 2018 12:43 PM  
**To:** Dan Hoort; Radu Luca  
**Subject:** Packet for BOS re: Shawn Arsenault automatic permit suspension hearing 8/28/18  
**Attachments:** Letter to BOS re Shawn Arsenault automatic permit suspension.pdf; 8-2-18 Shawn Arsenault automatic suspension complete packet.pdf; 7-23-18 Shawn Arsenault incident report seed and tag violation complete packet.pdf; 6-18-18 Shawn Arsenault failure to display catch complete packe.pdf; 4-1-18 Shawn Arsenault Seed Oyster Confiscation incident report.pdf; 3-18-18 Shawn Arsenault fishing below 28 incident report.pdf; 3-12-18 Shawn Arsenault confiscation of catch and written warning.pdf

Hi Dan and Radu:

Please find here attached all of the documentation for the Selectboard to review prior to Mr. Arsenault's appeal hearing on Aug. 28, for the automatic suspension of his commercial shellfishing permit through December 31, 2018.

Please scan these into the board's packet in the following order:

- Letter to BOS re Shawn Arsenault automatic permit suspension
- 8-2-18 Shawn Arsenault automatic suspension complete packet
- 7-23-18 Shawn Arsenault incident report seed and tag violation complete packet
- 6-18-18 Shawn Arsenault failure to display catch complete packet
- 4-1-18 Shawn Arsenault Seed Oyster Confiscation incident report
- 3-18-18 Shawn Arsenault fishing below 28 incident report
- 3-12-18 Shawn Arsenault Confiscation of catch and written warning complete packet

Don't hesitate to call me with any questions. 617-901-7193

Thank you,  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
C: 617-901-7193  
O: 508-349-0325  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)  
300 Main St.  
Wellfleet, MA 02667  
Check for news and updates on [Facebook](#).



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: August 24, 2018

TO: Town of Wellfleet Selectboard Members

FROM: Shellfish Constable

RE: Automatic commercial shellfishing permit suspension for Shawn Arsenault as per Wellfleet Shellfishing Policy and Regulations 11.5. Penalty Fees

*The penalties for violation of any of these regulations shall be assigned by the Shellfish Department and shall consist of a fine of \$50 for the first offense, a fine of \$150 for the second offense, and a fine of \$300 for the third offense. In the event of a fourth offense within a period of 5 years, there will be an automatic permit suspension.*

Dear Selectboard Members:

A shellfishing permit is a privilege granted by the Commonwealth of Massachusetts and the Town of Wellfleet to remove natural resources from the public domain. It is not a right. With this privilege comes responsibility. Permit holders must adhere to many layers of oversight from town to state to federal. By signing a permit application and associated state affidavits, shellfishermen agree to abide by the established rules governing the harvest and sale of shellfish products. These protocols ensure that healthy shellfish are put into the market for consumers and that there will be sustainable fisheries into the future.

Mr. Shawn Arsenault has been putting the future of Wellfleet's shellfishing industry at risk with his behaviors and operations. This is both from a future of the wild fishery perspective and a public health standpoint. Bringing oysters off the flats and culling them at home, on the pier, anywhere but on the flats, is not only against federal, state and town regulations, but it also poses a serious public health risk, especially during vibrio control season. And since any seed taken off the flats is counted as catch, there is a high potential for seed violations as Mr. Arsenault's actions have demonstrated.

The Wellfleet Shellfish Department has tried many times to educate Mr. Arsenault about the rules and regulations governing shellfishing, both in person through discussions on the flats and in writing with tickets and documentation. The department has received many written and verbal complaints and warnings against Mr. Arsenault's actions, from National Park Service staff, town staff members, other fishermen and even a seafood dealer. Here however, I will focus on Mr. Arsenault's actions, because they speak for themselves.

Attached you will find back-up documentation as follows:  
(Please be advised that there is profanity in some of these documents.)

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

Phone (508) 349-0325



Fax (508) 349-0305

- 8-2-18 Shawn Arsenault automatic suspension complete packet
- 7-23-18 Shawn Arsenault incident report seed and tag violation complete packet
- 6-18-18 Shawn Arsenault failure to display catch complete packet
- 4-1-18 Shawn Arsenault Seed Oyster Confiscation incident report
- 3-18-18 Shawn Arsenault fishing below 28 incident report
- 3-12-18 Shawn Arsenault Confiscation of catch and written warning complete packet

During my August 2 encounter with him, I informed him that I would be writing up a ticket, at least for exposure time, but would also be checking for seed. I wanted to immediately give him a verbal warning about his continued noncompliance. Once I finalized the ticket and incident report from Aug. 2, I was not able to find Mr. Arsenault fishing on Aug. 3 or 4 to hand deliver his notice about his automatic commercial shellfishing permit suspension. Mr. Arsenault has been moving between houses since he left his domiciled Wellfleet address on Avery Rd. earlier this summer so I did not have an address to send him a certified letter.


Mr. Arsenault continued his noncompliant behavior even after being told he was going to receive another ticket. I was able to hand deliver the August 2 ticket, letter and documentation to Mr. Arsenault on Sunday, August 5, **as he was fishing in Loagy Bay during the state-mandated rain closure.** His fishing presented an unacceptable risk to public health. He was made to put the shellfish back and leave the flats. The ball was up at the pier; the closure was posted on the Town website's home page as well as on the Shellfish Dept.'s open Facebook page; emails and text messages were sent to all shellfishermen, including Mr. Arsenault, at 9:51 a.m. Low tide was at 12:35 p.m. We are waiting to hear back from the state as to potential additional repercussions with his state commercial fishing permit, given the documentation here and that he was fishing during a state-mandated closure.

In addition, in the Aug. 2 letter, I requested that he turn in his shellfishing permit and vibrio logbook, but he only turned in his logbook and not his permit. I believe that Mr. Arsenault presents a risk to human health and the public's safety, as well as to the future sustainability of Wellfleet's wild shellfish populations, which affects the livelihood of the entire community of hardworking, rule-abiding commercial shellfishermen.

I am requesting that you uphold the automatic commercial shellfishing permit suspension for Mr. Arsenault's for the rest of 2018.

I am available to answer any questions you may have.

Sincerely,

  
Nancy Civetta  
Shellfish Constable  
Town of Wellfleet



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officer: Constable Nancy Civetta (Back up with John Mankevetch)

Date of Offense: 8/2/18      Date of Report: 8/2-3/18

Ticket Numbers: 4469

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### *Offender Information*

Name of Offender: Shawn Arsenault

Address of Offender: ?? Wellfleet, MA 02667

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### *Offense Information*

Specific Bylaw and/or Regulations: **4.14. Possession of Seed Restricted and MGL Chapter 130 Section 69: Seed quahaugs, clams or oysters; taking or possession; 6.2.1 Required Icing and Shading of Product and 322 CMR 16.05 (3) (a): Icing Requirements**

Act(s) Constituting Violation: On August 2 at 8:20 a.m. I arrived at the Paine Hollow landing. Shawn Arsenault was there by his truck making preparations for going shellfishing. I observed him filling out tags and removing his tote from his truck. The tide had already greatly receded so I walked out to the edge of the grasses and took many photos. Given how far the tide had receded, I concluded that exposure time for that area was approximately 8:00 a.m.

I continued on patrol and when I got to Bay View Rd., at about 8:45, I stopped the truck and got out with the binoculars to look at Lt. Island, Blackfish Creek and Paine Hollow. I took a photo of Lt. Island boathouse area. Then, I observed Mr. Arsenault fishing in Paine Hollow for approximately 10 minutes. He was working between a mooring with a big yellow buoy and the grass line; I saw him bending over and harvesting oysters and putting them in his tote. Both of these areas had been well exposed by my 8:20 photographs. As I was leaving at around 8:55, I noted Justin Lynch fishing the water line at the boathouse.

At 9:45, I headed back to Paine Hollow. I saw Mr. Arsenault fishing near a creek. I walked out toward him and saw his fish tote. I called to him that I was going to take a look in his fish tote. There was a tag on the tote with a TIME of 8:30 and an ICE TIME of 10:30 a.m. I knew 8:30 to be perhaps his start time, but certainly not the exposure time for where I had observed him working at 8:45.





## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

There was a bag of oysters in the tote. I dumped half and began checking for seed. Mr. Arsenault continued to fish. I separated out oysters that were small, as well as those that were small or had seed on them, but may have had a broken edge. I counted 49 oysters and had created a pile of perhaps 10 oysters I knew to be seed when Mr. Arsenault came over and started yelling at me. I handed him the seed and asked him to check them. He hurriedly began measuring them incorrectly and yelled these are all fine and kept yelling at me using profanity. I tried to get a word in edge-wise to tell him about exposure time abuse, but he dumped his basket and the seed into the tote and grabbed it away and started dragging his tote toward the landing.

He continued to yell that I had it in for him since he applied for his permit and he knew I was trying to get him out. I followed him and said, You can either let me check these or you can put them all back. He continued shouting profanities at me and said he's had enough and then stormed away. It was about 10:10 a.m. I moved the tote to the shade and called for back up because Mr. Arsenault was extremely heated, and I thought there should be two of us at the landing. A grant holder from across the way on Field Point called Deputy Manulla to report possible trouble between a fisherman and me because he heard yelling. This person also called me to make sure I was OK. I texted him that I was and that I had called for back up.

John Mankevetch arrived at the landing at about 10:30. I dragged the tote back to the landing and asked him to get a basket. I dumped the oysters into a Shellfish Dept. bushel basket and gave Mr. Arsenault all of his gear back. Mr. Arsenault asked why I was confiscating them, and I replied time/temperature abuse and seed. He kept yelling at me and shouting profanities. It was impossible to have a rational conversation. I asked Mr. Arsenault for his vibrio logbook, which he threw out of his truck saying "You can have it and you can have my permit too. I have been fishing for 47 years and never had a problem until you came along." We put the basket into the back of my truck and then both got in our respective trucks.

Mr. Arsenault approached my window and continued to yell profanities at me such as You fucking bitch and I hate your fucking guts. John got out of his truck and walked over to Mr. Arsenault and asked him to stay out of my face. Mr. Arsenault then began yelling at John. John got back in his truck and started to drive away, with Mr. Arsenault behind him and me behind Mr. Arsenault. When John had driven off, Mr. Arsenault stopped his truck and got out and approached my window again, screaming more of the same. John then came back to the landing, and Mr. Arsenault got in his truck and drove off in a fury.

We took the basket back to the Shellfish Dept. bay at the DPW and began our seed count. In the essence of fairness, any oyster that looked like it had a broken edge, we put in the legal pile. Any legal oyster that had seed attached, we left in the legal pile. We counted a total of 339 oysters with 41 seed = 12 percent. We then re-measured all of the seed and moved one to the legal pile and removed 4 tiny seed which we had culled off legal oysters. This reduced the total seed to 36, which meant that 10.6 percent of his catch was seed.





## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

### Shawn Arsenault infraction history:

3-12-18: written warning for improper tags and seed violation (21%); oysters confiscated  
3-18-18: \$50 ticket and permit suspension for 3 days for fishing below 28 degrees  
4-1-18: oyster confiscation for seed possession (17.6%)  
6-18-18: written warning for failure to display catch and improper tagging  
7-23-18: \$300 ticket for seed violation (16%) and improper tags

### Additional Background:

I have conducted random seed checks with three different wild pickers over the past week.

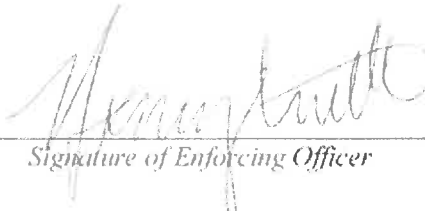
Since August 10, 2017, I have received no less than ten verbal and/or written complaints about Mr. Arsenault from other shellfishermen, as well as from a shellfish department staffer.

A dealer called me on Aug. 1, to report that he had shut Mr. Arsenault off because he consistently brought in seed oysters, at times as much as 40% of his catch, and he was concerned about the future of Wellfleet's wild fishery.

### Conclusion:

Wellfleet Shellfishing Policy and Regulations Section 11.5, Penalty Fees: The penalties for violation of any of these regulations shall be assigned by the Shellfish Department and shall consist of a fine of \$50 for the first offense, a fine of \$150 for the second offense, and a fine of \$300 for the third offense. In the event of a fourth offense within a period of 5 years, there will be an **automatic permit suspension**.

Per the above regulation, I will inform Mr. Arsenault that his permit is automatically suspended until December 31, 2018. I will ask him to hand in his commercial shellfishing permit and vibrio logbook. I will send documentation to the Mass. Division of Marine Fisheries. I will inform the Selectmen and ask them to draft a letter for the Director of Mass. Division of Marine Fisheries about the suspension. If Mr. Arsenault would like to appeal this, he may request that the Board of Selectmen schedule a public hearing.

  
\_\_\_\_\_  
Signature of Enforcing Officer

nac

8/3/18

\_\_\_\_\_  
Date

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## SHELLFISH SIZE COMPLIANCE REPORT

Date: August 2, 2018

Name: Shawn Arsenault

Species: oysters

\*Total Count (A): 339

\*Seed Count (B): 36

\*Seed Allowed 5%: = 17 oysters

\*Seed Percentage Found ( $B \div A$ ): 10.6 percent

Notes: SEE 8-2-18 INCIDENT REPORT. Mr. Arsenault continues to harvest seed oysters. Today, he had more than double the percentage allowed by the Town's regulations.

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

Phone (508) 349-0325

Fax (508) 349-0305

## Shawn Arsenault Infractions 2018

### March 12, 2018

4.14. Possession of Seed Restricted

6.2.2. Harvest Must Be Tagged

National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2015 Revision, Chapter VIII. Control of Shellfish Harvesting, @.02 Shellstock Time to Temperature Controls.

Catch confiscated. Written warning issued #4459.

### March 18, 2018

4.8. No Shellfishing Below 28 Degrees Fahrenheit

\$50 ticket issued #4460. License suspension for three days.

### April 1, 2018

4.14. Possession of Seed Restricted

Oysters confiscated = ~\$200+ in lost income.

### June 18, 2018

4.12. Inspection on Demand and MGL CH. 130 Section 13: Display of fish upon demand; violations

6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

Written warning issued #4464.

### July 23, 2018

4.14. Possession of Seed Restricted

6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

\$300 ticket issued for second and third violations of Wellfleet Shellfishing Policy and Regulations #4468.

### August 2, 2018

4.14. Possession of Seed Restricted and MGL Chapter 130 Section 69: Seed quahaugs, clams or oysters; taking or possession

6.2.1 Required Icing and Shading of Product and 322 CMR 16.05 (3) (a): Icing Requirements

Automatic permit suspension





NO 4469

TOWN OF WELFLEET NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION

(Date of this notice) 8-3 2018

To: SHAWN MARSENAULT

(Name of Offender)

UNKNOWN

(Address of Offender)

(City State Zip Code)

YOU HAVE BEEN OBSERVED VIOLATING

Wellfleet SP+R Secs. 4.14+6.2.1

(specific bylaw or regulation)

402130 Sec 69 + 322 CMR 16.05(3)(a)

by harvesting seed oysters and

(act constituting violation)

notifying outsiders within 2 hours

at 10 (AM) (PM) on 8-2 2018

(time and date of violation)

at Paine Hollow

(place of violation)

[Signature]

(Signature of Enforcing Person)

I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:

(Signature of offender)

☒ Unable to obtain signature of offender. Automatic  
THE FINE FOR THIS OFFENSE IS Permit Suspended  
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER: through 8-17-18

Either option (1) or option (2) will operate as a final disposition, with no  
resulting criminal record.

(1) You may choose to pay the above fine, either by  
appearing in person or through a duly authorized agent, or by  
mailing a check, money order or postal note WITHIN 21 DAYS  
OF THE DATE OF THIS NOTICE to

Town Clerk  
300 Main Street  
Wellfleet MA 02667

(2) If you desire to contest this matter, you may do so  
by making a written request for a noncriminal hearing and  
enclosing a copy of this citation WITHIN 21 DAYS OF THE  
DATE OF THIS NOTICE to

Clerk-Magistrate  
Orleans District Court  
237 Rock Harbor Road  
Orleans MA 02653

Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a  
hearing within 21 days, or if you fail to appear for the hearing or  
to pay any fine determined at the hearing to be due, a criminal  
complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense  
charged, and enclose payment in the amount of \$

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature \_\_\_\_\_



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Shawn Arsenault  
Address unknown, therefore hand delivered

August 3, 2018

Re: Wellfleet Shellfishing Policy and Regulations 4.14. Possession of Seed Restricted and MGL Chapter 130 Section 69: Seed quahaugs, clams or oysters; taking or possession; 6.2.1 Required Icing and Shading of Product and 322 CMR 16.05 (3) (a): Icing Requirements AND Section 11.5. Penalty Fees: The penalties for violation of any of these regulations shall be assigned by the Shellfish Department and shall consist of a fine of \$50 for the first offense, a fine of \$150 for the second offense, and a fine of \$300 for the third offense. **In the event of a fourth offense within a period of 5 years, there will be an automatic permit suspension.**

Dear Shawn:

On Thursday, August 2, I found you in violation of the above stated town and state regulations. This is your fourth infraction since March 12. In addition to the other infractions you have accumulated, you continue to take small oysters out of the public domain. This compromises the future of the entire Wellfleet wild oyster fishery and affects every commercial shellfishing permit holder's livelihood.

Because Section 11.5 states the permit suspension is automatic, I am issuing you a citation for a permit suspension through December 31, 2018, and requesting that you turn in your commercial shellfishing permit and vibrio logbook. Please bring these by the Shellfish Office or send them by certified mail to me at 300 Main St., Wellfleet, MA 02667, by noon on Friday, August 10. A copy of the ticket has been deposited with the Wellfleet Police Department and the Town Clerk. I will be also informing the Mass. Division of Marine Fisheries.

If you would like to appeal this, you may request that the Board of Selectmen schedule a public hearing.

Sincerely,

Nancy Civetta  
Shellfish Constable, Town of Wellfleet

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

Phone (508) 349-0325

Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officer: Constable Nancy Civetta

Date of Offense: 7/23/18 Date of Report: 7/23-26/18

Ticket Numbers: 4468

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### *Offender Information*

Name of Offender: Shawn Arsenault

Address of Offender: ?? Wellfleet, MA 02667

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### *Offense Information*

Specific Bylaw and/or Regulations: **4.14. Possession of Seed Restricted and MGL Chapter 130 Section 69: Seed quahaugs, clams or oysters; taking or possession; 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.**

Act(s) Constituting Violation: On July 23, I was on patrol at Old Wharf Point landing and took pictures of the tide receding in Loagy Bay. My first set of photos showing exposed oysters was at 13:50 and the next at 14:05. Low tide was at 15:20, and it was a 1.4 foot tide. As I was heading to Lt. Island at 14:20, I crossed paths with Shawn Arsenault at the beginning of Briarcliff Rd. I stopped and told him exposure time was 13:50. While on the Lt. Island bridge, I stopped both going and coming to see if I could see where Shawn was fishing in Loagy Bay, but could not.

I returned to the Old Wharf Point landing at 16:05 and observed Shawn at his truck. I asked if I could inspect his cooler and he said yes. I opened the cooler which had plenty of ice and loose oysters in it. I dug around a bit to inspect the oysters. There was a tag in the cooler listing 100 oysters with exposure time of 14:10 and ice time of 16:10. Given my second set of photos, the fact that I had not seen exactly where he was fishing and that it was 16:05 and all the oysters were covered in ice, I determined the timing on his tag to be reasonable.

However, there was no CCB on the tag, so I told him that this was CCB 14 and he had to write it on all his tags. He couldn't get his pen to work as his hands were wet, so he passed the pen to me and asked me to write it on the tag as my hands were dry. I did this. The tag info Shawn had filled out was in red; the 14 I wrote is in black. (Photo in file.) I told him he had to get his CCBs right.

Phone (508) 319-0325



Fax (508) 319-0305



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

I asked him if all he had was 100 oysters and he said "there's another 100 in the other cooler." I looked in the smaller cooler, which had loose oysters and plenty of ice, and immediately noticed three oysters that looked short to me. I got my ring and measured them. They were all short, and I informed him that I would need to dump the cooler. He assisted in pouring them into a basket with ice mixed in to keep them cool. I worked by 50-ish counts and put legal oysters immediately back into his cooler with ice.

Oysters are growing quickly right now and many have white feathery edges. Shawn was concerned that when he put them in ice, some of these edges could have broken off making them seem small when they had not been. I agreed. As I was measuring, any oyster that went through the ring, but looked like it could have had a growth edge broken off by the ice, I put into a separate pile and noted that to Shawn. I counted these as legal oysters and put them back into his cooler. The cooler had 282 oysters total, 55 of which were shorter than 3 inches – a 20% seed count. I returned the seed to Loagy Bay.

I told him I would need to go through the other cooler in the same fashion. The tag in this cooler was identical to the one in the first cooler, listing 100 oysters and simply "CCB" without a number. The second cooler had 138 oysters total, 12 of which were small, and I returned these to Loagy Bay. I used the same measuring judgment with any oysters with edges that could have been broken by the icing process and counted them as legal. I made sure I showed these to Shawn so he would note that I was being fair. I added the two batches together: 420 oysters total, 67 of which were smaller than 3 inches – a 16% seed count. Furthermore, in addition to him not having put the CCB number on his tags, he grossly misrepresented how many oysters were in his coolers: 100 in each was written, as opposed to actual counts of 282 and 138.

Shawn was angry and yelled at me a couple of times about being checked like this during vibrio season after his oysters were on ice. He also yelled, "I know you are trying to "Kubiak" me!" However, he was mostly respectful and kept his distance while I did my work. At the end, I informed him that I would be writing him a ticket, but I would let him keep his legal catch.

Shawn had already been given a written warning (3-12-18) and had oysters confiscated (4-1-18) for **possession of seed over the 5% limit**. He has also received two written warnings about **tagging** his oysters correctly (3-12-18 and 6-18-18). (See attached list.) Therefore, WSD sees the infractions on 7-23-18 as two separate ones – one for each of the regulations cited here – making these offenses number two and three for Shawn. We will skip over the second ticket fine and simply issue him a fine for his third offense = \$300.

On the advice of Lt. Kevin Clayton of MEP, we had copied pages from Shawn's vibrio logbook after his June 18 tagging infraction. When we compared his daily entries to our patrol reports, we found he put CCB11 for all of his entries except one where he put CCB 13, Chipman's Cove, which is closed. We think this was a simple mistake since we never saw him fish there. However, there were at least five incidences when we observed him in CCB14 in our Daily





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Patrol Report, yet his logbook said CCB11. These errors mean those oysters will not be accurately traced back to a particular area, which can create a serious threat to public health and safety. It is clear he needs to be educated about the different CCB numbers for different areas in Wellfleet. When we give him his ticket, we will include a map of the Designated Shellfish Growing Areas in Wellfleet Harbor (see attached) as well as (for the second time) a copy of the state shellfishing affidavit he signed, which is very specific about rules for tagging shellfish.

*[Signature]*  
Signature of Enforcing Officer

7/26/18  
Date

nac

## HARVESTER TAG

NAME: ARSENAL  
HARVESTER PERMIT #: 166623  
HARVEST DATE: 7/27/18 TIME: 2:10  
TIME OF ICING: 4:10  
HARVEST AREA: CCB 14  
TYPE OF SHELLFISH: OYS  
QUANTITY OF SHELLFISH: 100

THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.

Bailey

Allen

T58

Phone (508) 349-0325



Fax (508) 349-0305

## Shawn Arsenault Infractions 2018

March 12, 2018

1) 4.14. Possession of Seed Restricted

1) 6.2.2. Harvest Must Be Tagged

National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2015 Revision, Chapter VIII. Control of Shellfish Harvesting, @.02 Shellstock Time to Temperature Controls.

Catch confiscated. Written warning issued #4459.

March 18, 2018

4.8. No Shellfishing Below 28 Degrees Fahrenheit

\$50 ticket issued #4460. License suspension for three days.

April 1, 2018

2) 4.14. Possession of Seed Restricted

Oysters confiscated = ~\$200+ in lost income.

June 18, 2018

4.12. Inspection on Demand and MGL CH. 130 Section 13: Display of fish upon demand; violations

2) 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

Written warning issued #4464.

July 23, 2018

3) 4.14. Possession of Seed Restricted

3) 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

\$300 ticket issued for second and third violations of Wellfleet Shellfishing Policy and Regulations #4468.



4468

TOWN OF WELFLEET NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION

(Date of this notice) 7-20 2017

To: (Name of Offender)

(Address of Offender)

(City, State, Zip Code)

YOU HAVE BEEN OBSERVED VIOLATING

(specific bylaw or regulation)

By (act constituting violation)

at (A.M.) (P.M.) on 7-20 2017  
(time and date of violation)

at (place of violation)

(Signature of Enforcing Person)

I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:

(Signature of offender)

☒ Unable to obtain signature of offender.

THE FINE FOR THIS OFFENSE IS \$ 300.00  
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no  
resulting criminal record.

(1) You may choose to pay the above fine, either by  
appearing in person or through a duly authorized agent, or by  
mailing a check, money order or postal note WITHIN 21 DAYS  
OF THE DATE OF THIS NOTICE to:

Town Clerk  
300 Main Street  
Wellfleet, MA 02667

(2) If you desire to contest this matter, you may do so  
by making a written request for a noncriminal hearing, and  
enclosing a copy of this citation, WITHIN 21 DAYS OF THE  
DATE OF THIS NOTICE to:

Clerk-Magistrate  
Orleans District Court  
237 Rock Harbor Road  
Orleans, MA 02653

Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a  
hearing within 21 days, or if you fail to appear for the hearing or  
to pay any fine determined at the hearing to be due, a criminal  
complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense  
charged, and enclose payment in the amount of \$

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Shawn Arsenault  
Address unknown, therefore hand delivered

July 26, 2018

Re: Wellfleet Shellfishing Policy and Regulations 4.14. Possession of Seed Restricted and MGL Chapter 130 Section 69: Seed quahaugs, clams or oysters; taking or possession; AND Wellfleet Shellfishing Policy and Regulations 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

Dear Shawn:

On Monday, July 23, I found you in violation of the above stated town and state regulations.

When I inspected your catch in your second cooler, I noticed three small oysters. I conducted a thorough seed check of your entire catch in both of your coolers, making sure to work in small batches and put legal oysters immediately back into your cooler with ice so as not to time/temperature abuse them.

As we discussed then, oysters are growing quickly right now, and many have white feathery edges. You were concerned that when you had put them in ice, some of these edges could have broken off making them seem small when they had not been. I agreed with you. As I was measuring, any oyster that went through the ring, but looked like it could have had a growth edge broken off by the ice, I put into a separate pile. I showed these to you so you could note that I was being fair. I counted these as legal oysters and put them back into your cooler. However, when I added the catches from your two coolers together, there were 420 oysters total, 67 of which were smaller than 3 inches, which is a 16 percent seed violation.

**This is your third seed violation in 2018.** The first was on March 12 for 21 percent seed in your catch. The department confiscated your catch and issued you a written warning, #4459. The second was on April 1, when your catch was confiscated and found to contain 17.6 percent seed. The department elected to allow the confiscation to close out that incident due to the loss of income it represented to you. On Monday, your third seed violation, I did not confiscate your catch; I allowed you to keep your legal oysters to sell.

~continued on next page~

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

Phone (508) 349-0325

Fax (508) 349-0305



In addition, you continue to violate tagging regulations despite recently having been issued a written warning and having been given a copy of the state Shellfish Harvesting, Handling, and Transport Affidavit you signed, which details tagging requirements.

On Monday, you were again missing the correct CCB on your tags, and again, incorrectly listed the amount of oysters in your possession (you had 420, more than double the 200 you indicated on your tags). Not putting the correct Designated Shellfish Growing Area (CCB11, 12, 13 or 14) on your tags means those oysters will not be accurately traced back to a particular area, which can create a serious threat to public health and safety.

**This is also your third infraction of town and state tagging regulations in 2018.** Your first violation was on March 12, when you were issued a written warning, #4459. The second was on June 18, and another written warning was issued, #4464.

Therefore, your two infractions on Monday, July 23, constitute your second and third offenses of Wellfleet Shellfishing Policy and Regulations. You have already received (and paid) a \$50 ticket, #4460, for violating Section 4.8. No Shellfishing Below 28 Degrees Fahrenheit. You accepted a license suspension for three days for that first offense.

Instead of issuing you a ticket for your seed infraction (second offense fine = \$150) and another for your tagging violation (third offense fine = \$300), we have issued you one ticket (#4468) for both your second and third offenses, but with only the \$300 fine for the third offense. A copy of the ticket has been deposited with the Wellfleet Police Department and the Town Clerk.

Enclosed you will find a map with the different CCB areas of Wellfleet Harbor identified, so you can reference it when you are harvesting and can accurately record your tags from now on. I am also including again a copy of the affidavit you signed to receive your state commercial fishing permit, which details exactly what information needs to go on your tags.

Continued infractions of the Town's Shellfishing Policy and Regulations could result in a suspension of your commercial permit. If you commit a fourth offense within five years from March 12, 2018, I will bring you in front of the Selectboard to decide on an automatic permit suspension per our regulations Section 11.5 Penalty Fees. The actions this department takes are to protect the Town's valuable shellfish resources and ensure a healthy and sustainable shellfishery for the future. I am available to discuss this with you should you desire. Please provide me with your current home address.

Sincerely,



Nancy Civetta

Shellfish Constable, Town of Wellfleet



Growing Area Code: CCB11

Area Name: WELLFLEET HARBOR

Area Town(s): Eastham, Wellfleet

Shellfish Area Classification



Approved



Conditionally Restricted



Conditionally Approved

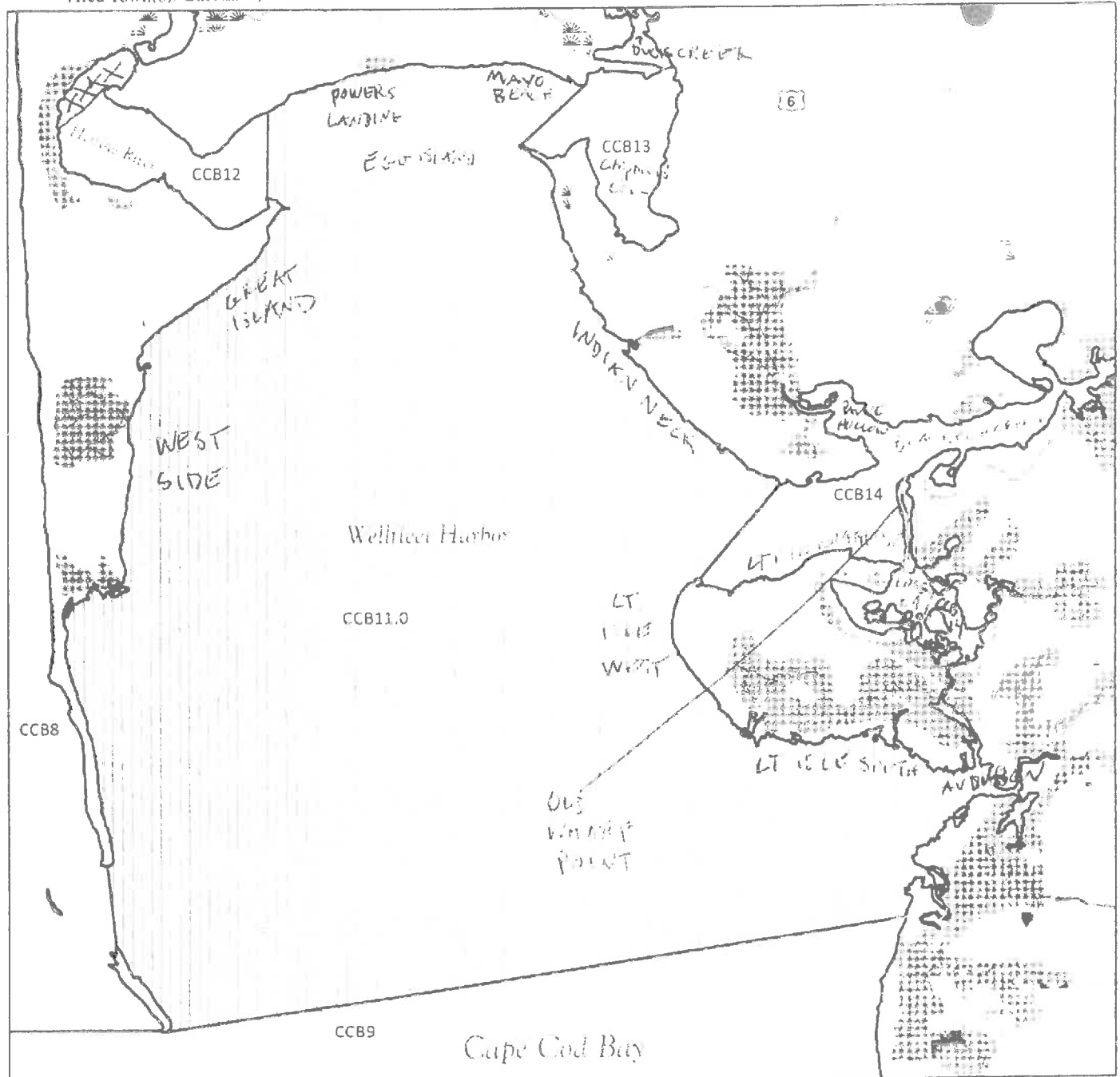


Prohibited



Restricted

Produced: 6/28/2013



Area of detail

This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

Marsh Wetland Saltmarsh Pond Lake Reservoir

Town Boundaries Stream Ditch Canal



Dec. 26, 2017 4:04PM TD BANK O'Learys MA No. 9831 P. 12  
Containers should be emptied only into a sewage disposal system and cleaned. The overboard discharge of human waste is prohibited in Massachusetts.

REC'D DEC 26 2017

Dogs, cats and other animals are not allowed on harvest vessels.

All containers of shellfish must be individually tagged. The tag shall contain the full name of the harvester, DMF Commercial Shellfish Permit ID number, date and time of harvest (time of exposure of first shellfish harvested), the type and quantity of shellstock, the initials MA, the shellfish area name and number, and if applicable the aquaculture site number. The following statement shall be written in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS" (322 CMR 16.03).

**TRANSPORT:** All species of shellfish, regardless of the time of year, should be transported to a permitted wholesale dealer as soon as possible to be placed under refrigeration. Shellfish may also be sold to a wholesale dealer at the landing site. Shellfish bound for market may not be stored at any unpermitted facility prior to delivery to a permitted wholesale dealer.

The NSSP and DPH have maximum timelines for delivery of shellfish to a permitted wholesale dealer by the harvester after harvest or exposure. Shellfish must be delivered to the dealer on the same day of harvest. In May, June, July, August, September and October shellfish must be delivered to the dealer on the same day of harvest in less than 18 hours from time of harvest or exposure.

Only Surf Clams and Ocean Quahogs intended for thermal processing are exempt from these standards.

Additional requirements apply to oysters during the V.p. control season (322 CMR 16.05).

#### ADDITIONAL INFORMATION

Harvesters who do not submit federal vessel trip reports must report shellfish landings to DMF on a trip-level basis.

To obtain additional information referenced in this document visit: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).

Harvesters shall be familiar with DMF's Shellfish Harvest and Handling Regulations at 322 CMR 16.00.

You may also contact: Division of Marine Fisheries, 706 South Rodney French Boulevard, New Bedford, MA 02744 Tel. (508) 990-2860.

#### SIGNATURE REQUIRED FOR PERMIT RENEWAL OR INITIAL ISSUANCE\*

To obtain a permit or renew a permit, it is an NSSP requirement that each harvester acknowledge that they have read and understand the information provided in this document. After reading, please sign below and return the entire document with your permit application. It is advised that you retain a copy of this document for your files. The contents of this affidavit will be adopted as conditions to your 2018 commercial shellfish permit; a Statement of Permit Conditions will be published in the legal notice section of DMF's website.

Full Name (print)

SHAWN EVAN ARSENAULT

Permit 166623

Address

100 AVERY AVE WELFLEET MA

Signature

Shawn Evan Arsenault

Date

12/21/17



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officer: Constable Nancy Civetta

Date of Offense: 6/18/18

Date of Report: 6/18-21/18

Ticket Numbers: 4464 written warning

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### *Offender Information*

Name of Offender: Shawn Arsenault

Address of Offender: ?? Wellfleet Ma 02667

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### *Offense Information*

Specific Bylaw and/or Regulations: **4.12. Inspection on Demand and MGL CH. 130 Section 13: Display of fish upon demand; violations; 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.**

Act(s) Constituting Violation: On June 18, 2018 at approximately 9:19 a.m., I received a call from a grant holder at Old Wharf Point saying that commercial fisherman Shawn Arsenault was fishing at Old Wharf Point on bottom that had been exposed since 7:30 a.m. He also said that there was no way that there were 3" oysters in that area, and I should conduct a seed check. I had taken photos of the area at 8:47 and 8:48 a.m., which showed the area very exposed, meaning that the tide had receded previously. Shawn's red Ford Ranger truck is not visible at the landing in my photos, so he had not arrived by 8:48. I arrived at Old Wharf Rd. at approximately 9:45 a.m. and walked over to Shawn. His tote was empty, and he was fishing near the water's edge. Low tide was at 10:11 a.m. today and it was a minus 1.3 (-1.3). It was sunny and windy.

I asked if I could look at his catch in his truck, and he accompanied me there. While we were walking to his truck at the landing, he handed me a tag. It was marked 8:45 exposure time and 10:45 ice time for CCB14. I climbed into the bed of his pickup truck and opened his cooler. I saw one bag, not tagged, which had approximately 200-250 oysters in it. I started searching through the bag, checking oysters for size. There were some small ones, but by and large they all seemed legal. He is allowed a 5% seed bycatch, and I inferred he would be below that. Then, I moved an American flag inside the cooler and noticed two other bags of oysters with what looked like about 100 oysters in each; neither was tagged. I asked him when he landed those, and if they were from yesterday. He said he was working off the same tag he showed me. I started to conduct a seed check on one of those bags as well.

Phone (508) 319-0325



Fax (508) 319-0305



## Wellfleet Shellfish Department



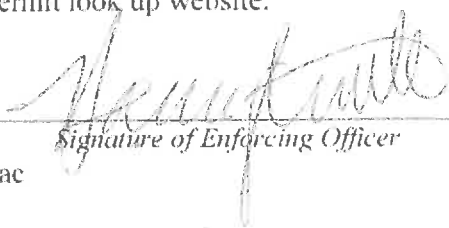
300 Main Street, Wellfleet, Massachusetts 02667

Then, he started shouting at me that I shouldn't be doing this during the tide; that I should wait until after because of exposure time. I said I check everyone the same. He kept yelling and said he wanted to finish the tide. I said, ok, I will wait for you. He headed back out to his tote, and I went to turn the truck around on the beach in front. He high tailed it back to his truck and sped off just as I hit the landing. I followed him out but he sped away fast. I called my colleague Deputy Constable Chris Manulla at 10 a.m. to let him know what happened and asked if he had any information from his patrol to share.

Chris said he had seen Shawn coming in from fishing on his boat, f/v Echo, this morning between 7:45 and 8:00. Perhaps the other two bags were from the boat. I don't know; however, that area would be CCB 11, another tagging violation. Chris also has a photo of the Old Wharf landing at 9:02 a.m., and Shawn's truck was not there yet. I decided to seek counsel from the EPOs given that he took off without letting me further explore his catch.

I spoke with Lt. Kevin Clayton, who said the main offense today was that Shawn left the landing when I had said I would wait to inspect his catch (the other two bags), thereby not allowing me to conduct the inspection (failure to display). He also has a tag violation because none of the bags were tagged when I inspected them, and the only tag he had was on his person for CCB14, not on the bags, which had already left the harvest site and were in his truck at the landing site. In addition, given my experience inspecting Shawn, I do not think he could have harvested 400-450 oysters in the maximum time of 45 minutes that he could have been harvesting at Old Wharf Point given our photos. Lt. Clayton advised me to provide Shawn with a written warning for these two infractions and to take photocopies of his vibrio logbook to document where he sold his catch today.

N.B. I was not able to find any commercial fishing permit for this vessel on the state commercial permit look up website.

  
\_\_\_\_\_  
Signature of Enforcing Officer

nac

6/18/18

Date

Phone (508) 349-0325



Fax (508) 349-0305



4464

TOWN OF WELFLEET NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION

(Date of this notice) \_\_\_\_\_ 20\_\_\_\_

To: \_\_\_\_\_  
(Name of Offender)

\_\_\_\_\_  
(Address of Offender)

\_\_\_\_\_  
(City, State, Zip Code)

YOU HAVE BEEN OBSERVED VIOLATING

\_\_\_\_\_  
(specific bylaw or regulation)

by \_\_\_\_\_  
(act constituting violation)

at \_\_\_\_\_ (A.M.) (P.M.) on \_\_\_\_\_ 20\_\_\_\_  
(time and date of violation)

at \_\_\_\_\_  
(place of violation)

\_\_\_\_\_  
(Signature of Enforcing Person)

I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:

\_\_\_\_\_  
(Signature of offender)

☐ Unable to obtain signature of offender.

THE FINE FOR THIS OFFENSE IS \$ \_\_\_\_\_  
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no  
resulting criminal record.

(1) You may choose to pay the above fine, either by  
appearing in person or through a duly authorized agent, or by  
mailing a check, money order or postal note WITHIN 21 DAYS  
OF THE DATE OF THIS NOTICE to:

Town Clerk  
300 Main Street  
Wellfleet, MA 02667

(2) If you desire to contest this matter, you may do so  
by making a written request for a noncriminal hearing, and  
enclosing a copy of this citation, WITHIN 21 DAYS OF THE  
DATE OF THIS NOTICE to:

Clerk-Magistrate  
Orleans District Court  
237 Rock Harbor Road  
Orleans, MA 02653

Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a  
hearing within 21 days, or if you fail to appear for the hearing or  
to pay any fine determined at the hearing to be due, a criminal  
complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense  
charged, and enclose payment in the amount of \$ \_\_\_\_\_.

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature \_\_\_\_\_



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Shawn Arsenault  
Wellfleet, MA 02667

June 21, 2018

Re: Wellfleet Shellfishing Policy and Regulations 4.12. Inspection on Demand and MGL CH. 130 Section 13: Display of fish upon demand; violations; AND Wellfleet Shellfishing Policy and Regulations 6.2.2. Harvest Must Be Tagged and 322 CMR 16.03: Tagging of Shellfish (1) (a) 1. Tagging Requirement.

Dear Shawn:

On Monday, June 18, I found you in violation of the above stated regulations. When I was attempting to perform a thorough inspection of your catch, you began yelling at me telling me I should wait until after the tide, because you wanted to finish the tide. You kept yelling at me, so I conceded and said I would wait for you to finish fishing. I went to turn the truck around as you went back to your fish tote. I then saw you get your tote and turn back to go to your truck, not continue fishing like you had just said. I came to the landing just as you were pulling away.

This means that you failed to let me fully inspect your catch, a town and state violation. You did not have tags on your bags of shellfish at the landing site, also a violation, because these are supposed to be tagged before they leave the harvest site and are transported to the landing.

I have issued you a written warning, no fine (enclosed #4464), a copy of which has been deposited with the Wellfleet Police Department and the Town Clerk. In speaking with the Mass. Environmental Police about this, I was reminded of the affidavit you signed to receive your state commercial fishing permit. You will find a copy of that enclosed.

Please read and be familiar with Wellfleet's Shellfishing Policy and Regulations, which I have given to you by hand twice, and also Mass. state laws and regulations governing commercial shellfishing.

Continued infractions of the Town's Shellfishing Policy and Regulations could result in a suspension of your commercial permit. The actions this department takes are to protect the Town's valuable shellfish resources and ensure a healthy and sustainable shellfishery for the future.



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

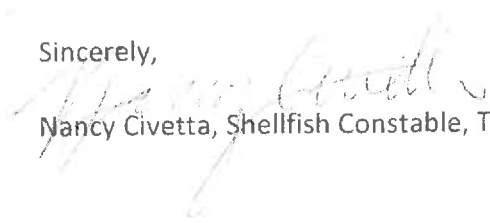
Phone (508) 349-0325



Fax (508) 349-0305

I am available to discuss this with you should you desire. Please provide me with your current home address.

Sincerely,



Nancy Civetta, Shellfish Constable, Town of Wellfleet



REC'D DEC 26 2017

Dogs, cats and other animals are not allowed on harvest vessels.

All containers of shellfish must be individually tagged. The tag shall contain the full name of the harvester, DMF Commercial Shellfish Permit ID number, date and time of harvest (time of exposure of first shellfish harvested), the type and quantity of shellstock, the initials MA, the shellfish area name and number, and if applicable the aquaculture site number. The following statement shall be written in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS" (322 CMR 16.03).

**TRANSPORT:** All species of shellfish, regardless of the time of year, should be transported to a permitted wholesale dealer as soon as possible to be placed under refrigeration. Shellfish may also be sold to a wholesale dealer at the landing site. Shellfish bound for market may not be stored at any unpermitted facility prior to delivery to a permitted wholesale dealer.

The NSSP and DPH have maximum timelines for delivery of shellfish to a permitted wholesale dealer by the harvester after harvest or exposure. Shellfish must be delivered to the dealer on the same day of harvest. In May, June, July, August, September and October shellfish must be delivered to the dealer on the same day of harvest in less than 18 hours from time of harvest or exposure.

Only Surf Clams and Ocean Quahogs intended for thermal processing are exempt from these standards.

Additional requirements apply to oysters during the V.p. control season (322 CMR 16.05).

#### ADDITIONAL INFORMATION

Harvesters who do not submit federal vessel trip reports must report shellfish landings to DMF on a trip-level basis.

To obtain additional information referenced in this document visit: [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).

Harvesters shall be familiar with DMF's Shellfish Harvest and Handling Regulations at 322 CMR 16.00.

You may also contact: Division of Marine Fisheries, 706 South Rodney French Boulevard, New Bedford, MA 02744 Tel. (508) 990-2860.

#### SIGNATURE REQUIRED FOR PERMIT RENEWAL OR INITIAL ISSUANCE\*

To obtain a permit or renew a permit, it is an NSSP requirement that each harvester acknowledge that they have read and understand the information provided in this document. After reading, please sign below and return the entire document with your permit application. It is advised that you retain a copy of this document for your files. The contents of this affidavit will be adopted as conditions to your 2018 commercial shellfish permit; a Statement of Permit Conditions will be published in the legal notice section of DMF's website.

Full Name (print) SHAWN EVAN ARSENAULT Permit 166623  
Address 100 AVERY AVE WELFLEET MA  
Signature Shawn Evan Arsenault Date 12/21/17



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officers: Nancy Civetta  
Date of Offense: 4/1/18 Date of Report 4/2-3/18  
Ticket Numbers: Confiscation

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### *Offender Information*

Name of Offender: Shawn Arsenault  
Address of Offender: 5 Salt Hay Lane? Wellfleet, MA 02667

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### *Offense Information*

#### Specific Bylaw and/or Regulations:

1) **4.14. Possession of Seed Restricted** No person who does not hold a state propagation permit or an aquaculture license shall have in his or her possession seed shellfish, defined as; quahogs less than one (1) inch wide (thickness of both valves across the hinge); soft-shell clams less than two (2) inches in length; oysters less than three (3) inches in height (except for aquaculture license holders under certain conditions as specified in Section 7.16 (Undersized Oysters, Quahogs and Surf Clams) or bay scallops without a well defined raised annual growth line. A violation of this regulation shall exist if the take contains more than 5% seed shellfish per batch (see Section 7.15 Shellfish Seed).

#### Description of incident(s):

On Sunday, April 1, 2018, I, Shellfish Constable Nancy Civetta was traveling on Pinewood Circle to meet my sister for a walk. As I passed Salt Hay Rd., I noticed Shawn Arsenault culling oysters on the back of his pick-up truck. I took a short video of him doing it. I then walked over to speak with him. I told him he knows that he shouldn't be doing that; I had recently issued him a written warning about it. He started yelling at me. I calmly told him that he has to cull oysters on-site before landing them. I knew he had been fishing in Chipman's Cove/CCB 13 on both Saturday and Sunday mornings from Asst. Constable John Mankevetch's catch report logs.

I surveyed his catch. He had eight bags of 100-count oysters and what looked like a solid bushel of large quahogs, some in a bag and others in a fish tote. He had a full bushel basket of oysters yet to be culled, some oysters in the back of his truck and another bushel basket of oysters about one-third full. (I have photos to document.) Shawn had been fishing in Chipman's Cove and Duck Creek (both CCB 13) for four of the past five tides (all low tide cycles since Friday morning except Sat. evening). This catch looked to be a product of those tides, some of which would then have missed the time-to-market allowance given in NSSP.

Phone (508) 349-0325



Fax (508) 349-0305



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

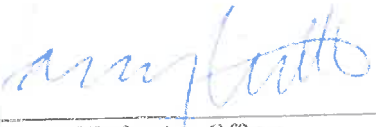
I looked at his tags. Each container had a separate tag, with old dates, many listing CCB 11. He tore them off after I looked at them and before I could photograph them. The fish tote with the eight bags of oysters had a tag dated 4-1-18 for CCB 13, which was correct for the morning tide, but may have exceeded the catch limit for Chipman's Cove.

I said: "When you take seed away from a tidal flat, you compromise the future of the fishery. Your daughter Kerriane just got her commercial shellfish permit; don't you want her to have something to harvest?" He yelled: "You know that I fish in the mud. You see me out there. I have to clean them up." I told him he has to clean them on the flats; otherwise the seed counts against his 5% limit. I said: "If you can't cull on the flats in the muddy areas, then go fish in areas that are sandy like the Herring River." I reiterated that I had just warned him about this and here he was doing it again. I said that it would be so much easier if he would just follow the rules.

I confiscated the oysters that had not been culled and let him keep the quahogs and the eight 100-count bags ready for market. I said I would let him know what I decided to do. Later that day, on the pier, around 5:30, I gave him his baskets back after having transferred the confiscated oysters to WSD baskets. I observed him fishing in Duck Creek that evening. Our regulations allow him to harvest another bushel from a different area in the same day as long as his total catch for the day doesn't exceed five bushels. On Monday morning, April 2, I observed him fishing in Chipman's Cove again.

On Monday afternoon, I separated the confiscated catch into legal oysters and oysters with seed, but I realized I needed the input of a colleague, so I took pictures of the divided oysters and decided to wait until Asst. Constable John Mankevetch returned on Tuesday to quantify the amount of seed. We found 17.6 percent seed in his catch. *See attached size compliance report.*

It is the opinion of WSD staff that Shawn was not going to put small shellfish on the market. He was culling oysters so as to bring only legal product to market. Therefore, WSD elects to allow this confiscation to close out this incident. The oysters would have been worth at least \$200, representing a significant loss of income to the offending individual.

  
\_\_\_\_\_  
Signature of Enforcing Officer

Nancy Civetta

Wellfleet Shellfish Constable

4-3-18  
\_\_\_\_\_  
Date

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## SHELLFISH SIZE COMPLIANCE REPORT

Date: April 1, 2018

Name: Shawn Arsenault

Species: oysters

\*Total Count (A): 693

\*Seed Count (B): 122

\*Seed Allowed 5%: 34

\*Seed Percentage Found ( $B \div A$ ): 17.6 percent

Notes: SEE 4-3-18 INCIDENT REPORT

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

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officer: Constable Nancy Civetta and Deputy Chris Manulla  
Date of Offense: 3-18-18      Date of Report: 3-18-18

Ticket Numbers: 4460

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### *Offender Information*

Name of Offender: Shawn Arsenault

Address of Offender: 100 Avery Ave Wellfleet Ma 02667

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### *Offense Information*

Specific Bylaw and/or Regulations: **4.8. No Shellfishing Below 28 Degrees Fahrenheit**

Act(s) Constituting Violation: On March 18, 2018 at approximately 7 am I Deputy Constable Chris Manulla witnessed a person fishing in Loagy Bay from Old Wharf rd. At approximately 7:05 I arrived in the area of Loagy bay off of Compass hill rd and identified the fisherman as Shawn Arsenault. I filmed Shawn picking up what I believed were oysters and took one picture of him as well. I gave Constable Nancy Civetta a call at 7:07 am and explained the situation. I took a screen shot of the temperature at 7:13 it was 21 degrees Fahrenheit. Nancy joined me at 7:30 and at 7:40 we both observed Shawn fishing in Loagy Bay. At 7:43 am Constable Civetta and I approached Shawn Arsenault dragging a black tote that contained oysters. There is video and pictures of the oysters in tote. Constable Civetta told Shawn she was going to issue a ticket for a \$50 fine given that we issued him a written warning earlier this week on March 12. She also explained to Shawn that she was giving him a license suspension of three days invoking section 11.8 and that he could immediately accept this suspension for three days (starting following day) or he could appeal to the Board of Selectmen. We are planning on calling Shawn to come to our offices and ask if he would like to agree in writing to this three-day suspension or if he will appeal it to the Board of Selectmen as per regulation 11.6. We returned the oysters to Loagy Bay. I took another screen shot of the temperature at 8:03, and it was 22 degrees Fahrenheit. (\*Screen shots are of weather underground Mayo Beach station.)

I would like to add to this report that Asst. Constable John Mankevetch put the ball up at the pier at 7:25 pm on Saturday, March 17. At 7:30 pm Saturday 3-17-18, Nancy Posted on our Facebook site "The temperature is plummeting and it looks like it will stay below 28 degrees through the morning tide the ball is up at the pier please check there or here to see when we open"

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

The buoy was up upon arrival to work this morning. At approximately 6:24 am this morning I added a Facebook post to read "Good Morning. It's below 28 degrees. The Harbor is closed to shellfishing. (Due to past storm the Marina temp. gauge was not reset we are Temporally using the mayo beach thermometer to determine temperature. Here is the link. <https://www.wunderground.com/weat.../ma/wellfleet/KMAWELLF28>" and the phone answering system message explaining that the harbor was closed.

All shellfishermen (commercial and recreational, grant holders and employees) have been informed on multiple occasions during the winter of 2017-2018 via the Town Shellfish Crier email alert, via text messages and on our answering machine to always refer to the ball at the pier and our Facebook page for the most up-to-date information about harbor openings and closings. Copies of these communications are available upon request.

  
\_\_\_\_\_  
*Signature of Enforcing Officer*  
cjm

  
\_\_\_\_\_  
3/18/18  
*Date*





**TOWN OF WELFLEET NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION**

(Date of this notice) 20

To: \_\_\_\_\_  
(Name of Offender)

\_\_\_\_\_  
(Address of Offender)

\_\_\_\_\_  
(City, State, Zip Code)

**YOU HAVE BEEN OBSERVED VIOLATING**

\_\_\_\_\_  
(specific bylaw or regulation)

by \_\_\_\_\_  
(act constituting violation)

at \_\_\_\_\_ (A.M.) (P.M.) on 20  
(time and date of violation)

at \_\_\_\_\_  
(place of violation)

\_\_\_\_\_  
(Signature of Enforcing Person)

**I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:**

\_\_\_\_\_  
(Signature of offender)

☐ Unable to obtain signature of offender.

THE FINE FOR THIS OFFENSE IS \$ \_\_\_\_\_  
YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER.

Either option (1) or option (2) will operate as a final disposition, with no  
resulting criminal record

(1) You may choose to pay the above fine, either by  
appearing in person or through a duly authorized agent, or by  
mailing a check, money order or postal note **WITHIN 21 DAYS**  
OF THE DATE OF THIS NOTICE to:

Town Clerk  
300 Main Street  
Wellfleet, MA 02667

(2) If you desire to contest this matter, you may do so  
by making a written request for a noncriminal hearing, and  
enclosing a copy of this citation, **WITHIN 21 DAYS OF THE**  
**DATE OF THIS NOTICE** to:

Clerk-Magistrate  
Orleans District Court  
237 Rock Harbor Road  
Orleans, MA 02653

Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a  
hearing within 21 days, or if you fail to appear for the hearing or  
to pay any fine determined at the hearing to be due, a criminal  
complaint may be issued against you.

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense  
charged, and enclose payment in the amount of \$ \_\_\_\_\_

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature \_\_\_\_\_



SPA 1-2018

**Town of Wellfleet Notice of Violation of Town  
Shellfishing Regulation: Permit Suspension Notice**

(Date of this notice) 3-18-2018

Offender's Name and Address  
SHAWN ARSENAULT  
100 AVERY RD.  
WELFLEET, MA 02667

You have been observed violating:  
WELFLEET REG 4.8 NO SHELLFISHING  
By: CHRIS MANULLA UNDER  
NANTUCKETIA 25 DEC 2018  
At 7:40 (A.M.) (P.M.) On 3-18-2018

[Signature]  
(Enforcing Officer's Signature)

**I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING NOTICE:**

[Signature]  
(Signature of Offender)

You have the following alternatives in this matter:

1. Accept an immediate suspension of your permit for the  
minimum length of time associated with the offense (1<sup>st</sup>  
offense = 3 days, 2<sup>nd</sup> offense = 14 days, 3<sup>rd</sup> offense = 60  
days) to begin the next calendar day. In this case, the  
offender must surrender his/her permit. Acceptance or  
rejection of this option will in no way affect the disposition  
of any additional fines. This option is available only at the  
discretion of the citing officer (Indicated by Officer's  
initials TIC): OR

2. A public hearing before the Board of Selectmen will be  
held to consider suspension of your permit (1<sup>st</sup> offense = 3-  
14 days, 2<sup>nd</sup> offense = 14-60 days, 3<sup>rd</sup> offense = at least 60  
days), with a beginning date (if any) to be determined by  
the Board of Selectmen.

☒ I HEREBY ELECT THE FIRST OPTION above  
if offered, and accept a permit suspension of: 3  
days to begin on  
3-19-2018

\_\_\_\_\_  
(Signature of Offender)

Rejection of the first option shall result in a  
public hearing as described in the second  
option above.





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## INCIDENT REPORT

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### *Officer Information*

Enforcing Officers: Nancy Civetta and Chris Manulla

Date of Offense: 3/12/18 Date of Report 3/12/18

Ticket Numbers: Confiscation #4459

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### *Offender Information*

Name of Offender: Shawn Arsenault

Address of Offender: 100 Avery Ave. Wellfleet. MA 02667

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### *Offense Information*

Specific Bylaw and/or Regulations:

1) **4.14. Possession of Seed Restricted** No person who does not hold a state propagation permit or an aquaculture license shall have in his or her possession seed shellfish, defined as: quahogs less than one (1) inch wide (thickness of both valves across the hinge); soft-shell clams less than two (2) inches in length; oysters less than three (3) inches in height (except for aquaculture license holders under certain conditions as specified in Section 7.16 (Undersized Oysters, Quahogs and Surf Clams) or bay scallops without a well defined raised annual growth line. A violation of this regulation shall exist if the take contains more than 5% seed shellfish per batch (see Section 7.15 Shellfish Seed).

2) **6.2.2. Harvest Must Be Tagged** At the time of harvest, any commercial permit holder who has shellfish of any kind for sale, trade or other consideration, must legibly mark all containers of shellfish using legal tags.

3) **National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2015 Revision, Chapter VIII. Control of Shellfish Harvesting, @.02 Shellstock Time to Temperature Controls.**

Action Level: 1, Average Monthly Maximum Air Temperature: Level 1 <50 °F (10 °C).

Maximum Hours from Exposure to Receipt at a Dealer's Facility: 36 hours

Description of incident(s):

On March 12, 2018, I, Shellfish Constable Nancy Civetta received a text at 7:51 am that someone was culling yesterday's oysters on the pier. I called Deputy Chris Manulla for back up. At approximately 8:05, I pulled into our office and noticed Shawn Arsenault doing what looked like culling oysters on the back of his pick-up truck. I walked over and verified that he was in fact culling oysters. I told him he could not do that, I told him you have to cull oysters on-site before landing them. He started yelling at me "I can't believe you're bothering me with this shit







## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

now. I can't believe you are bothering me after my first boat trip." I said: "Once you land oysters, any seed counts against you." I asked where his tags were, and he said on the basket. The tag on the basket was dated 3/10/18 for CCB 11. There were no oysters in the basket, but there were three bags sitting in the back of his truck, two purple, one orange, tied up as if ready for market. He continued to yell at me while throwing the pile of oysters he had been culling on his tailgate back into the bed of the truck, shutting the tailgate, and getting in his truck. He then sped off. At around 8:10, Deputy Manulla arrived, and I explained what had occurred. We then drove off to search for Shawn and the product in his truck. We first drove by his house at 100 Avery Ave. He was not there. Our next stop was at the front of Pleasant Point landing where we found him culling his catch. I said to Shawn that we needed to inspect his catch. Shawn got verbally aggressive again, repeating that he couldn't believe I was doing this after his first boat trip. Deputy Manulla asked him to tone it down. I decided to take his catch and bring to office to inspect. I told him we were going to inspect his catch at our office, and he was welcome to join us. He said he had to be in court. Once en route, we decided to count and measure the oysters at the DPW, so as to be out of the busy pier area.

We counted all catch. We took pictures of each bag and container and what we found. We found 21 percent seed in his catch. *See attached size compliance report.* This is in violation of Wellfleet regulation: **4.14. Possession of Seed Restricted**

Other findings: We found two tags on Shawn's catch. One was on orange basket that was empty of oysters dated 3-10-18 for CCB11, and the other was on a fish tote dated 3-11-18 for CCB11. Deputy Manulla had been on both Saturday (3-10-18) and Sunday (3-11-18) and documented Shawn in our Daily Patrol Reports (*see both attached*) as fishing on Lt. Island/Audubon area on Saturday and in both Duck Creek and Chipman's Cove on Sunday. At approximately 5 p.m. on Sunday, Deputy Manulla noticed that Shawn's boat was not tied up at dock. He went to Burton Baker Beach to look for where Shawn might have been fishing in the harbor, but did not see him. Shawn's tags listing CCB11 means the harbor and could have been for Lt. Island/Audubon or dragging oysters. However, his catch looked like there were only a mere dozen that were dragged. The rest looked like Duck Creek and Chipman's Cove oysters. In addition, they were still muddy, not rinsed as if they were hauled up through the water by a dredge. Shawn should have marked his 3/11/18 product with three different tags: one for CCB11 for dredged harbor product, one for CCB13-Duck Creek and one for CCB13-Chipman's Cove. Furthermore, both tags indicated 100 oysters. A total of 601 oysters, including seed, were counted. He has violated Wellfleet regulation: **6.2.2. Harvest Must Be Tagged**

According to the National Shellfish Sanitation Program, during times of the year when the temperature doesn't exceed 50 degrees (such as we are in currently), harvesters have 36 hours to bring product to market. Oysters harvested on Saturday, March 10 violated this time constraint. However, given the improper tagging, we had no way of knowing which oysters were harvested on which day. At the very least, some of the oysters violated **NSSP Guide for the Control of**

Phone (508) 349-0325



Fax (508) 349-0305



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## Molluscan Shellfish: 2015 Revision, Chapter VIII. Control of Shellfish Harvesting, @.02 Shellstock Time to Temperature Controls.

Given these results, I decided to confiscate his catch and issue a written warning for the above violations.

Signature of Enforcing Officer  
Nancy Civetta  
Wellfleet Shellfish Constable

3.12.18

Date

Chris Manulla  
C.M. 3-12-18





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## SHELLFISH SIZE COMPLIANCE REPORT

Date: March 12, 2018

Name: Shawn Arsenault

Species: oysters

\*Total Count (A): 601

\*Seed Count (B): 126

\*Seed Allowed 5%: 30

\*Seed Percentage Found ( $B \div A$ ): 21 percent

Notes: SEE 3-12-18 INCIDENT REPORT

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*Chris Mueller* 3-12-18

*Chris Mueller* 3-12-18

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

Phone (508) 349-0325



Fax (508) 349-0305



Date: 3/10/2018 Tide time/height: Weather:

Name	area	exposure time	start time	ice time	Q amount	O amount	Other activities	C/R	R Type-#
sean arsenalut	au					0.75			
russ murphy jr	au					0.5			
jackie bassette	au					0.5			
eben kenny	cc					0.75			
kenny joesph	cc					0.25			
tirm hughes	dc					0.75			
chris mulinski	dc					0.5			
andy jacob	lis					1			
mark coasta	llw					?			
						0			5

8-12-18

Reporting Officer(s) Signatures:



**Wellfleet Shellfish Department**  
Daily Patrol Report



Officers on Duty: chris

Date: 3/11/2018 Tide time/height: \_\_\_\_\_ Weather: sunny

Name	area	exposure time	start time	ice time	Q amount	O amount	Other activities	C/R	R Type-#
andy jacob	cc					1			
sean arsnalut	cc					0.25			
sean arsnalut	dc					0.5			
timmy hughes	dc					0.75			
timmy hughes	cc					0.25			
kenny joesph	cc					0.75			
chip benton	cc					0.75			
jimmy long	cc					0.75			
sebastian frawly	cc					0.5			
russ murphy	au					0.75			
					0	6.25			

*[Handwritten signature]*  
3-12-18

Reporting Officer(s) Signatures: \_\_\_\_\_



4439

**TOWN OF WELFLEET NOTICE OF VIOLATION  
OF TOWN BYLAW OR REGULATION**

(Date of this notice) \_\_\_\_\_ 20\_\_\_\_

To: \_\_\_\_\_  
(Name of Offender)

\_\_\_\_\_  
(Address of Offender)

\_\_\_\_\_  
(City, State, Zip Code)

**YOU HAVE BEEN OBSERVED VIOLATING**

\_\_\_\_\_  
(specific bylaw or regulation)

by \_\_\_\_\_  
(act constituting violation)

at \_\_\_\_\_ (A.M.) (P.M.) on \_\_\_\_\_ 20\_\_\_\_  
(time and date of violation)

at \_\_\_\_\_  
(place of violation)

\_\_\_\_\_  
(Signature of Enforcing Person)

**I HEREBY ACKNOWLEDGE RECEIPT OF THE  
FOREGOING CITATION:**

\_\_\_\_\_  
(Signature of offender)  
☐ Unable to obtain signature of offender.

THE FINE FOR THIS OFFENSE IS \$ \_\_\_\_\_

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:

Either option (1) or option (2) will operate as a final disposition, with no  
resulting criminal record

(1) You may choose to pay the above fine, either by  
appearing in person or through a duly authorized agent, or by  
mailing a check, money order or postal note WITHIN 21 DAYS  
OF THE DATE OF THIS NOTICE to:

Town Clerk  
300 Main Street  
Wellfleet, MA 02667

(2) If you desire to contest this matter, you may do so  
by making a written request for a noncriminal hearing, and  
enclosing a copy of this citation, WITHIN 21 DAYS OF THE  
DATE OF THIS NOTICE to:

Clerk-Magistrate  
Orleans District Court  
237 Rock Harbor Road  
Orleans, MA 02653

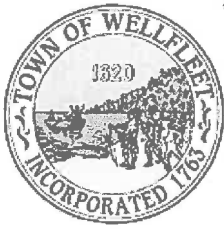
Attn: 21D Noncriminal Hearings

(3) If you fail to pay the above fine or to request a  
hearing within 21 days, or if you fail to appear for the hearing or  
to pay any fine determined at the hearing to be due, a criminal  
complaint may be issued against you

☐ I HEREBY ELECT THE FIRST OPTION above, confess the offense  
charged, and enclose payment in the amount of \$ \_\_\_\_\_

☐ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature \_\_\_\_\_



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

III

### APPOINTMENTS – Parking Task Force

<b>REQUESTED BY:</b>	Principal Clerk
<b>DESIRED ACTION:</b>	Appoint Ginny Parker Daniel Murray, C. Wilson Sullivan and Janet Reinhart to the Parking Task Force
<b>PROPOSED MOTION:</b>	I move to appoint Daniel Murry and C. Wilson Sullivan to the Parking Task Force for a 3-year term ending on June 30, 2021.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):   
<b>VOTED:</b>	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 it to:

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

☐ Name Ginny Parker Date 8/7/18

Mailing Address P. O. Box 38

South Wellfleet, MA 02663

Phone (Home) 508.214.0158 (cell) 508.237.5385

E-mail ginny@whisperingcowgirl.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: 25 plus year career in Investment Mangement and Finance spent in various senior capacities at Merrill Lynch and Cape Cod Bank and Trust  
Small Business Owner with in-depth experience in many facets of business including staff development, coaching, training and consulting  
54 years in Wellfleet with depth knowledge of the people and places both past and present

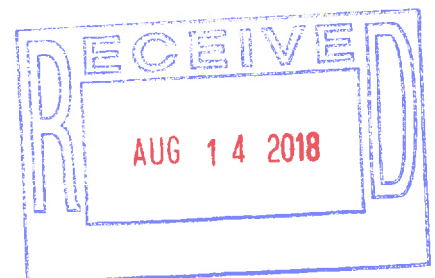
☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

Certified Gestalt Coach

Certified Intentional Creativity Teacher

Certified Spiritual Director

B.A. Human Sevices/Counseling Psychology





Former NASD Series 7, 6 & 63

Former Insurance licenses

- Committees/Boards of Interest: 1) Parking Task Force
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

#### **Town of Wellfleet Boards and Committees**

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
<b>Board of Water Commissioners</b>	3 year term
<b>Building and Needs Assessment</b>	3 year term
* Bylaw Committee	3 year term
<b>Cable Advisory Committee</b>	1 year term
Cape Cod Commission	3 year term
*Cape Cod Regional Technical High School	(ATM)
*Charter Review Committee	(ATM)
<b>Commission on Disabilities</b>	3 year term
<b>Community Preservation Committee</b>	3 year term
<b>Comprehensive Wastewater Management</b>	3 year term
<b>Conservation Commission</b>	3 year term
Council on Aging	3 year term
<b>Cultural Council</b>	3 year term
<b>Energy Committee</b>	3 year term
* <b>Finance Committee</b>	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Housing Authority	5 year term (ATM)
<b>Local Housing Partnership</b>	1 year term
Marina Advisory Committee	2 year term
Natural Resources Advisory Committee	3 year term
Open Space Committee	1 year term
<b>Personnel Board</b>	3 year term
<b>Planning Board</b>	5 year term



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

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

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

☐ Name Daniel Murray Date 8/15/18

Mailing Address Po Box 1703

Wellfleet MA 02667

Phone (Home) \_\_\_\_\_ (cell) 508-269-3569

E-mail wellfleeter@gmail.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: 29 years managing the Beachcomber, well versed in parking traffic issues in town.

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

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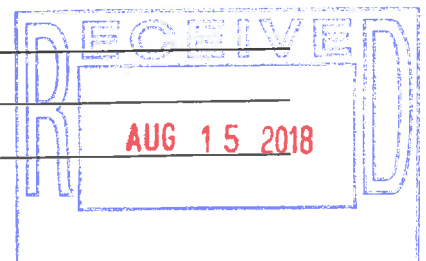
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☐ Committees/Boards of Interest:1) Parking Task Force

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 02667

☐ Name C Wilson Sullivan Date 8/17/18

Mailing Address PO Box 821  
Wellfleet 02667

Phone (Home) — (cell) 603 493 2410

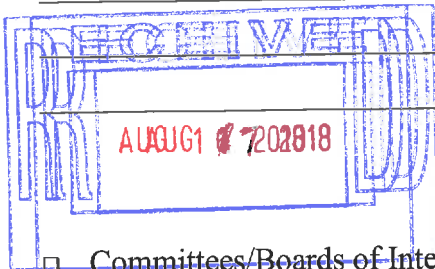
E-mail CWilsonSullivan@gmail.com

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: am an alternate member of

Zoning Bd of Appeals  
member of Advisory Board of COA

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

was an attorney prior to retirement



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

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

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



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

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

FILL OUT THE FORM BELOW and mail it to:

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

☐ Name Tanet Reinhart Date 8/23/18

Mailing Address PO Box 869

Phone (Home) 508-349-3591 (cell) \_\_\_\_\_

E-mail lifeexercises@comcast.net

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

Library Trustee  
Planning Board  
Selectboard

☐ 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 II  
2) \_\_\_\_\_  
3) \_\_\_\_\_





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

# IV

### USE OF TOWN PROPERTY – A. Wellfleet Community Garden

<b>REQUESTED BY:</b>	<b>Betsy Groban</b>
<b>DESIRED ACTION:</b>	<b>Approve the use of Town property at the Wellfleet Memorial Garden</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of town property by Betsy Groban on September 15<sup>th</sup>, 2018 from 4-6 pm, subject to the conditions, if any, as listed on the application at a fee of \$110.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):   
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant Betsy Groban Affiliation or Group \_\_\_\_\_  
Telephone Number 617/335-8040 Mailing Address 1462 Cambridge St.  
Email address betsy.groban@gmail.com  
Town Property to be used (include specific area) garden next to Wellfleet Cambridge  
Preservation Hall MA  
Date(s) and hours of use: Sept 15<sup>th</sup> 4pm - 6pm 02131

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.

wedding ceremony with approx 100 people, seated,  
with sound equipment. On street parking. Possibility  
of champagne, pending approval.

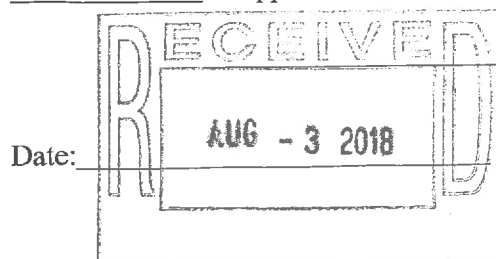
Describe any Town services requested (police details, DPW assistance, etc.)

n/a

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



Processing Fee: \$50.00 PAID (RBL)  
Fee: \$110.00

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

**Health/Conservation Agent:**

*[Signature]*

Comments/Conditions: MORE INFO NEEDED 8/17/18  
AS AREA IS FRAGILE, GRASS IS NOT  
FULLY ESTABLISHED AND WET IN SPOTS  
Permits/Inspections needed:

**Inspector of Buildings:**

Comments/Conditions:

Permits/Inspections needed:

**Police Department:**

*[Signature]*  
Comments/Conditions:

OK

8/15/18

**Fire Department:**

*[Signature]*  
Comments/Conditions:

**DPW:**

*[Signature]*

Comments/Conditions

OK

8/20/18

Not sure if this is  
Preservation Hall property or 325  
Main St. former Penny Patch now  
contemplative garden.

**Community Services Director:**

Comments/Conditions:

**Harbormaster:**

Comments/Conditions

**Shellfish:**

Comments/Conditions

**Recreation:**

Comments/Conditions

**Town Administrator:**

*[Signature]*  
Comments/Conditions

BLOS E - QUA

## Jeanne Maclauchlan

---

**From:** Hillary Lemos  
**Sent:** Wednesday, August 22, 2018 9:58 AM  
**To:** Betsy Groban  
**Cc:** Jeanne Maclauchlan  
**Subject:** RE: use of town

Any chance you would consider not bringing in the chairs and just using the provided seating in the park. The grass is so fragile because the plantings are all new and I still have concerns about placement chairs.

**From:** Betsy Groban <betsy.groban@gmail.com>  
**Sent:** Tuesday, August 21, 2018 12:04 PM  
**To:** Hillary Lemos <Hillary.Lemos@wellfleet-ma.gov>  
**Subject:** Re: use of town

Hillary,

We plan to use only a very small number of chairs for folks who are unable to stand for the 20-minute ceremony — around 10 chairs total. Guests will gather at Preservation Hall as they arrive, then will be asked to move to the garden for the ceremony, and move right back to Preservation Hall afterwards.

Does that sound good to you? Please let me know if you need more.

Betsy

On Aug 21, 2018, at 11:08 AM, Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)> wrote:

Hi Betsy:  
I remain concerned about the condition of the grass at the memorial park. It is quite damp and I am not too sure how you are going to avoid it. Is it possible to not bring in chairs but to utilize the existing bench seating?

**From:** Betsy Groban <betsy.groban@gmail.com>  
**Sent:** Friday, August 17, 2018 8:24 AM  
**To:** Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)>  
**Cc:** Jeanne Maclauchlan <[Jeanne.Maclauchlan@wellfleet-ma.gov](mailto:Jeanne.Maclauchlan@wellfleet-ma.gov)>; Alexis Accomando <[alexis@itstlt.com](mailto:alexis@itstlt.com)>; Justine Alten, Private Events Coordinator <[justine@wellfleetpreservationhall.org](mailto:justine@wellfleetpreservationhall.org)>  
**Subject:** Re: use of town

Sure! Our plan is to have our wedding guests walk over to the lovely memorial park for the brief and simple ceremony at 5:00 and then return to Preservation Hall for the reception and dinner. There will be approximately 95 guests and we will provide some seating, but not for all. We will be in Wellfleet a few days before the wedding and were planning to check on the condition of the grass to see which way we should position the ceremony (in other words, where the officiant and bride and groom should stand). That's our plan, but please let me know if you want to know more. Thank you.

On Aug 17, 2018, at 8:17 AM, Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)> wrote:



Hi Betsy:

I have a few questions for you. The grass in the circle at the memorial park is quite damp and still being established. How do you intend to use the park? Can you show me a layout of what you are proposing and more details about the event. The area abuts a fragile wetland and that is part of our concern.

Thank you,  
Hillary

**From:** Betsy Groban <[betsy.groban@gmail.com](mailto:betsy.groban@gmail.com)>  
**Sent:** Thursday, August 16, 2018 3:26 PM  
**To:** Jeanne Maclauchlan <[Jeanne.Maclauchlan@wellfleet-ma.gov](mailto:Jeanne.Maclauchlan@wellfleet-ma.gov)>  
**Cc:** Hillary Lemos <[Hillary.Lemos@wellfleet-ma.gov](mailto:Hillary.Lemos@wellfleet-ma.gov)>  
**Subject:** Re: use of town

That's fine. I'm also available by phone (number below).

---

**Betsy Groban**  
Cambridge, MA | 617.335.8040  
[linkedin.com/in/betsy-groban](https://www.linkedin.com/in/betsy-groban)

On Aug 16, 2018, at 3:21 PM, Jeanne Maclauchlan  
<[Jeanne.Maclauchlan@wellfleet-ma.gov](mailto:Jeanne.Maclauchlan@wellfleet-ma.gov)> wrote:

Betsy,  
Our Health and Conservation agent has some questions. I have ccd her  
so she will have your email address.  
Jeanne

**From:** Betsy Groban <[betsy.groban@gmail.com](mailto:betsy.groban@gmail.com)>  
**Sent:** Thursday, August 16, 2018 3:09 PM  
**To:** Jeanne Maclauchlan <[Jeanne.Maclauchlan@wellfleet-ma.gov](mailto:Jeanne.Maclauchlan@wellfleet-ma.gov)>  
**Subject:** Re: use of town

Thanks for clarifying. I've completed the form. Okay to send it by snail  
mail with a check?



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

# VI

### USE OF TOWN PROPERTY – B. Town Hall Lawn

<b>REQUESTED BY:</b>	<b>Rand Bukert</b>
<b>DESIRED ACTION:</b>	<b>Approve the use of Town property at the Town Hall lawn</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of town property by Rand Burkert on September 23<sup>rd</sup>, 2018 from 5-8 pm, subject to the conditions, if any, as listed on the application form.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

18-27

TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667

Applicant Rand Burkert

Affiliation or Group Friends of Town Hall Spruce Trees

Telephone Number 774-722-1708

Mailing Address ~~randburkert@gmail.com~~

Email address randburkert@gmail.com

Rand Burkert  
Box 858  
Es Orleans, MA, 02643

Town Property to be used (include specific area)

Lawn in front of Town Hall

Date(s) and hours of use: 5:00 PM - 8:00 PM, Sunday Sept. 23rd

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

We are local (and nearly local) musicians and poets who would  
like to organize an outdoor concert and bring-your-own picnic -  
with suggested but not obligatory donations - to raise funds for preservation  
of Town Hall Spruce trees. Equipment: our own sound system, used delicately!

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

We need no town services - only electric hookup to an extension  
cord, if possible, extending from Town Hall.

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.

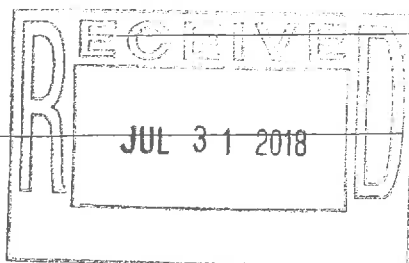
Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date:






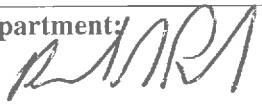
Processing Fee: \$50.00 paid

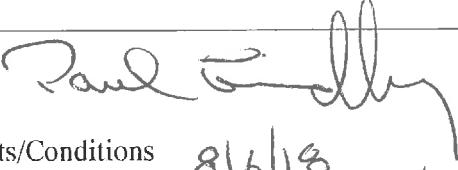
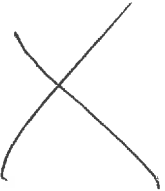
Fee: \_\_\_\_\_


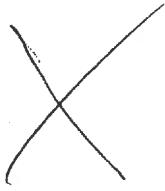
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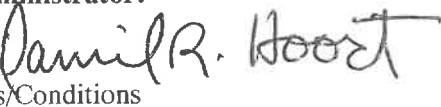
APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

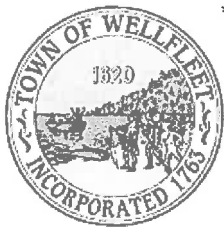
<b>Health/Conservation Agent:</b>  Comments/Conditions: NO PUBLIC SHARED FOOD - GUESTS TO BRING THEIR OWN Permits/Inspections needed: PICNIC	<b>Inspector of Buildings:</b>  Comments/Conditions:  ok Permits/Inspections needed: 08-06-18
---	--

<b>Police Department:</b>  Comments/Conditions: 8/2/18 OK	<b>Fire Department:</b>  Comments/Conditions: 8/14/18 OK
--	--

<b>DPW:</b>  Comments/Conditions 8/6/18 ok	<b>Community Services Director:</b>  Comments/Conditions: 
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<b>Harbormaster:</b>  Comments/Conditions 	<b>Shellfish:</b>  Comments/Conditions 
--	---

<b>Recreation:</b>  Comments/Conditions 	<b>Town Administrator:</b>  Comments/Conditions 500 100 JUL
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## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

V

### BUSINESS – A. Taxation Aid Committee Tax Insert Bill

<b>REQUESTED BY:</b>	<b>Taxation Aid Committee</b>
<b>DESIRED ACTION:</b>	<b>Approve Taxation Aid Committee's tax insert bill</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the Taxation Aid Committee 2018 tax insert bill.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## DO YOU NEED FINANCIAL HELP TO PAY YOUR WELFLEET PROPERTY TAXES?

If you do, the Wellfleet Taxation Aid Fund (TAF) can help! Now entering its sixth year of operation, the Fund makes awards to eligible Wellfleet resident homeowners who need financial assistance to pay their Wellfleet property taxes. You are eligible if:

- O You are over age 55, or
- O Are disabled without regard to age, and your income is less than:

\$40,000 for a single individual, or  
\$55,000 for a multiple person household.

A simple application is used to apply for an award. Assistance in completing the form is available at the Senior Center. Awards in 2017 averaged \$744, which was usually a significant percentage of the total tax bill, and awards will be higher in the 2018 award cycle.

**PLEASE NOTE: All information in the applications as well as the award amounts  
is held in the strictest of confidence, so your privacy is completely protected.**

The Fund is based totally on the very generous voluntary contributions from Wellfleet taxpayers; no public money is involved. The applications for the next award cycle will be due in late Spring 2019, and are available now at Town Hall, the Wellfleet Library, the Council on Aging, as well as on the Wellfleet website, [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov). The Taxation Aid Fund is here to help you, and the TAF Committee strongly encourages all eligible resident homeowners to apply.



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

V

### BUSINESS – B. Recycling Committee Tax Insert Bill

<b>REQUESTED BY:</b>	Recycling Committee
<b>DESIRED ACTION:</b>	Approve the Recycling Committee's Tax Insert Bill
<b>PROPOSED MOTION:</b>	I move to approve the Recycling Committee tax insert bill.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# Community Cutlery

choose to reuse

Make your next event a ZERO WASTE event

Borrow supplies from the Wellfleet Recycling Committee!

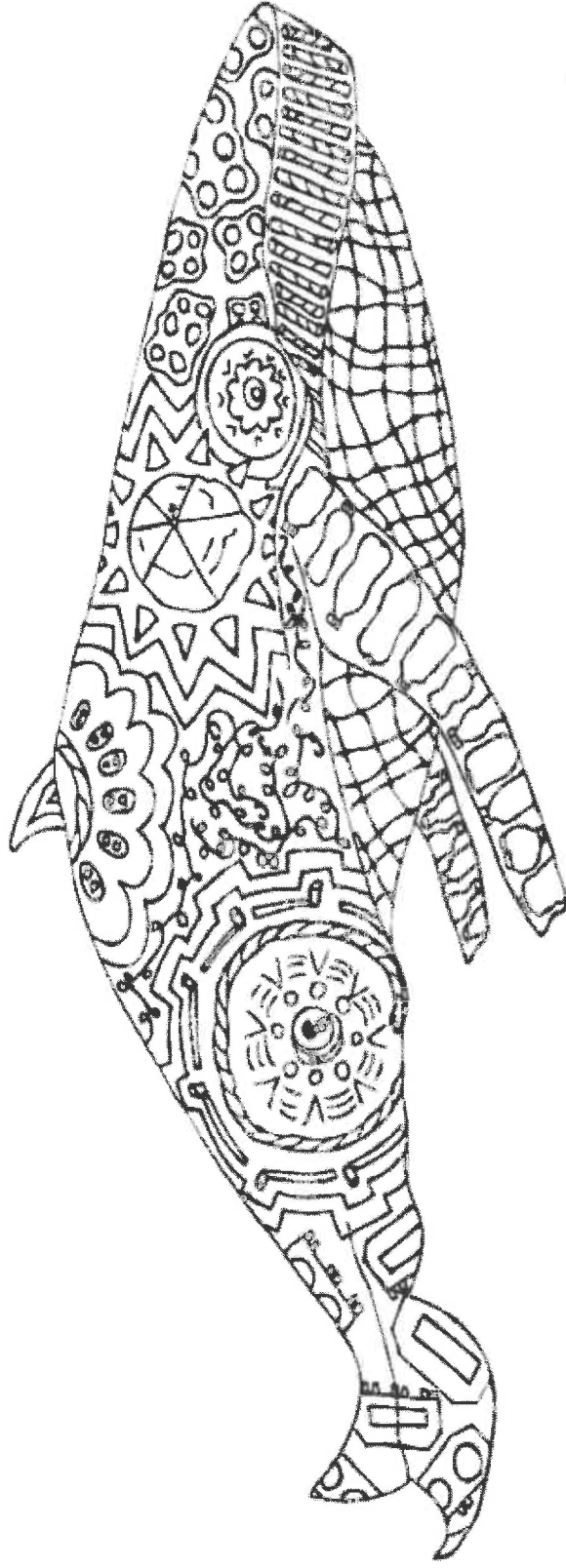
- stainless steel silverware for up to 400
- 5-gallon drink dispenser
- compost buckets
- event recycling bins

- beverage carafes
- ceramic plates
- wine glasses
- cloth napkins

For details please visit [wellfleetrecycles.org](http://wellfleetrecycles.org)







## **Plastic Pollution is a **WHALE** of a problem**

Artist: Maggie Gardner for the Wellfleet Recycling Committee/AmericCorps Cape Cod, All Rights Reserved



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

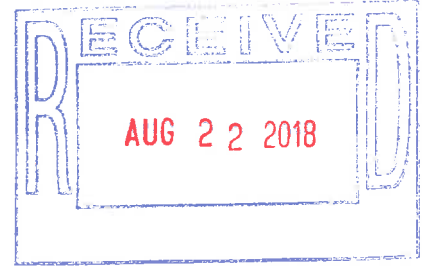
V

### BUSINESS – C. CWMPC and WMA update

<b>REQUESTED BY:</b>	TA
<b>DESIRED ACTION:</b>	Discussion of plans and directions for the CWMPC and WMA
<b>PROPOSED MOTION:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

8/17/2018

Town of Wellfleet CWMPC



To the Selectboard,

On behalf of the CWMPC and in anticipation of our joint meeting on the 28<sup>th</sup>, I am writing to you for clarification on your recent charge/approval for a Wastewater Management Authority (WMA).

Without going into the history of the CWMPC or reviewing the 208 Process, the committee is unclear on our current objectives now that the Selectboard has approved this charge.

The main issues that concern our committee are as follows:

- The charge of an additional WMA while the CWMPC is active is confusing and misleading to the regulatory bodies that oversee compliance with the 208 Process.
- Who/Which group is responsible to finish the Town's wastewater/water quality plan?
- The CWMPC/Town currently has a contract with a vendor to finalize the plan. Should the CWMPC continue or will the WMA take over this process?
- What is the future for the CWMPC?

As you can see from the above open-ended issues and questions, there is much to illuminate regarding your decision. We hope to have a constructive discussion on the 28<sup>th</sup>.

Yours,

A handwritten signature in black ink, appearing to read "Alex Hay".

Alex Hay, Chair

Wellfleet CWMPC

**Radu Luca**

---

**From:** Alex Hay <Alex@macsseafood.com>  
**Sent:** Friday, August 24, 2018 1:01 PM  
**To:** Radu Luca  
**Subject:** RE: WMA

In 2008 the Board of Selectmen appointed a Comprehensive Wastewater Planning Committee (CWPC) to help identify the most cost effective and environmentally sound solution for Wellfleet's wastewater needs and to meet pending MA DEP nitrogen discharge limits. In 2010, the Town was approved to receive a low interest loan, from the State Revolving Fund, to develop and implement a comprehensive wastewater management plan and at the Annual Town Meeting April 26, 2010 the voters approved an expenditure of \$500,000 for this purpose.

Regards,

-Alex

**ARTICLE 15:** To see if the Town will vote to appropriate a sum of money for the purpose of planning for comprehensive wastewater management and for the payment of all other incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½).

Board of Selectmen Recommends 5-0

Finance Committee Recommends 6-0-1

Board of Health Recommends 5-0

Wastewater Planning Committee Recommends 5-0

Planning Board Recommends 6-0

Shellfish Advisory does not Recommend 4-3

Local Comprehensive Plan Implementation Committee Recommends 5-0

NRAB Recommends 3-0

**2/3 voice vote attained to appropriate the sum of \$500,000 to pay costs of planning for comprehensive wastewater management and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21 C of the Massachusetts General Laws (Proposition 2 ½).**

ATM, APRIL 26,  
2010



Published on *Wellfleet MA* (<http://www.wellfleet-ma.gov>)

[Home](#) > [Departments](#) > Comprehensive Wastewater Management Planning Committee > Comprehensive Wastewater Management Planning Committee

# Comprehensive Wastewater Management Planning Committee

## Mission Statement

Comprehensive Wastewater Management Planning Committee

To provide a comprehensive strategy for addressing wastewater treatment and disposal issues for the next 40 years and for the foreseeable build out conditions in the Town of Wellfleet. The ultimate goal of this effort would be to assist the Board of Health, the Board of Water Commissioners, and the Board of Selectmen to ensure protection of the Town's natural resources and economic resources and provide a strategy for addressing wastewater needs, nutrient loading impacts and implementation solutions.

Tasks would include but not be limited to:

### Task 1: Prepare plan of Study

1. Review data and initiate the project
  - Review existing data and summarize the findings.
  - Meet with Town staff to present a framework for a plan of study.
2. Draft plan of study
3. Finalize the plan of study

### Task 2: Prepare Needs Assessment

1. Prepare Needs Assessment
  - Evaluate nitrogen loadings to the coastal waters to be coordinated with the State's efforts to develop nitrogen loading limits.
  - Evaluate the smaller properties and properties in low lying elevations for compliance with Title V.
  - Evaluate the land use practices surrounding public and private water supply wells that may endanger the water supplies.
  - Evaluate shellfish closure status and fecal coliform sources to the Town's marine and fresh waters.
  - Utilize and coordinate the groundwater modeling services offered by USGS and Barnstable County to evaluate contributing areas to the marine waters and water supply wells, and

evaluate effluent discharge scenarios.

- Evaluate existing and future populations through discussions with the Town Planner, evaluation of proposed redevelopment.
- Evaluate existing and future water and wastewater flows for the Town and wastewater problem areas using Title V flows, and water pumping and consumption data.
- Build upon the Town's GIS to develop a Comprehensive Wastewater Management database that can be utilized throughout the entire duration of the project.
- Coordinate with the Massachusetts Department of Environmental Protection, Cape Cod Commission, Barnstable County, and other regional entities to verify the regulatory constraints for Wellfleet.
  - State, Regional, and Federal regulations, codes, and policies that affect wastewater plans.
  - Funding opportunities to plan, design, and implement wastewater and nitrogen management solutions.

## 2. Provide public education and outreach throughout the project

- Summary brochures.
- Presentations to Board of Selectmen, Board of Health, Water Commissioners, and other Town Boards as needed.
- Information kiosks located at several public buildings in Town to summarize wastewater management and nitrogen management options and provide project updates and information

## 3. Evaluate and initiate funding opportunities through:

- State Revolving Fund (SRF) program.
- Community Development Funds.
- Water and Waste Disposal Grants and Loans through the United States Department of Agriculture Rural Development.
- Possible establishment of escrow accounts and Town consent agreements to accommodate projects and septic system upgrades that can be delayed until a plan is implemented.

## 4. Develop alternative solutions to identify possible solutions that can be implemented in the near future and those that should be considered as part of the next phase of the Comprehensive Wastewater Management Plan.

## 5. Prepare draft and final Needs Assessment Report after review and approval from the Town.

### **Task 3: Provide overall project management and coordination for the project through:**

1. Staff and meetings.
2. Public meetings and presentations.
3. Discussions with Massachusetts Estuaries Project staff who are developing the nitrogen limits for Wellfleet Harbor.
4. Timely progress reports.

### **Additional Information:**

The purpose of the Plan of Study is to provide a listing of the steps needed for the completion of the Comprehensive Wastewater Management Planning Project in the Town of Wellfleet.

The Plan of Study is expected to have the following main uses:

- Submittal for the DEP review as required
- Budgeting and scheduling tool for Comprehensive Wastewater Management Planning

- Budgeting and Scheduling Tool for the Massachusetts Estuary Project
- Coordination tool for both projects
- Basis for professional agreements for the needed consultant services
- Potential low interest loan application for the State Revolving Fund loan program.
- Development of environmental review documents for the project through the joint Massachusetts Environmental Protection Act and the Cape Cod Commission Development review process.
- Development of public education materials throughout the Project.

## Board Members

Name	Title
Alex Hay	<a href="#">edit</a> Chair (06/30/2019)
Curt Felix	<a href="#">edit</a> Vice Chair (06/30/2019)
Patrick Winslow	<a href="#">edit</a> Member (06/30/2020)
Richard Wulsin	<a href="#">edit</a> Member (06/30/2021)
Fred Vanderschmidt	<a href="#">edit</a> Member (06/30/2021)

**Source URL:** <http://www.wellfleet-ma.gov/comprehensive-wastewater-management-planning-committee>





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

V

### BUSINESS – D. Town Meeting Warrant (1)

<b>REQUESTED BY:</b>	TA
<b>DESIRED ACTION:</b>	Vote to insert and recommend Town Meeting Warrant Articles
<b>PROPOSED MOTION:</b>	I move to insert and recommend Article xx in the 2018 Special Town Meeting Warrant.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**SPECIAL TOWN MEETING**  
**MONDAY, SEPTEMBER 24, 2018, 7:00 pm**  
**Wellfleet Elementary School**

## **FINANCIAL & PROPOSITION 2½ TERMS**

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

**LEVY:** The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

**LEVY CEILING:** This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value. The levy limit is equivalent to a tax rate of \$25.00.

**LEVY LIMIT:** The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

**LEVY LIMIT INCREASE:** The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

**NEW GROWTH:** New construction and new parcel subdivision may also increase the Town's levy limit.

**OVERRIDE:** A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

**DEBT EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

**DEBT SERVICE:** The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest owed on any particular bond issue.

**ENCUMBRANCE:** A reservation of funds to cover obligations chargeable to but not yet paid from a specific appropriation account.

**CAPITAL OUTLAY EXPENDITURES EXCLUSION:** This type of override ballot question can be placed on a referendum by a two-thirds vote of the Selectboard. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

**CONTINGENT VOTES:** Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Selectboard. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

## TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business. (Charter: Sect. 2-1-3)

Voters are identified by voter cards, issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Nonvoters who may wish to speak must identify themselves and may address the meeting only by permission of the Moderator. (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters may only speak twice to any motion or amendment unless authorized by the Moderator. The provisions of this clause shall not apply to a) the person making the motion under an Article, and b) those persons required to be in attendance under the provisions of Charter Section 2-7-5. (Charter: Sect. 2-7-8).

All motions, including all amendments, must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator. (General Bylaws: Sect. II-2)

Zoning Bylaws	2/3 majority
To incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an Annual Town Meeting 9/10 majority at a Special Town Meeting

The order of consideration of the Articles as printed in the Warrant may be changed only by a two-thirds vote. (Charter: Sect. 2-7-4)

Some other common motions which require more than a simple majority to pass:

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business and must be made within one hour of the vote to be reconsidered. It is debatable to the same extent as the motion it seeks to reconsider, and it requires a majority vote. (Charter: Sect. 2-7-9).

**SPECIAL TOWN MEETING WARRANT**

Monday, September 24, 2018

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the WELLFLEET ELEMENTARY SCHOOL, 100 LAWRENCE ROAD in Wellfleet on the 24<sup>th</sup> day of September, 2018, at seven o'clock in the evening, then and there to vote upon the following Articles:

## **ARTICLE 1: Lease of Landfill for Solar Photovoltaic Facility**

To see if the Town will vote to:

1. Transfer the care, custody, and control of the parcel of land known as the Wellfleet landfill and located 370 Cole's Neck Road, Wellfleet, MA, as shown on Assessor's Map 7 as Parcel 28, from the board or official having care, custody and control jointly to such board or official for the purposes for which such parcel is currently held, and to the Selectboard for the purpose of leasing and granting easements on, over or under such parcel for the installation of a solar photovoltaic facility on such parcel; and
2. Authorize the Selectboard to (i) lease, through a written lease agreement, all or a portion of such parcel of land for the installation of a solar photovoltaic facility for a period of up to 20 years; (ii) grant such easements on, over or under such parcel of land as necessary or convenient to serve the facility; and (iii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreement and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Selectboard deems in the best interests of the Town; or to act in any manner in relation thereto.

### ***Two Thirds Vote Required***

(Requested by the Energy Committee)

Selectboard: Recommends 0-0.

Finance Committee: Recommends 0-0

Energy Committee: Recommends 0-0

**SUMMARY:** Article 1 authorizes the Selectboard to enter into a lease agreement with the owners of the solar array to be installed on the capped landfill at the transfer station. Town meeting voters must authorize any agreement over three years in length.

## **ARTICLE 2: PILOT Agreements for Solar photovoltaic Facilities**

To see if the Town will vote to (i) authorize the Selectboard to enter into one or more agreements for "payments in lieu of taxes" (or "PILOT") pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, with the owners of solar photovoltaic facilities installed or to be installed on the Wellfleet landfill for a period of up to 20 years, and (ii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Selectboard deems in the best interests of the Town; or to act in any manner in relation thereto.

### ***Majority Vote Required***

(Requested by the Energy Committee)

Selectboard: Recommends 0-0.

Finance Committee: Recommends 0-0

Energy Committee: Recommends 0-0

**SUMMARY:** This article authorizes the Selectboard to enter into a "payment in lieu of taxes" agreement with the owners of the solar array to be installed on the capped landfill at the transfer station.

### **ARTICLE 3: Solar Power Purchase Agreement**

To see if the Town will vote to authorize the Selectboard to (i) enter into one or more net solar power purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 20 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Selectboard deems in the best interests of the Town; or to act in any manner in relation thereto.

***Majority Vote Required***

(Requested by the Energy Committee)

Selectboard: Recommends 0-0.

Finance Committee: Recommends 0-0

Energy Committee: Recommends 0-0

**SUMMARY:** This article authorizes the Selectboard to enter into a net solar power purchase agreement with the owners of the solar array on the capped landfill at the transfer station.

### **ARTICLE 4: Prior Year Invoices**

To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

***9/10 Vote Required***

(Requested by the Selectboard)

Invoices as of printing of warrant:

M.A. Frazier	\$6,715.00 Powers Landing Portable Restrooms for October 2017
M.A. Frazier	\$7,390.00 Powers Landing Portable Restrooms for November 2017
M.A. Frazier	\$7,615.00 Powers Landing Portable Restrooms for December 2017

Selectboard: Recommends 0-0

Finance Committee: Recommends 0-0

**SUMMARY:** This article requests authorization to pay invoices from fiscal year 2018. Once the fiscal year has been closed out only town meeting voters may authorize payment of invoices from that fiscal year. The vendor was late in submitting the invoices to the Town.

### **ARTICLE 5: Authorization to fund new full-time firefighter/paramedic**

To see if the Town will vote to transfer funds from the Fire Department call fire fighter budget to the salaries and wages, full-time staff budget in order to hire an additional full-time fire fighter; and costs related thereto or take any other action relative thereto.

***Majority Vote Required***

(Requested by the Selectboard and the Fire Chief)

Selectboard: Recommends 0-0

Finance Committee: Recommends 0-0

**SUMMARY:** This article would authorize the Fire Chief to hire one additional full-time fire fighter using funds previously authorized by town meeting voters and included in the call line in

the Fire Department personnel budget. No new funds are being requested. A roster of sixteen call fire fighters has been budgeted, but due to a number of circumstances the department has been able to fill only eight positions. The Fire Chief has requested this adjustment out of a concern for public safety.

#### **ARTICLE 6: Funding for New Lifeguard Stations**

To see if the Town will vote to transfer from the Beach Fund the sum of \$43,844, or any other sum, for the purpose of funding the purchase of four anodized aluminum lifeguard towers and costs related thereto; or take any other action relative thereto;

*Majority Vote Required*

(Requested by the Selectboard)

Selectboard: Recommends 0-0

Finance Committee: Recommends 0-0

**SUMMARY:** This article would authorize the purchase of four anodized aluminum lifeguard towers. The current towers made of wood have been frequently vandalized and used to build bonfires on Wellfleet ocean beaches.

#### **ARTICLE 7: Funding for Beach Communicatons**

To see if the Town will vote to transfer from the Beach Fund the sum of \$XXXXXX, or any other sum, for the purpose of funding the purchase and placement of beach communications improvements and costs related thereto.

*Majority Vote Required*

(Requested by the Selectboard)

Selectboard: Recommends 0-0

Finance Committee: Recommends 0-0

**SUMMARY:** This article would authorize the purchase and placement of communications equipment to improve the communications between beach staff and the Public Safety Departments and eliminate most areas in which no radio communications are available.

#### **ARTICLE 8: Easement to Verizon for 35 Lawrence Road (Police Station)**

To see if the Town will vote to convey an easement to Verizon for the installation of poles, wires and other equipment to service the police station at 35 Lawrence Road (Assessor's Map 13, Parcel 16), or do or act anything thereon.

*Two-thirds vote required.*

Selectboard: Recommends 0-0.

**SUMMARY:** This request is to grant an easement at the new police station that will allow Verizon to install and upgrade the equipment.

#### **ARTICLE 9: Limitation on Number of Marijuana Dispensaries in Town**

To see if the Town will vote to amend the General Bylaws by adding the following new Article VII, Section 46 as follows:



## Section 46. MARIJUANA ESTABLISHMENT BYLAW

- A. The number of adult use (recreational) “Marijuana Retailers,” as defined by G.L. c. 94G, Section 1, permitted to be located in the Town shall be limited to three (3), which is greater than 20% of the number of licenses presently issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138, §15.
- B. The number of Registered Marijuana Dispensaries, as defined in Section 9-3 of the Town’s Zoning By-laws, permitted to be located in the Town shall be limited to three (3).

### *Majority Vote Required*

Selectboard: Recommends 0-0.

**SUMMARY:** Approval of this article will allow the Town to limit the number of adult use and medical retail marijuana establishments in Wellfleet.

## **ARTICLE 10: Acquisition of 3 Kendrick Avenue**

To see if the Town will vote to authorize the Selectboard to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Selectboard deems appropriate, the parcel of land with the improvements thereon located at 3 Kendrick Avenue, which parcel is shown as Map 21, Parcel 112, for general municipal purposes, and for the purpose of conveyance or lease; to raise and appropriate, transfer from available funds, and/or borrow up to \$898,000 for the foregoing acquisition and costs related thereto, provided, however, that such vote shall be contingent upon approval by the voters of the Town at an election of a Proposition 2 ½ debt exclusion question in accordance with General Laws Ch. 59, Section 21C(k); and that the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 or 8 of the General Laws, or pursuant to any other enabling authority, to issue bonds and notes therefor, provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with General Laws Ch. 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or do or act anything thereon.

### *Two-thirds vote required.*

(Requested by the Selectboard)

Selectboard: Recommends 0-0

**SUMMARY:** This article would authorize the purchase of the property at 3 Kendrick Avenue for an amount not to exceed \$898,000.

For information only, approval of this article would also require a special election to approve funding.  
Ballot Question:

Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to acquire the property located at 3 Kendrick Avenue (Map 21, Parcel 112)

## 2018 SPECIAL TOWN MEETING WARRANT

And you are hereby directed to serve these warrants by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meetings.

Hereof fail not and make due return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this 28<sup>th</sup> day of August, 2018.

Wellfleet Selectboard

\_\_\_\_\_  
Janet Reinhart, Chair

\_\_\_\_\_  
Helen Miranda Wilson, Vice Chair

\_\_\_\_\_  
Justina Carlson, Clerk

\_\_\_\_\_  
Kathleen Bacon, Member

\_\_\_\_\_  
Jerry Houk, Member

### Constable's Return of Service

I have served the foregoing warrants by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet and by delivering to the Town Administrator printed copies of the Warrant of a number not less than the number of registered voters in the Town on \_\_\_\_\_, which is at least fourteen (14) days before the date of said meeting, as within directed.

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

Constable: \_\_\_\_\_

PRSRT STD  
U.S. POSTAGE  
**PAID**  
CCP & DF, MA  
PERMIT NO. 15

## ARTICLE X

### Section 7 MARIJUANA LICENSING

1. **Marijuana License Required.** No person shall carry on the business operating an Adult Use Marijuana Establishment as defined in G.L. c.94G and 935 CMR 500, or a Medical Marijuana Treatment Center as defined in G.L. c.94I and 105 CMR 725.00 including the cultivation, processing, packaging, delivering, manufacturing, branding, selling or otherwise transferring or testing marijuana or marijuana products within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment or Medical Marijuana Treatment Center annually.
2. **Marijuana Retail License Limitations.** The number of Adult Use Marijuana Retail Establishment licenses issued in the Town shall be limited to twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number.
3. **Host Community Agreement Required.** Any Marijuana Establishment or Medical Marijuana Treatment Center operating within the Town shall at all times have a valid Host Community Agreement and operate in accordance with the terms and provisions thereof.
4. **Regulations.** The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid therefor and the conditions to be satisfied by any applicant for such a license.
5. **Applications.** Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.
6. **Hearing.** The Board of Selectmen shall schedule a public hearing within 30 days of receipt of days of a complete license application and shall provide notice to the applicant of the time, date and location where such application will be heard.
7. **Enforcement.** The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

**Commented [KDL1]:** The Board may choose to impose limitations on other categories of licenses as well. This provision, in keeping with G.L. c. 94G, is limited to adult use retailers.

**Commented [KDL2]:** This could be replaced with a set number. In so far as the number selected is 20% or higher than the number of off premises liquor licenses, no ballot question would be required. Alternative language is as follows:

"three (3), which is greater than 20% of the number of licenses presently issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15."



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

V

### BUSINESS – E. Town Meeting Warrant (2)

<b>REQUESTED BY:</b>	TA
<b>DESIRED ACTION:</b>	Vote to close the 2018 Special Town Meeting Warrant
<b>PROPOSED MOTION:</b>	I move to close the 2018 Special Town Meeting Warrant
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

VI



## TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen  
From: Dan Hoort, Town Administrator  
Subject: Town Administrator's Report  
Date: August 24, 2018

This report is for the period August 11, 2018 through August 24, 2018.

### 1. General

- Finalizing warrant for September 24<sup>th</sup> 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

- August 14 – Selectboard meeting
- August 15 – Parking Task Force
- August 16 – Meet Eversource regarding EV Charging Stations
- August 16 – Meeting with Jared Curtis, MA Dept. of Revenue
- August 20 – Cable Advisory Committee meeting

### 4. Complaints.

- None.

### 5. Miscellaneous.

- Open Meeting Law training being planned for September
- Working to have rep from Cape Cod Rail Trail before Selectboard

### 6. Personnel Matters:

- Open position: Water Clerk/Committee Secretary





## BOARD OF SELECTMEN

### AGENDA ACTION REQUEST

August 28, 2018

# VIII

## CORRESPONDENCE AND VACANCY REPORT

Date: August 22, 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
1 Position	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)**





## BOARD OF SELECTMEN

### AGENDA ACTION REQUEST

August 28, 2018

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Vacant Positions	Appointing Authority	Length of Term
4 positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		
<b>Energy Committee (11 members total)</b>		
Vacant Positions	Appointing Authority	Length of Term
1 position	Board of Selectmen	1 year to complete term
1 BOS Rep	Board of Selectmen	BOS Term
Requesting Appointment: No applications on file		
<b>Finance Committee (9 members, 2 alternate)</b>		
Vacant Positions	Appointing Authority	Length of Term
1 Position	Town Moderator	3 years
2 Alternate Positions		3 years
Requesting Appointment: No applications on file		
<b>Herring Warden (1 Warden, 1 Assistant Warden)</b>		
Vacant Positions	Appointing Authority	Length of Term
1 Assistant Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		
<b>Local Housing Partnership (5 Community Members)</b>		
Vacant Positions	Appointing Authority	Length of Term
2 Community Position	Board of Selectmen	
Requesting Appointment: No applications on file		
<b>Personnel Board (4 members + TA + FinCom Rep)</b>		
Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		
<b>Planning Board (7 members)</b>		
Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	5 years
Requesting Appointment: No applications on file		
<b>Zoning Board of Appeals (5 Members, 4 Alternates)</b>		
Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

IX

### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of meeting minutes of August 14<sup>th</sup>, 2018</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of August 14<sup>th</sup>, 2018 as amended.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):  
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

# DRAFT

## **Wellfleet Select Board Meeting Tuesday, August 14, 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, 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.

### **I. Executive Session**

**Chair Janet Reinhart called the meeting to order at 6:30 pm and moved to go into executive session 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.**

**Motion:** Reinhart

**Second:** Wilson

**Reinhart yea**

**Wilson yea**

**Carlson yea**

**Bacon yea**

**4-0-0. Motion carries.**

**I move to adjourn from executive session and go into open session.**

**Motion:** Houk

**Second:** Wilson

**Reinhart yea**

**Wilson yea**

**Carlson yea**

**Bacon yea**

**Houk yea**

**5-0-0. Motion carries.**

**The Selectboard resumed their public meeting at 7:15 pm.**

### **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 Comments.

David Mead-Fox announced that Outer Cape Energize received from the State permission to extend their solar program from August 8<sup>th</sup> to September 7<sup>th</sup>. The reason for the extension is the interest in the program and increased demand, which takes time to process. A press

# DRAFT

release will go out tomorrow (Wednesday, August 15) to publicize the program. Up-to-date there are eighty-one solar systems that have been contracted for and Mead-Fox said there would be well over one hundred by the time this round would be finished.

Mary Rogers said that the new CPC Grant deadline is Monday, October 15<sup>th</sup> at 4 pm. Anyone with an idea on community housing, historic preservation, and open space or recreation is encouraged to apply. Applications and guidelines are available online and at Town Hall.

Chief Fisette announced that the Wellfleet Police Station has been officially opened since last week. Terkanian said we had received our certificate of occupancy and other documentation required. We should have about \$400K left in the contingency fund. Fisette said we're looking at Saturday, Sep 22 to have an open house, hours TBD.

Bacon said whether the temporary police station had been closed. Fisette said that not yet, but we're in the process of doing so and everything that could've been repurposed and reused had been repurposed. Fisette also commended the DPW and the Beach Department for their hard work during the weekend of Pan Mass Challenge.

### III. Appointments/Reappointments

#### A. Lower Cape Community Access TV – Tom Cole as Wellfleet Representative (2-year term)

Tom Cole was present to speak to his reappointment. Wilson thanked Tom Cole for all of his hard work.

**I move to reappoint Tom Cole to the Lower Cape Community Access TV for a two-year term ending June 30, 2020.**

**Motion: Bacon**

**Second: Wilson**

**5-0-0. Motion carries**

#### B. Cape Light Compact – David Mead-Fox for Alternate (fill term to 6.30.2019)

**I move to appoint David Mead-Fox as alternate member to the Cape Light Compact to fill a term ending June 30, 2019.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

#### C. Parking Task Force

Wilson asked whether we should establish the amount of people to be on the Task Force and suggested the number nine. Joe Powers made a clarification pertaining to the quorum requirements for the group to meet tomorrow if the five candidates on the list for tonight's

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approval were appointed, in which case, three people present in the room would constitute a quorum.

**I move to approve the charge for the Parking Task Force.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

Dennis O'Connell and Wayne Clough were present to speak on their applications and interest in joining the task force.

**I move to appoint Dale Donovan, Dennis O'Connell, Sheila Lyons, Joe Aberdale, Wayne Clough to the Parking Task Force for a three-year term ending June 30, 2021.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries**

## IV. Use of Town Property

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

Matt Zella was present to represent Sean and Jessica Williams. Their plan is to have a small wedding ceremony reception at Bakers Field tent for a small group of people, thirty-five or forty. The renters have made trash pickup and porta potties arrangements on their own.

**I move to approve the use of Town-owned property for Sean and Jessica Williams at the Bakers Field Tent on Thursday, August 23<sup>rd</sup>, 2018 from 5:30pm to 8 pm, subject to the terms and conditions, if any, as listed in the application, for a fee of \$110.**

**Motion: Bacon**

**Second: Wilson**

**5-0-0. Motion carries.**

## V. Business

### A. Approval of contract for new Shellfish Dept. barge. [TA]

The Shellfish Constable said that this new barge is part of our propagation efforts and she hopes we will have it in place next year. Civetta said that the RFP had been sent out and only one proposal had come in and an agreement was reached. Wilson asked whether this came up before Town Meeting not too long ago. Hoort said this issue had been discussed maybe 5 years before.

**I move to approve the contract for the new shellfish barge as presented and authorize the Town Administrator to sign the contract as presented.**

**Motion: Bacon**

**Second: Wilson**

**5-0-0. Motion carries.**

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- B. Proclamation of “September 9<sup>th</sup> – 15<sup>th</sup> Suicide Prevention Awareness Week” [Deb Martin]

**I move to proclaim the week of September 9<sup>th</sup> through the 15<sup>th</sup> as “Suicide Awareness Week.”**

**Motion: Bacon**

**Second: Carlson**

**5-0-0. Motion carries.**

- C. Approval of FY 2019 Goals [TA]

Reinhart said we have a dredging committee in place we asked the Board whether this should be included in our FY2019 goals. Bacon said our dredging efforts have been delayed as it and we should have this as one of our goals. Houk said that we contribute a lot of money to the County and the County went ahead and bought a dredge that cannot be used in Wellfleet. Reinhart said that for the County dredge to be able to be used in Wellfleet, we need to dredge our Federal channel first. Bacon said that the dredge purchased by the County will be able to be used for our maintenance needs, but it cannot handle the amount of black mayonnaise that we currently have in our harbor.

Carlson suggested we took the financial reorganization item out of order since we have members present in the audience who would like to speak to this agenda item.

**I move to approve the FY 2019 Goals as compiled and presented by the Town Administrator.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

- D. Staff Reorganization [TA]

Hoort presented the background for this financial reorganization, which was triggered by the retiring of Marianne Nickerson, our long-term Town Collector. Hoort addressed the reorganization in the financial department and he said this is a one-time opportunity for the Town to be more efficient and offer pay increases and advancements to its employees. Hoort said that the next step would be to discuss the matter with the Executive Board of the WEA.

Wilson invited members of the Staff to speak to this reorganization.

Miriam Spencer – the Assistant Town Clerk and Assistant to the Town Treasurer, said she in favor of this reorganization and this would streamline things for the Town, for the employees and the customers.

Rosemary Moriarty, the Town Treasurer, said she is in favor of this reorganization and she said that upon her hiring she had been told that the Collector position would be made

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available to her when Marianne Nickerson retired. Moriarty also said that many towns in the Commonwealth of Massachusetts have a combined position of Treasurer / Collector and it's a good move and it works.

Carlson agrees with Hoort and said that next step is to work together with the WEA Board. Reinhart said he have a good group of people at Town Hall and the right thing to do is to reorganize and give those Staff their increases and promotions. Houk said that under the current agreement, the Town has the right to reorganize its staff. Bacon said that she is for this reorganization as it stands now, but staff will change and retire within the next five years or so and that this reorganization makes sense, including financially, as it currently stands.

Powers suggest the BOS rescinded the previous motion pertaining to this matter.

**I move to rescind the motion against the financial reorganization presented at the July 24<sup>th</sup> meeting.**

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

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

**Motion: Wilson**

**Second: Bacon**

**5-0-0. Motion carries.**

## E. Discussion of Outer Cape Intermunicipal Agreement [TA]

Hoort presented background information on this agreement. Reinhart said this is agreement is great for all parties involved and that it has been in the works for years, although de facto it had been done.

Wilson said this agreement puts a lot of trust on our TA because the Selectboard doesn't have the right of veto per se. Wilson addressed the issue of liability, particularly on matters pertaining to plowing private roads in the winter, the tick-related disease and prevention programs. Houk thinks the language in the agreement should read "Town Mangers and Town Administrators" instead of just "Town Managers." Wilson agrees with Houk, especially since that's what their called in the Charter.

Ahern asked whether Town Counsel has looked at the contract. Hoort said that KP Law drafted the agreement.

David Mead-Fox spoke in support of this agreement, and asked Hoort to possibly look into having an annual plan or document (i.e. mutual goals) that would bring the Outer Cape together and be beneficial to the residents.

No motion is required at this time.



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## F. BOS Review of Town Administrator [Chair]

This matter will be discussed at the Sep 24 meeting.

## G. Update on Short-term Rental Tax [TA]

Hoort presented a synopsis of his memo included on the packet for tonight's meeting pertaining to this agenda item. This item doesn't need any action at the Fall Town Meeting, and he recommends that the Selectboard voted to allocate / earmark percentages to go towards certain projects / funds in town rather than just into the General Fund. Wilson said that the Conservation Agent would be perfect to be on the Wastewater Board. Carlson said that a representative from the Wastewater Committee, that worked for many years on the 208 Plan, would make a perfect candidate for the Wastewater Board. Bacon said that it's been a long wait and this piece of legislation would give an advantage and much needed help to all towns from the bridge to the outer cape.

## H. Preliminary discussion of Special Town Meeting Warrant

Hoort gave the BOS summary of the six articles we have on the warrant as of right now. He said that the deadline for any petition articles would be August 21 and the Selectboard could discuss and vote on the articles at the scheduled August 28 meeting. Wilson said she'd like to have an article included on the warrant that would limit the number of licenses for many dispensaries. Hoort also addressed the article that would authorize the Town to purchase radio transmitting systems and communication devices at our beaches that would allow the lifeguards and law enforcement / fire rescue be in contact with each other at all times. Hoort invited Chief Pauley to speak on the draft article that would authorize the Town to hire another full-time on-call person for the Fire Department. There is no need for a request for funding for this position because there are currently funds available in the budget. Houk asked Chief Pauley to look at the overtime hours for the Fire Department and possibly decrease the number of hours. Chief Pauley said he's anticipating that \$75K would cover everything for the new position: base salary, fire academy training, OT hours. Chief Pauley was commended, from the audience, for his efforts to make safety one of his paramount goals.

## VI. Town Administrator's Report

The TA's report was included in the Selectboard's packet for tonight's meeting.

Jerry Houk excused himself and left the room.

## VII. Topics for Future Discussion

Wilson said that at one of our next meeting we will be hearing an update from our Wastewater Management Committee.



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Reinhart asked the Wastewater 208 matter to be placed at one of our September meetings.

Bacon said that the crosswalk at the intersection of the Bank and Commercial streets is ill-placed and would like the TA to look into possibly redo / replace the crosswalk since there is an obvious blind spot. Bacon also asked the TA for an update on the fence at the Masonic Lodge. The TA said that a meeting would be scheduled between the Town and the Lodge.

## VIII. Correspondence and Vacancy Report

## IX. Minutes (Draft BOS 7.24.2018)

Bacon suggested that whenever there is a split vote on a motion, the members who opposed should also be listed.

Bacon would like to look at a coastal management plan, not a "flooding plan," in the topics for future discussion portion of the minutes.

**I move to approve the minutes of July 24<sup>th</sup>, 2018 as amended.**

**Motion: Wilson      Second: Carlson      3-0-1. Motion carries. Houk was absent for this vote. Wilson abstained because she didn't have the chance to review the entire set of minutes.**

## X. Adjournment

**I move to adjourn.**

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

The meeting was adjourned at 8:55 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=80>**

## **Public Records Materials of 8/14/18**

1. Application – David Mead-Fox to Cape Light Compact Board (July 20)

Town of Wellfleet

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BOS Agenda

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

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2. Letter of Support – Dick Elkin for David Mead-Fox (July 20)
3. Application – Dale Donovan to Parking Task Force (July 30)
4. Application – Dennis O’Connell to Parking Task Force (July 31)
5. Application – Jennifer Wertkin to Parking Task Force (Aug 1)
6. Application – Sheila Lyons to Parking Task Force (Aug 3)
7. Application – Joe Aberdale to Parking Task Force (Aug 6)
8. Application – Wayne Clough to Parking Task Force (Aug 8)
9. Use of Town Property – Sean and Jessica Williams at Bakers Field Tent (July 16)
10. Agreement – Shellfish barge
11. Proclamation Letter – Cape & Islands Suicide Prevention Coalition (Aug 6)
12. FY 2019 Selectmen’s Goals Summary
13. Memo – TA to BOS re: Outer Cape Intermunicipal Agreement (Aug 14)
14. Agreement – Outer Cape Intermunicipal (Aug 14)
15. Memo – TA to BOS re: Short-term rental tax (Aug 14)
16. State House Bill #4841
17. Memo – TA to BOS re: Special Town Meeting Warrant (Aug 14)
18. Memo – TA to BOS: TA Report (Aug 10)
19. Memo – Principal Clerk to BOS re: Vacancy Report (Aug 5)
20. Memo – Executive Assistant to BOS re: Correspondence Report
21. Minutes – Draft BOS July 24<sup>th</sup>, 2018



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
August 28, 2018

X

### ADJOURNMENT

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