



Board of Selectmen

RECEIVED
TOWN OF WELLFLEET

2015 AUG -7 AM 9:55

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, August 11, 2015 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. *It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.*

- I. **Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. **Public Hearing(s) [7:05]**
 - A. Amending Shellfish Rules and Regulations by adding sections 7.5.1.1 and 7.5.1.2 and amending section 7.18.2 to read Height and Arrangement of Equipment [SAB]
 - B. Request of Robert Wallace and John Wallace to renew shellfish grant licenses #737, #821 and #821-A for a ten year period [Koch]
 - C. Proposed amendment to combine Marina Regulations and Mooring Regulations [MAC]
- III. **Licenses/Appointments/Reappointments/Use of Town Property**
 - A. Licenses
 - B. Appointments and Reappointments
 1. Steven Gazzano to Personnel Board with term ending June 30, 2018
 2. Jeff Tash to Historical Commission with term ending June 30, 2018
 3. Robin Slack to Recycling Committee with term ending June 30, 2018
 - C. Use of Town Property
 1. Walter Baron to use Mayo Beach on September 19, 2015, 1 PM - 5 PM for the Third Annual Wellfleet Rowing Rendezvous; \$20 application fee paid, use fee TBD.
 2. Dakota McLaskey & Alexander Laughlin to use Newcomb Hollow Beach for a wedding ceremony on October 24, 2015, 2:30 pm – 3:30 pm; \$20 application fee paid, use fee TBD.
- IV. **Business**
 - A. Expanding the number of community members of Local Housing Partnership
 - B. Deferral of effective date of Policy for Maintaining Private Paved Roads for Snow Plowing [Vincent]
 - C. Municipal tick-testing program [Wilson]
 - D. Award of contract for installation of video and playback equipment at the Library & COA.
 - E. Vote to accept MGL Chapter 32B Sections 21 – 23
 - F. Approval of revised BOS Policy on Policies
 - G. Approval of revised Policy on Use of Town Property
 - H. Deletion of the Quorum Policy
- V. **Town Administrator's Report**
- VI. **Future Concerns**
- VII. **Correspondence and Vacancy Report**
- VIII. **Minutes [July 28, 2015]**
- IX. **Executive session**
 - A. Approval of 2015 Executive Session minutes
- X. **Adjournment**

TOWN OF WELLFLEET
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, August 11, 2015 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- To amend the Town of Wellfleet Shellfish Rules and Regulations by adding sections 7.5.1.1, 7.5.1.2 (access to licensed areas) and amending section 7.18.2 to read: **Height and Arrangement of Equipment With the exception of spat collection devises there shall be no equipment or gear within the boundaries of a licensed area that rises more than ~~eighteen (18)~~ twenty four inches (24") above the grade.**
- application received June 15, 2015, from Robert Wallace and John Wallace to renew shellfish grant licenses # 737,821 and 821-A for a ten year period

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

WELLFLEET BOARD OF SELECTMEN

posted by the Shellfish Constable (see Section 3; Informing the Public of Meetings Concerning the Fishery) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under **Domiciled Resident**, and Section 7.8.1 **Domiciled Residents**) whose name does not appear on another license applies to hold the license, the Board of Selectmen shall hold a public lottery within 14 days to impartially determine who shall be granted the right to use such available acreage for aquaculture.

7.3. Annual License Fee

The annual fee for an aquaculture license to be paid to the Town by each licensee shall be \$25.00 per acre (or portion thereof) per licensee, as required by MGL Chapter 130; Section 64.

7.4. Location of Areas Licensed for Aquaculture (Grants)

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

Approval of the proposed licensed area shall be determined by the Board of Selectmen with appropriate regard for reasonable navigational and recreational interest in the areas concerned.

7.5. Conditions for Use of Area Licensed for Aquaculture

The Board of Selectmen may license specific areas beneath the waters of the Town to individuals for the purpose of granting exclusive rights to plant, grow and harvest shellfish from that area. Said license is subject to the provisions of MGL Chapter 130, those set forth in current regulations of the Division of Marine Fisheries, these regulations or other town bylaws, as well as any specific conditions or restrictions set forth in the license by the Board of Selectmen.

This license does not grant any property rights. Any use of this license for other than the planting, growing, and harvest of shellfish upon privately owned property may not proceed over the objection of the property owner. This license does not authorize any damage to private property or other violation of private rights. The issuance of this license is not a determination of title or ownership. The licensee acknowledges that it is the responsibility of the licensee to obtain permission if requested in writing, from the property owner, before exercising the rights conferred by the license other than for the planting, growing and harvest of shellfish on that property. However, the license holder is on notice that the owners of the property described in the license may nevertheless bring an action for trespass in a court of competent jurisdiction. A license holder may not rely on this license as a defense to an action in trespass. (MGL Chapter 130; Section 57.)

7.5.1 Access to Areas Licensed for Aquaculture is Required

There will be permitted and designated access to all licensed acreage. The method or methods of access shall be precisely specified in the text of the aquaculture license (lease) granted by the Board of Selectmen.

7.5.1.1. Vehicle Access to Grants

Vehicle access will only be allowed when:

- a. Town roads and Town landings are used;
- b. The owners of private roads to be used have no objection;
- c. The specific route of entry from the roadway onto the beach and flats is approved and conditioned by the Conservation Commission.

7.5.1.2 Non-vehicular Access to Grants

Access by foot and/or boat shall be designated in the aquaculture lease, in all cases in which vehicle access is not possible or permitted.

7.6. Process for Approval of Aquaculture Licenses

The Board of Selectmen will accept and process applications for area licenses in accordance with [MGL Chapter 130; Section 57](#), and the application procedure of the Town.

7.7. Moratorium on Aquaculture Licenses

The Board of Selectmen may at a duly advertised public hearing declare a moratorium (a time-specific closure) on license approvals at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Domiciled Residents: Licenses issued will be issued only to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and used a Wellfleet commercial shellfishing permit during two (2) of the last three (3) years OR the applicant can demonstrate some experience in shellfish propagation and aquaculture. This may be supported by a letter from a license holder describing the type of work performed and any other information which might be relevant.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

7.8.2. Renewal of Aquaculture Licenses

The initial term for a new license shall be two (2) years. Provided appropriate effort has been demonstrated, as required in Section 7.12, the first renewal of a license may be for five (5) years, unless the licensee agrees to a shorter term. Subsequent renewals may be for ten (10) years, unless the licensee agrees to a shorter term. Renewals may be requested and acted upon only during the twenty four (24) months immediately prior to the expiration date of the current license. The renewal period shall begin on the expiration date of the existing license.

7.8.3. Limit on Individuals Licensed to Use a Grant

Licenses issued under [MGL Chapter 130; Section 57](#) by the Board of Selectmen of the Town of Wellfleet may be issued to up to four (4) individuals, 18 years of age or older, meeting the requirements set forth Section 7. The Selectmen will not recognize more than four (4) individuals as licensees on any one license. Each individual who is licensed to use an area for aquaculture must acknowledge and approve the addition of any person who subsequently applies to be included on that license.

7.8.4. Working of Grants by Non-Licensees

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Department. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible only for the actions of the employees or otherwise affiliated persons who are under their

7.17. Predator Control

7.17.1. No Lethal Predator Control Measures

Unless specifically authorized by the Director, in consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, it shall be unlawful to use lethal means to control or exclude predators or other organisms from any area used for aquaculture. Non-lethal enclosures, including, but not limited to, nets, fences, bubble curtains and noise may be used, if approved for a specific site and purpose. Invertebrate predators, pests and fouling organisms may be removed manually from an aquaculture site and disposed of in a lawful manner ([CMR 322, Section 13.7.2](#)).

7.17.2. No Taking of Horseshoe Crabs or Whelks/Conchs Without Permit.

Being in possession of horseshoe crabs and whelks (conchs) for any reason requires a State permit. In this regulation, whelk/conch refers to either knobbed whelk (*Busycon carica*) or channeled (smooth) whelk (*Busycotypus canaliculatus*). (See [CMR 322 6. 34: Horseshoe Crab Management](#) and [322 CMR Section 6.21: Minimum Size for Conch](#).) As stated in 7.17.1, neither species shall be intentionally killed while practicing predator control.

7.17.3. No Harm to Endangered Species

No person shall maintain a predator control method that will intentionally threaten any endangered species.

7.18. Aquaculture Gear and Equipment

7.18.1. Grants Shall Be Marked

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

7.18.2. Height and Arrangement of Equipment

With the exception of spat collection devices, there shall be no equipment or gear within the boundaries of a licensed area that rises more than ~~eighteen inches (18")~~ **twenty four inches (24")** above the grade.

7.18.3. Marking of Gear

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

7.18.4. Gear Must be Secured

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

7.18.5. Exception for Ice in Harbor

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

7.18.6. Fines for Gear Violations.

After receiving a written warning, the licensee has 7 days to comply. After the seventh day, a fifty dollar ticket shall

I am re-sending this 1/11/15 cover letter from the SAB in preparation for the upcoming hearing on this amendment.

FYI: Since it was written, the SAB has created and is about to distribute a Boaters' Guide to Wellfleet Shellfishing Areas and the Marina Advisory Committee has voted to include language that refers to aquaculture in their 5. Safety Section (although I don't see it now on the Town website).

FROM THE SAB

To the Board of Selectmen and Town Administrator:

At our last meeting (12/15/14) the Shellfish Advisory Board voted (5-1) to recommend that you amend this regulation to allow the height of equipment used for growing shellfish to be in keeping with the current industry standards.

We have spent many meetings, gathering evidence and discussing this change. Some of us, including the Shellfish Department have gone out and measured the height of equipment on grants to get a sense of the real-life situation as it exists now.

We also considered liability issues as they relate to this. We met with the Town Administrator and through the Town Administrator, we consulted with Town Council.

Facts to consider:

~Although at present there is no restriction on the height of spat collection devices, the allowed height for anything else in use on a grant is 18".

~Other municipalities where shellfishing and use of vessels are both ongoing have no such restrictions.

~This limit was previously established by the Army Corps of Engineers but is no longer required by them.

~All grants must by law be clearly marked in a specific way and this of course should be enforced, always, in every case.

~We have recommended to the Marina Advisory Committee that the Marina Regulations that deal with safety (Section 5. Safety) include language that refers to the presence of aquaculture gear in the harbor.

~NB: We have conferred with the Harbormaster. He wants to keep the height of anything besides spat collection devices at 18".

Respectfully, the Shellfish Advisory Board:

Barbara Austin

Barbara Brennessel

John Duane

Joel Fox

Jim O'Connell

Jake Puffer

Rebecca Taylor

Helen Miranda Wilson.

Jeanne Maclauchlan

From: Andrew Koch [andrew.koch@wellfleet-ma.gov]
Sent: Wednesday, August 05, 2015 8:31 AM
To: Jeanne Maclauchlan
Subject: Re: 08/11

i would recommend approving the changes to sections 7.5.11 and 7.5.12 as printed.

i would not recommend the amendments to section 7.18.2

i would recommend renewing licensed areas 737,821,821A, to Bob and Jon Wallace for a ten year period

From: Jeanne Maclauchlan [mailto:jeanne.maclauchlan@wellfleet-ma.gov]
To: andy.koch@wellfleet-ma.gov
Sent: Tue, 04 Aug 2015 08:57:00 -0500
Subject: 08/11

Andy, I'm going to need your recommendation soon....

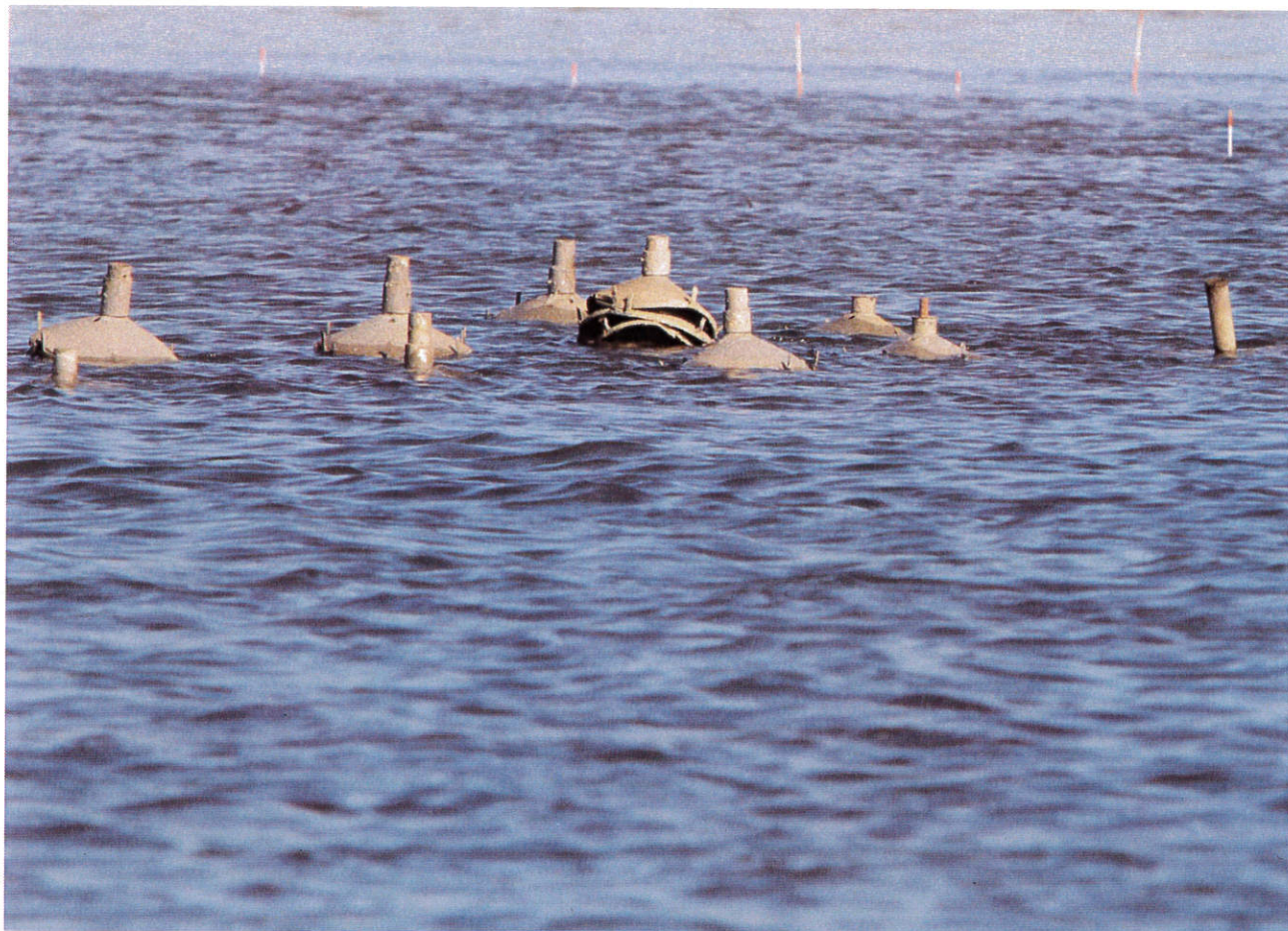
Jeanne Maclauchlan
Principal Clerk
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
Telephone: (508) 349-0300
Fax: 508 349-0305
jeanne.maclauchlan@wellfleet-ma.gov

MEMO

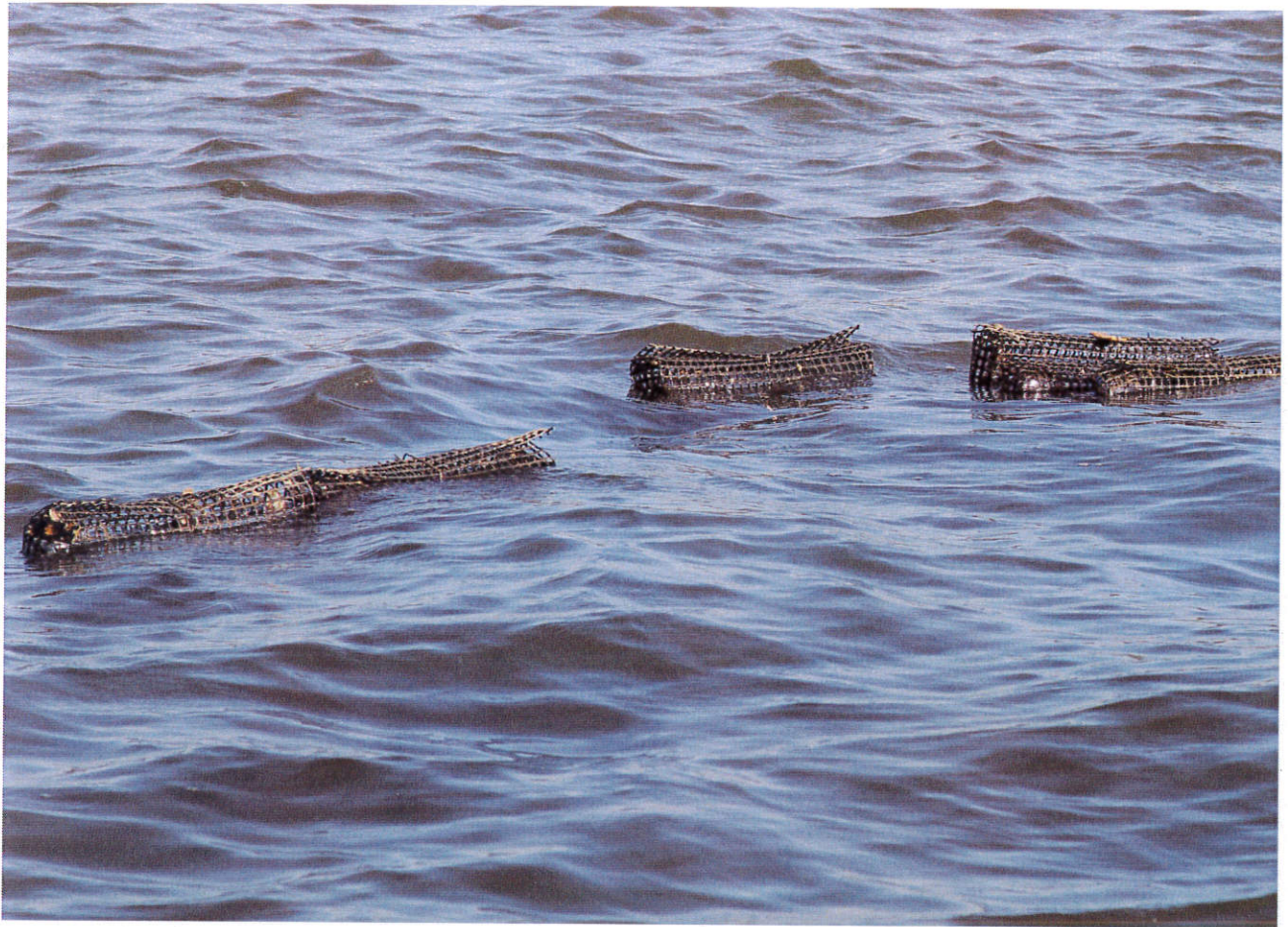
To: Wellfleet Board of Selectmen
From: Joe Aberdale, Chairman: Marina Advisory Committee
Date: August 3, 2015

The Marina Advisory Committee unanimously endorses the harbormaster's position in opposition to the request by the Shellfish Advisory Board to change Regulation 7.18.2 Height of Equipment in the Shellfish Policy and Regulations. The SAB's request is to raise the present limit of eighteen inches for equipment and gear to twenty-four inches.

The Marina Advisory Committee is opposed to this proposed change because it would present a hazard to navigation and a threat to the safety of small boaters, kayakers, water skiers/tubers, etc. The Committee has heard from boaters who have experienced the hulls of their boats hitting and being damaged by shellfish gear on and just below the surface of the water. The enclosed photographs of shellfish steel equipment structures taken on July 31, 2015, illustrate the clear hazard to boaters in our waters. The Committee endorses the position that Wellfleet Harbor is a multi-use harbor and that there is a need to maintain a balance between commercial and recreation usage.











Town of Wellfleet
Public Hearing

Marina Regulations and Mooring Regulations. The Board of Selectmen will hold a public hearing on Tuesday, August 11, 2015 at 7:05 pm in the Council on Aging to discuss proposed amendments to the Marina Regulations and to the Mooring regulations. Copies of the proposed amendments will be available in the Administration Office at Town Hall.

WELLFLEET BOARD OF SELECTMEN

**TOWN OF WELLFLEET
MARINA AND HARBOR RULES AND REGULATIONS
INCLUDING MOORING REGULATIONS
Revised February 2015**

THESE REGULATIONS SHALL SUPERCEDE ALL PREVIOUS REGULATIONS

The Town of Wellfleet welcomes those who will use the facilities and services of the Wellfleet Marina. For the benefit of all who use these facilities, the following Rules and Regulations have been established in order to provide the most efficient and optimal utilization of the harbor, to provide for the safety of moored and berthed vessels and those using them, to protect the environment and water quality, and to provide space of all users of the harbor.

Any person wishing to view or copy The Town of Wellfleet Marina Rules and Regulations, Slip and Mooring holders' names List, Slip and Mooring Waiting Lists, Marina Fee Schedules, or The Town of Wellfleet Harbor Management Plan may do so at The Town of Wellfleet Marina Harbormasters Office, Town Pier, Wellfleet, Massachusetts. This information is also available on the town website: www.wellfleet-ma.gov

I. DEFINITIONS

"Berth"- the space allotted to a vessel tied up at the L-Pier.

"Commercial vessel" – Vessel used to make a profit or to provide a livelihood or means of employment for the applicant. Charter boats, shell fishing boats and skiffs used to make a living are considered commercial.

"Enforcing Agent"- Harbormaster, Assistant Harbormaster, and the Wellfleet Police Department or their appointees.

"Fee Schedule"- a fee schedule for all charges relating to the Marina. This will be published by February 1st of each year beginning in 2011. Checks or money orders should be made to the Town of Wellfleet and paid to the Harbormaster or his assistant. The schedule will be posted on the Town of Wellfleet's website under the Marina heading and in the Harbormaster's office.

"Harbor" shall hereinafter refer to the embayment or bay defined as the area from Billingsgate Shoal to Jeremy Point to Great Island and clockwise around the shore to - around to Lieutenant Island to the —Wellfleet/Eastham town line and back across the water to Billingsgate Shoal.

The "Harbormaster" is the person authorized to supervise the Marina and Harbor and enforce the Rules and Regulations relating to both. The duties and responsibilities of the Harbormaster herein stated conform to the Harbormaster duties and responsibilities as stated in applicable sections of Massachusetts General Laws, Chapter 90B, Chapter 91 and Chapter 102.

"Lease"- a contract granting the seasonal use of a slip, berth, or mooring to a vessel owners in the Marina or Harbor. This may be renewed as indicated in the Marina and Harbor Rules and Regulations.

"Length" or "LOA" (Length Over All) shall refer to the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, or other similar fittings and attachments that are not part of the hull envelope.

The "Marina" is a collection of wharves, docks, slips, and moorings designed around a protective sea-wall located within the area of Chipman's Cove, Duck Creek, and extending to a line from the outer end of the breakwater to the first groin northwest of the L-Pier in Wellfleet Harbor.

"Mooring"- space allotted in the Marina or Harbor for securing a vessel by anchor.

"Owner"- ~~the~~ owner of any vessel berthed, moored, docked or using the Marina or Harbor or the authorized representative of the owner.

"P & I insurance"- property and indemnity insurance for vessel owners, contractors, and charterers against liability arising out of the operation of the vessel for loss of life of any person, illness or injury to passengers and crew, damage to cargo while loading carrying or unloading cargo, damage to piers and docks, and removal of wreckage as required by law.

"Rental Agreement"- short term rental agreement allowing transient vessels access to a slip, berth, or mooring on a daily or weekly basis

"Resident"- any individual able to demonstrate residence in the Town of Wellfleet by showing a current real estate tax bill, rental payment slip, or valid lease for residential property with the Town.

"Rules and Regulations"- the Town of Wellfleet Marina and Harbor Rules and Regulations including mooring regulations as updated and revised in February 2015.

"Slip"- the space allotted to a vessel docked in the Marina other than at the L-Pier.

"Taxpayer"- any individual listed as a property owner in the Wellfleet Assessor's Office with property having a minimum annual tax amount owed of \$400.00.

"Town" shall hereinafter refer to the Town of Wellfleet acting by and through its authorized representatives.

"Vessel" shall refer to watercraft of every description used or capable of being used as a means of transport of persons or property.

"Wellfleet waterways" means areas outside the Marina proper and within Wellfleet territorial boundaries.

2II. GENERAL RULES AND REGULATIONS

A. All vessels, persons, and vehicles entering or using the Wellfleet Harbor and/or Marina shall be governed by the Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations, and orders of the court, if any, concerning the operation of vessels and the use of piers, slips, berths, and moorings, including, without limitation, those promulgated by the United States Coast Guard (USCG), the Environmental Protection Agency (EPA), the Massachusetts Division of Environmental Protection (DEP), the Department of Homeland Security (DHS), the Commonwealth of Massachusetts, and the Town of Wellfleet.

B. When a vessel enters the Marina or Harbor area, it immediately comes under the jurisdiction of the Harbormaster and shall be secured only where assigned and maneuvered as directed. The speed limit for all vessels within the limits of the Marina shall be no more than 5 miles per hour, and vessels shall leave no wake. Vessels and persons shall obey all lawful commands of the Harbormaster or the Harbormaster's assistants.

C. Only vessels in good condition, as determined by the Harbormaster, and under their own power, shall be admitted to slips, moorings, and berthing areas. In the event of an emergency during the owner's absence, i.e., breakdown of bilge pump, leaks, failing mooring ~~bad~~ lines, etc., the vessel owner will be assessed a reasonable charge for any emergency service rendered.

D. To be admitted and to continue as an occupant of the Marina or Harbor areas a vessel must be actively used for pleasure, commercial fishing, shellfishing and aquaculture, chartered fishing, or sightseeing trips and must be registered, identified, marked, equipped, and operated and maintained as required by law and standard practice and subject to periodic inspection by the Harbormaster to determine the maintenance of proper safety conditions.

E. All vessels will be secured in their assigned space or mooring in a manner acceptable to the Harbormaster. For information regarding and regulations specific to moorings refer to Section 4 of these regulations.

F. -Liability insurance or P&I insurance in an amount of at least \$250,000 shall be required on all motorized or self-propelled vessels over fourteen feet in length whose owners lease slips, berths, moorings, or seasonal launch privileges in the Marina or the Harbor. A certificate of insurance from the insuring agent naming the Town of Wellfleet as "additional insured" must be submitted to the Harbormaster before the lease is granted.

G. The owner (and guests for whom he is responsible) agrees to conduct himself at all times when in the Marina, or on any vessel operating in the Marina or Harbor, so as to create no annoyance, nuisance or hazard to the Marina or Harbor or to any other persons.

H. The fueling of vessels, except in designated areas, is prohibited in the Marina.

I. The Marina does not provide launch service.

J. Registration with the Harbormaster or his representative is required for overnight stays, at any time, on any vessel within the Marina or Harbor.

K. The ~~use~~consumption of alcoholic beverages is prohibited on any Town landing, float, pier, building, or parking areas owned by or under the jurisdiction of the Town.

3. FEES AND LEASES

~~A. Fees for leasing or renting slips, berths, or moorings shall be based on the published schedule and shall be paid in advance to cover a full season or part thereof. Leases shall not be canceled unless a suitable replacement can be obtained promptly and new fees collected. After the new fees are collected, proportional reimbursement for the unused seasonal lease will be made or, in the case of a lease for a portion of the season, an amount equal to the fees received will be reimbursed. All such reimbursements will have a ten percent administrative fee deducted.~~

~~i. Each owner or operator leasing space in the Marina or Harbor is responsible for providing the Harbormaster with a current and accurate "address of record" annually.~~

~~ii. Daily rates for transients start at 12 noon. Check out time is 12 noon of the following day.~~

~~iii. The season runs from May 15 to October 15 every year. For operations~~

outside that time frame, see the Harbormaster or his assistants and consult the fee schedule.

iv. The fee schedule is revised annually. Check at the Harbormaster's office for the latest revision.

B. To be eligible for "Taxpayer" rates an applicant must qualify as a taxpayer as defined above.

C. In the event of violation of Marina and Harbor Rules and Regulations, the Harbormaster may cancel a rental agreement on twenty four hours notice providing that the renter has made no effort to correct the identified problem when called to his/her attention. Refusal to correct a problem upon notification by the Harbormaster or Assistant Harbormaster will lead to immediate steps for removal of the vessel as set forth in Section 9—Vessel Removal Procedures, except that the notice provisions of Sections 9A and 9B will not apply. Reasons for such cancellation include, but are not limited to, violation of Wellfleet Marina and Harbor Rules and Regulations and non-payment of fees when due.

D. The Harbormaster has the right to revoke a lease for any violation of the Town of Wellfleet Marina and Harbor Rules and Regulations, including the non-payment of lease fees when due. Revocation shall follow the process outlined in Section 9—Vessel Removal Procedures.

E. The Harbormaster has the right to reassign slips, berths, and moorings for best utilization of Marina and Harbor resources.

F. Subleasing of slips, berths and moorings is strictly prohibited.

G. A lease holder's vessel may be absent for one year from a slip, berth or mooring provided the lease fee for the season during which the vessel is absent has been paid in full in advance of that season.

H. Marina leases are transferable only under the following circumstances:

i. Commercial slip, berth or mooring requests shall be put in writing and presented to the Harbormaster. Transferees must meet at the minimum the following criteria:

a. When a commercial fishing vessel 35 feet or longer is sold and currently

~~occupies a slip, berth or mooring that slip, berth or mooring may be transferred to the new owner of the vessel.~~

~~b. The vessel being sold shall remain a commercial fishing vessel. It cannot revert to sport fishing or other type of commercial venture.~~

~~c. Applicant shall be a Wellfleet resident.~~

~~d. Applicant shall have held a Wellfleet and/or state commercial fishing license for a minimum of five years.~~

~~e. Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.~~

~~ii. In the case of the death of a slip, berth, or mooring lease holder, the lease may be transferred one time only to the surviving spouse of the lease holder and will be terminated upon the death of the said surviving spouse. In the event that the lease holder does not have a surviving spouse at the time of his/her death, the lease will be terminated at the end of the then current season, or, if the lease holder dies prior to the start of the season, the lease will be terminated immediately and will not be renewed. Such transfer may be to an individual only and not to any trust, corporation, or other entity.~~

~~All requests for slip, berth, and mooring transfers are subject to prior review by the Marina Advisory Committee. This review does not include transfers referred to in H ii above. Recommendations by the Harbormaster and the Marina Advisory Committee will be presented to the Board of Selectmen for a final decision on the transfer.~~

2.III. MOORING REGULATIONS

It shall be the responsibility of the applicant/boat owner to ensure compliance with the law and these regulations.

~~These regulations/specifications are the minimum and boaters may exceed same except where it would be unsafe or hazardous to do so. Each boater is encouraged to contact their own specialist in such matters for advice as may relate to the particulars of their vessel and location. While the Town has made reas~~
While the town has made reasonable attempts to develop specifications believed proper, they are not a guaranty or assurance of a safe mooring, safety or assistance. Due to weather, use, and other factors over which the Town has no control, ultimate responsibility and liability rests on the individual boat owner.

A. MOORING PERMITS:

(For a chart of the Town Mooring Basin and the Federal Anchorage, see Appendix A.)

1. Any person wishing to moor a vessel in the Wellfleet Harbor mooring basin or Wellfleet waterways must first obtain permission from the Harbormaster to place and maintain such a mooring. Mooring assignments will be fair and equitable and open to all and assigned on a first-come, first-served basis.

2. All moorings must be registered with the Harbormaster Department. All applications for moorings in the Town of Wellfleet must be submitted in writing on an approved form from the Harbormaster Department..

3. All mooring permits are issued for the exclusive use of the vessel indicated on the permit. The use of the mooring by any other vessel is prohibited and will be grounds for the revocation of the mooring permit. Mooring permits are issued for one boat per mooring.

4. Moorings assigned to a service company or corporations are to be used for the mooring of the company's boats only and for no other purpose. Any deviation will result in the loss of said moorings.

5. Falsifying information on a mooring permit application or failure to submit a fully completed mooring permit application shall be cause for denial or revocation of such application.

6. Vessel owners are required to submit the following documentation with new applications or renewal applications when applicable.

a. Copy of the state registration or documentation of the vessel.

b. Completed mooring application.

c. Proof of insurance as defined in Marina Rules and Regulations.

B.

~~4.~~ COMMERCIAL VESSELS

~~1.A.~~ On the south facing portion of the L-Pier, no vessel longer than 75' in length (LOA) will be accommodated. Any vessel over that length may be directed by the Harbormaster to anchor in a designated area, if and as available, as determined by the Harbormaster.

~~2B.~~ In addition to liability or P & I insurance, all commercial vessels are required to maintain oil spill insurance coverage and a certificate of insurance from the insuring

agent must be submitted to the Harbormaster annually.

3C. Fueling of vessels from the fuel truck is permitted in the designated area only. The fueling vessel being fueled must be tied in the fueling area and the hose will not be allowed to pass over any rafted vessels. Violators will be subject to a fine of \$100, and repeat violators risk losing all Marina and Harbor privileges.

4D. No part of the Marina or Harbor, ashore or afloat, nor any vessel therein shall be used for the conducting or solicitation of business of any kind except for the normal operation of commercial fishing, charter fishing or sightseeing vessels, and no signs or other advertising material will be permitted without the permission of the Harbormaster, who will control size and placement. Nothing in this section shall prohibit an owner from contracting for or using such services as his vessel may require from the businesses or resources regularly available in the area or to him privately.

E5. -See Fee Schedule for unloading fees for commercial vessels on the L-Pier.

F6. Transient commercial vessels may rent dock space, if available, at the discretion of the Harbormaster.

C. MOORING SPECIFICATIONS

1. All moorings shall meet the minimum standards before placement. These standards are for normal weather conditions. In case of gale winds, hurricanes, or extreme tides it is the mooring owner's responsibility to ensure certain precautions are taken. (See storm precautions in Section V, B.) The Town of Wellfleet realizes that mooring loads are variable, that it is impossible to say all boats of equal length require the same size mooring and that such standards cannot be applied to all boats. The Harbormaster reserves the right to require a boat owner to increase the minimum mooring standard for any vessel should the Harbormaster feel the minimum standard would be inadequate for the vessel because of unusual design, but not limited to excessive weight, windage, or draft.

2. All moorings minimum sizes:

<u>Length of vessel</u>	<u>Mushroom</u>	<u>mooring Chain size</u>	<u>Line size</u>
<u>14' - 16'</u>	<u>#75</u>	<u>5/16"</u>	<u>1/2"</u>
<u>17' - 19'</u>	<u>#100</u>	<u>5/16"</u>	<u>1/2"</u>
<u>20' - 25'</u>	<u>#150</u>	<u>3/8"</u>	<u>5/8"</u>
<u>26' - 30'</u>	<u>#200</u>	<u>1/2"</u>	<u>5/8"</u>

31' – 40'

#250

1/2"

3/4"

3. All moorings must use mushroom anchors. All pennants shall be made of non-floating line.

- 4. Pennant length shall be two times the free board at the bow plus the distance to the mooring cleat.

- 5. Pennants shall have proper chafing gear so as to cover an area one foot either side of the bow chocks.

- 6. Total length of chain and line shall be three times the depth at mean high water. The length of the chain should be a minimum of six feet and a maximum of ten feet.

- 7. All chains, shackles, shackle pins, line, thimbles, swivels, buoys and pennants shall be in good condition and of proper size.

8. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.

9. Moorings found to be inadequate to the Town of Wellfleet specifications shall be corrected immediately. Responsibility and liability for corrective action rests with the individual boat owner.

- 10. Mooring buoys shall be inflated, formed, molded, or fabricated from white Styrofoam, rubber, plastic or fiberglass. Each buoy shall be white with a one-inch horizontal blue stripe. The first three (3) letters of the permit holders last name, three inches high, in a contrasting color shall be visible at all times.

D. MOORING TAGS AND BOAT STICKERS

1. Each permitted mooring shall have attached on the mooring buoy, above the waterline and visible at all times, a numbered annual mooring tag issued by the Harbormaster Department.

2. Each vessel for which a mooring permit has been issued shall have attached on the stern in a visible location, an annual sticker issued by the Harbormaster Department. The sticker shall display the mooring permit number, vessel registration or documentation number, make, length, color and owners name.

3. Each owner having a mooring permit may pick up a free sticker for his/her tender at

the Harbormaster's Office. Tenders without stickers will be ticketed. Please note that part of the Town's Environmental Protection legislation includes a "Small Vessel Identification and Permitting Program (Section 2.06)" The rule states that all such vessels must be stored in assigned areas and have a sticker, or they may be removed and the owners fined.

E. CANOES AND BOATS IN GREAT PONDS:

1. No boats, kayaks, or canoes may be left on or moored off of public landings at any great pond in the Town of Wellfleet with the exception of Gull Pond Landing.

2. All boats, kayaks, and canoes at Gull Pond must have a Town of Wellfleet boat sticker as described in the regulations. (See Section D and the Town's Environmental Protection Regulations, Section 2.06. This is available on the Town website under the Conservation Commission heading.)

3. Any boat, kayak, or canoe left or moored at Gull Pond without a boat sticker or at any other great pond will be confiscated by the Town and if unclaimed after six months from the date of confiscation may be sold at auction.

Confiscated boats, kayaks, or canoes may be claimed by their owners

- i. After proper identification and
- ii. At the convenience of the Harbormaster or Beach Administrator and
- iii. Only during regular business hours: 8AM TO 4PM, Monday through Friday

The owner must pay a fine of \$50 before any confiscated vessel can be returned. The Town of Wellfleet is not responsible for any theft or damage to any confiscated vessels.

FE. PLACEMENT OF MOORINGS IN THE TOWN OF WELLFLEET/CORPS OF ENGINEERS MOORING BASIN:

a. No mooring shall be placed, altered or shifted except under the direction of the Harbormaster. The Harbormaster may relocate permitted moorings if in his opinion it is warranted due to congestion, to ease navigation, or as a measure of public safety.

b. Renewal applicants will be reassigned their previous mooring location.

c. New moorings are assigned on a "move up" policy, based on date of application, physical characteristics of the boat and purpose of the boat, whether commercial or recreational. The Harbormaster Department shall maintain a mooring waiting list

providing for the fair and equitable distribution of mooring assignments open to all and assigned on a first-come, first-served basis. Persons making application for a different vessel from that of the previous year will not automatically be granted space. If the new vessel is larger than the capacity of the original mooring space, an effort will be made to effect a switch in the mooring space, but there is no guarantee that this can be done. If there is a decrease in boat size, a switch may be made to assure the best overall use of the mooring basin.

d. The Town of Wellfleet is under no obligation to provide any applicant specialized space. The Harbormaster Department will do its best to accommodate within the framework of available space and physical situation prevailing at any given time.

e. All moorings shall be removed at the end of the boating season except those with commercial uses. These may remain with the written permission of the Harbormaster Dept. All other moorings may be removed at season's end by the Harbormaster Dept. at the owner's expense.

~~F.~~ G. PLACEMENT OF MOORINGS IN WELLFLEET WATERWAYS:

a. No mooring shall be placed within 200 feet of a public recreational beach at mean high water.

b. No mooring shall be placed within 100 feet of the nearest edge of a marked channel or federal channel.

c. No mooring shall be placed nearer than 50 feet from the any other mooring.

d. No mooring shall be placed on any private property other than that of the applicant if the owner of the property objects.

e. If the mushroom anchor is exposed at low water, the anchor must be completely buried with the shaft in a horizontal position.

f. No mooring shall be located so that a boat lying on it shall be less than 50 feet from a licensed shellfish area (grant) designated by the Shellfish Constable. This restriction shall not apply to moorings permitted to the licensee of a grant and placed within or adjacent to said grant.

~~H.~~ G. TRANSIENT MOORINGS:

The Town of Wellfleet shall maintain eighteen transient moorings available for use from May 15 to October 15. They shall be used for transient vessels only and in the following

manner. Fifteen moorings are to be placed on the northern end of the dredged basin.

Three shall be 500# mushroom anchors with a maximum vessel length of 55 feet.

Three shall be 300# mushroom anchors with a maximum vessel length of 32 feet.

Nine shall be #200 mushroom anchors with a maximum vessel length of 25 feet.

The Town of Wellfleet Marina shall also maintain 3 or more transient moorings in the area of the harbor southwest of the breakwater and west of Buoy R 12 and the navigation channel for vessels not wishing to moor within the Marina. All transient buoys shall be marked "TRANSIENT" and numbered.

a. A fee shall be charged for the use of transient moorings. (See fee schedule on Town website.)

b. Reservations and assignment of transient moorings shall be made by the Harbormaster Department depending on availability and on a first come, first served basis. Reservations shall be made by mail or in person and include the first night's rental fee as a non-refundable deposit. The Harbormaster Department shall maintain a radio watch on channel 09 VHF to book daily transient rentals. Short term transient moorings (not to exceed five hours) shall be allowed when available for a fee.

c. A transient mooring log shall be maintained by the Harbormaster Department.

d. Transient moorings are to be rented for a period not to exceed thirty consecutive days in a season with the following exception:

Live-aboards will be allowed in the slip area or on transient and waterway moorings. Live-aboard vessels may be no longer than 55 feet and will be charged the daily transient vessel rate (see Fee Schedule). Live-aboard mariners wishing to commit to a 30 day stay will be charged a flat \$1,000 fee with an additional \$100 for the month if they wish to use the dinghy dock. The thirty day contract may be renewed throughout the season (May 15 to October 15) at the Harbormaster's discretion. No live-aboard may be moored in the Town Mooring Area. Waterways live-aboard vessels must use town moorings assigned by the Harbormaster.

e. The Town of Wellfleet accepts no responsibility for the safety of transient moorings during periods of extreme weather including, but not limited to, gale winds, hurricanes and extreme high water.

II. MOORING OF RAFTS, FLOATS AND BARGES:

- a. Service vessels, hereafter defined as rafts, floats and barges without power, whose sole use is to support the propagation and harvest of shellfish, may be granted permission to moor on the owner's shellfish grant after obtaining a Floats and Rafts permit at no cost from the Harbormaster Department.
- b. Service vessels shall be properly moored according to the specifications of the Town of Wellfleet Mooring Regulations and any special conditions required by the Harbormaster.
- c. Service vessels shall have the owner's name and grant number affixed to one side of the vessel, above the water line, with letters and numbers a minimum of 3 inches high.
- d. Service vessels shall display at night a 360 degree white anchor light at least 10 feet above water level.
- e. Service vessels shall have no more than 200 square feet of storage and work space per licensed area. Permission to moor service vessels larger than 200 square feet may be granted by the Harbormaster with the consultation of the Marina Advisory Committee and the Shellfish Advisory Board.
- f. Winter storage on Town property or on Town landings of service vessels used for the purpose of shellfish propagation and harvesting is prohibited without the express written permission of the Harbormaster.
- g. Service vessels are not permitted in the federal anchorage or channel.

JH. MOORING INSPECTIONS:

- a. Before a mooring permit, mooring tag or boat sticker is issued; the mooring owner must submit his/her mooring buoy, pennant, chafing gear, chain, line and connecting hardware for an out of the water inspection by the Harbormaster Department prior to placement of the permitted mooring.
- b. If, as a result of such inspection, in the opinion of the Harbormaster, any anchor, link of chain, shackle, swivel or any other piece of mooring gear has become damaged or worn, it shall be replaced. Failure to replace worn or damaged pieces shall be grounds for revocation of mooring permit.
- c. The Town of Wellfleet assumes no responsibility or liability for inspected moorings

that fail.

J. K. ANCHORING

No vessel shall anchor in the waters of Wellfleet for a period of greater than one week without notifying the Harbormaster. Permission may be granted for a brief extension. No anchoring is allowed in Wellfleet mooring basins.

IV. FEES AND LEASES

A. Fees for leasing or renting slips, berths, or moorings shall be based on the published schedule and shall be paid in advance to cover a full season or part thereof. Leases shall not be canceled unless a suitable replacement can be obtained promptly and new fees collected. After the new fees are collected, proportional reimbursement for the unused seasonal lease will be made or, in the case of a lease for a portion of the season, an amount equal to the fees received will be reimbursed. All such reimbursements will have a ten percent administrative fee deducted.

1. Each owner or operator leasing space in the Marina or Harbor is responsible for providing the Harbormaster with a current and accurate address annually.

2. Daily rates for transients start at 12 noon. Check out time is 12 noon of the following day.

3. The season runs from May 15 to October 15 every year. For operations outside that time frame, see the Harbormaster or his assistants and consult the fee schedule.

4. The fee schedule is revised annually. Check at the Harbormaster's office for the latest revision.

B. To be eligible for "Taxpayer" rates an applicant must qualify as a taxpayer as defined above in Section I, Definitions.

C. In the event of violation of Marina and Harbor Rules and Regulations, the Harbormaster may cancel a rental agreement on twenty four hours notice providing that the renter has made no effort to correct the identified problem when it is called to his/her attention. Refusal to correct a problem upon notification by the Harbormaster or Assistant Harbormaster will lead to immediate steps for removal of the vessel as set forth in Section 9 - Vessel Removal Procedures, except that the notice provisions of Sections 9A and 9B will not apply. Reasons for such cancellation include, but are not limited to, violation of Wellfleet Marina and Harbor Rules and Regulations and non-payment of fees when due.

D. The Harbormaster has the right to reassign slips, berths, and moorings for best utilization of Marina and Harbor resources.

E. Subleasing of slips, berths and moorings is strictly prohibited

F. At the discretion of the Harbormaster, a mooring owner may request permission to leave the mooring vacant for a period of not more than one season. The mooring owner is required to apply and pay for the mooring permit for that period. Failure to make such application and pay the fee shall result in the forfeiture of the mooring location. Any subsequent mooring permit application shall be considered a new mooring and shall be subject to the usual constraints. of such.

G. Marina leases are transferable only under the following circumstances:

1. Commercial slip, berth or mooring requests shall be put in writing and presented to the Harbormaster. Transferees must meet, at minimum, the following criteria:

a. When a commercial fishing vessel 35 feet or longer is sold and currently occupies a slip, berth or mooring, that slip, berth or mooring may be transferred to the new owner of the vessel.

b. The vessel being sold shall remain a commercial fishing vessel. It cannot revert to sport fishing or other type of commercial venture.

c. Applicant shall be a Wellfleet resident.

d. Applicant shall have held a Wellfleet and/or state commercial fishing license for a minimum of five years.

e. Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.

2. In the case of the death of a slip, berth, or mooring lease holder, the lease may be transferred one time only to the surviving spouse of the lease holder and will be terminated upon the death of the said surviving spouse. In the event that the lease holder does not have a surviving spouse at the time of his/her death, the lease will be terminated at the end of the then current season, or, if the lease holder dies prior to the start of the season, the lease will be terminated immediately and will not be renewed. Such transfer may be to an individual only and not to any trust, corporation, or other entity.

All requests for slip, berth, and mooring transfers are subject to prior review by the Marina Advisory Committee. This review does not include transfers referred to in G 2 (above). Recommendations by the Harbormaster and the Marina Advisory Committee will be presented to the Board of Selectmen for a final decision on the transfer.

5.V. SAFETY

A. The Town and the Harbormaster will take all reasonable precautions to ensure the security and safety of all vessels in the Marina and Harbor, but neither the Town nor the Marina assumes any responsibility for the safety or security of any vessel or property in the Marina and Harbor and will not be held liable for fire, theft, trespass, or damage to any vessel or vehicles or its equipment arising from any cause whatsoever. All vessel owners, operators, and their guests are to be attentive to potential safety issues including, especially, aquaculture equipment that is properly marked and conforms to all other rules and regulations, fire risks, and careless operation which may endanger others.

B. Owners should prepare for storms and high winds are expected and Plan and be prepared to make _____ storm plans with their~~your~~ boatyard or mooring contractor, ~~enabling them to do one or more of the following. In the event of a storm the Harbormaster recommends that owners;~~ haul your vessel, add lines, move your vessel to a more protected area, etc.

☐ ~~haul the~~ Take your boat, ~~out of the water~~ if at all possible, and place it well above high water taking into account extreme tidal conditions and storm surge. Remember, haul out areas and ramps will be ~~extreme~~very busy. ~~If the boat cannot ean'sbe hauled, you can't haul your vessel: You should remove from your b~~

1. All sails, roller furlings, etc.,

☐ _____

2. All dodgers, biminis and enclosures,

3. AAntennas and electronics,

☐ 4. All non-permanent equipment (deck chairs, rafts, boxes, etc.),

☐ 5. Ship's papers and valuables.

6. Portable fuel tanks. (~~G~~gasoline, propane.)

~~ii.~~

Owners or their agents should also pump out excess water from bilge and drain water tanks. .

~~—i~~ Make sure batteries are fully -charged; pump switches and intakes are not jammed and are ~~working freely. ly.~~

~~—~~ Secure windows, hatches, seacock's and fuel lines to engine and cooking appliances. Check chafing gear, and

~~M~~make yourthe boat as watertight as possible.

~~-Check chafing gear.~~

~~U~~ltimately, the responsibility is that of the boat owner. The Marina does not assume responsibility for the protection of any vessel. ~~9ON:~~

C. Vessel owners shall not place supplies, materials, accessories, or debris on any float or walkway and shall not construct or place thereon any lockers, chests, cabinets, or containers without the permission of the Harbormaster.

D. Vessels having tenders on davits, gangways or boarding ladders or steps, extreme overhangs, bow and stern sprits, boomkins, spars, pulpits, etc. shall be secured in such a manner that none of these appurtenances shall create a hazard or block free passage along any float, walkway, or waterway.

E. Swimming or water skiing is prohibited anywhere in the Marina.

F. Charcoal or any form of open fire anywhere within the Marina is absolutely prohibited.

G. Children 10 years of age or younger should be accompanied by adults at all times.

~~6~~VI. -SANITATION

A. The Harbormaster Department requests your assistance in enhancing water quality and ~~The Harbormaster Department requests your assistance in enhancing water quality and~~ protecting Wellfleet's ~~our~~ natural resources. All boaters with marine sanitation devices on board ~~shall~~ use pump-out facilities to purge their holding tanks. The Town of

Wellfleet Marina will maintain a pump-out cart and a pump out boat to provide service to the mooring basin. Boaters may obtain information on pump-outs and marine wastes by contacting the Harbormaster Department at 508-349-0320 during operating hours.

Federal, State and Town statutes prohibit the discharge of sewage, waste material, oil and fuel, rubbish or refuse of any kind or description into any river, stream, pond or tidal waters. Heavy fines and imprisonment are the penalties for violations. All garbage and other refuse must be placed in receptacles provided by the Marina.

B. Noise shall be kept to a minimum at all times. Consideration for others requires discretion in the operation of engines, generators, radios, and television sets in such a manner and at such times as to create no nuisance or disturbance.

C. Laundry shall not be hung on any boat, float, walkway, or anywhere else in the Marina.

D. The cleaning of fish and the disposal of fish or parts thereof are prohibited anywhere within the Marina including service and parking areas.

E. Power washing of boat bottoms is prohibited at the Marina.

F. Dogs and pet animals are permitted in the Marina only on leash or otherwise confined or restrained. Pickup and disposal of pet waste at the Marina is required and "mutt-mitts" are available.

7VII. STORAGE

A. Tenders and other small vessels shall be stored aboard vessels or placed where the Harbormaster directs. All such small vessels shall carry identification numbers, marks, or names. Identifying stickers may be obtained at the Harbormaster's Office. They may not be tied up in rentable space or on any float, walkway, or ramp.

B. The Harbormaster will make a reasonable effort to provide winter tie-ups for vessel owners who have seasonal leases. Off-season fees must be paid in full by October 15th. For all others seeking off-season dockage, weekly rates must be paid in advance and will be offered at the discretion of the Harbormaster. All off-season tie-ups must follow the direction of the Harbormaster.

C. Winter moorings will be provided for a fee for floats, rafts or barges which are removed from their shellfish grant areas for the winter. No beaching of any such equipment will be allowed. Any such equipment in violation of the above shall be

removed at the owner's expense. All tenders and other watercraft must be removed from Town Landings and/or beaches by November 1st. Any vessels left after this date will be removed at the owner's expense.

D. All vessels renting storage space on a daily, weekly, or monthly basis between October 15 and May 15 are required to pay in full to the Harbormaster before occupying any slip, berth or mooring. A Security and Damage Deposit must also be paid and will be held by the Town in escrow and refunded to any owner or master of the vessel on termination of the rental agreement, provided that during the period the vessel is in the harbor

- ~~(i)~~ 1. ~~a~~ All accumulated dockage fees have been paid when due;
2. ~~(ii)~~ ~~a~~ All Rules and Regulations of the Marina and Harbor and all lawful orders of the Harbormaster have been complied with by the vessel or crew; and
3. ~~(iii)~~ ~~n~~ No damage has been caused by the vessel and its crew to any of the Marina and Harbor facilities.

If any of the above conditions have not been complied with, the security deposit shall be forfeited to the Town and no portion of it shall be refunded and, notwithstanding the forfeiture of the deposit, the Town shall have the right to proceed against the vessel, its owner, master or crew in any proceeding, civil or criminal, to enforce its Rules and Regulations and Orders; to recover for any damage done to harbor facilities; or to recover for any dockage fees due.

8VIII. -ENFORCEMENT AND PENALTIES

A. Criminal Complaint – whoever violates any of the above Marina and Harbor Rules and Regulations shall be punished by a fine of one hundred dollars (\$100) for each offense. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

—M.G.L. c. 102, section 28 Penalties: Provides in part that violations of sections 17-27 or a refusal or neglect to obey the lawful orders of a Harbormaster, or resisting a Harbormaster who is carrying out his duties, are punishable by a fine of up to \$50.00 and the offender is liable in tort to any person suffering damage thereby.

B. Non-criminal Disposition – As an alternative or in addition to initiating criminal proceedings pursuant to subsection (A) above, the enforcing agent may dispose of a violation of these Rules and Regulations pursuant to the following procedures:
Whoever violates any provision of these Rules and Regulations may, in the discretion of the enforcing agent, be penalized by a non-criminal complaint pursuant to the provisions of G.L. Chapter 40, Section 21D. Whoever violates any

Rule and Regulation as stated above shall be subject to a fine of one hundred dollars (\$100). A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein. Owners shall be responsible for the conduct of their guests and crew, and as such, the enforcing agent may, as an alternative, subject the owner to any or all fines and penalties for any violation of these Rules and Regulations by a guest or crew of the owner.

9IX. VESSEL REMOVAL PROCEDURE

The Wellfleet Harbormaster shall have the right to remove any vessel in violation of any rule or regulation promulgated by the Board of Selectmen or the Wellfleet Harbormaster, any bylaw adopted by the Town of Wellfleet regulating vessels or any law, rule, or regulation adopted by the Commonwealth of Massachusetts or its agents regulating vessels, or any law, rule, or regulation enacted by the Federal Government regulating the operation of vessels in the Town's Harbor and Marina for which a violation citation has been issued to the owner and/or master of the vessel, provided however :

- A. The Harbormaster shall cause to be delivered by hand or certified mail to the owner of a vessel subject to removal, a written notification signed by the Harbormaster stating the nature of the violation, the specific law, bylaw, rule, or regulation under which the Harbormaster asserts a claim of violation and a statement of acts necessary to cure said violation.
- B. If the owner of the vessel has not cured the violation within ten (10) days or requested a hearing before the Board of Selectmen within such time to review the Harbormaster's determination, the Harbormaster may remove the vessel.
- C. The owner shall be responsible for all costs, fees, and charges, including removal, transportation, and storage.
- D. Upon removal, all rights to the use of the slip, berth, or mooring shall be terminated and the owner shall have the right to receive a refund of the pro rata share of the yearly dockage fee paid to the Town of Wellfleet. The Harbormaster may deduct any portion or all of the cost incurred in removing said vessel from the amount to be refunded to the owner.
- E. Notwithstanding anything continued herein, in the event that the condition of a vessel is such that there exists an immediate danger to the public safety, navigation, or the environment, the Harbormaster may correct said condition by removing the vessel or by any means the Harbormaster deems appropriate. The owner of the vessel shall be responsible for all costs associated with said corrections.

~~10~~X. PARKING

A. The Harbormaster ~~and the , Assistant~~ Harbormaster Department, and/or the Wellfleet Police Department shall designate and enforce parking regulations in the Marina parking area.

B. Marina parking in the area east of the restrooms on the south side hereby referred to as Area A, shall be for:

~~1.i.~~ -vehicles with boat trailers

~~2.ii.~~ boat trailers

~~3.iii.~~ commercial vessels

~~4.iv.~~ commercial trucks (larger than pickups, not used for passengers)

~~5.v.~~ busses

~~6.vi.~~ heavy equipment

~~7.vii.~~ any other parking as authorized by the Harbormaster.

C. A fee shall be charged for overnight parking of vehicles and equipment listed in subsections ~~1.i.~~ through ~~7.vii.~~ Vehicles and vessels that do business with the Marina have the option to purchase a seasonal parking permit. Such fees and permits are published in the Marina Fee Schedule.

D. Parking anywhere at the Marina shall not interfere with the flow of traffic.

E. Area B, which is any area outside of Area A, shall be for passenger vehicles, pickup trucks, and vehicles not for hire. No occupied recreational vehicles (campers, RVs, and vessels) will be allowed to park overnight (sunset to sunrise). See Town Bylaw, Art. VII, Sec. 23. No parking in the yellow no parking zones, fire lanes, or easements. No parking in handicapped parking spaces without a handicapped plate or placard. The Harbormaster and/or the Wellfleet Police Department may close areas of the Marina for special events.

Appendix 1 – Mooring areas in Wellfleet Harbor and Waterways

This is a schematic image and not to scale.



Draft combination of previous Rules and Regulations and newly revised Mooring Regulations
5/20/2015



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

☐ Name Steven GAZZANO Date 5/29/2015

Mailing Address 15 Mayflower Drive
Wellfleet, MA 02667

Phone (Home) 508-349-6967 (cell) 508-284-6248

E-mail GAZZANO100@YAHOO.COM

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: Served AS A 2nd line Supervisory Park Ranger/manager
Law Enforcement/Visitor Services with a staff of up to 100 employees
(Permanent & Seasonal). Responsible for writing work plans, position
descriptions, creating plans, quarterly & yearly evaluations. Responsible for
administering employee discipline from letters of warnings & reprimands to
PIP plans to removal. Much experience in dealing with union issues,
appeals & adverse actions. Worked in HR & EEO for 5 years.

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

MA in Dispute Resolution from UMASS Boston concentration
in discrimination. Served AS AN instructor in conflict
Resolution trainings. Served AS A Mediator across the Federal
gov't in the Federal Executive Shared Neutral Program. Mediated in 8
different gov't Agencies with over a 90% success rate. Mediated 65+
CASES. California Medal of Valor winner
State

☐ Committees/Boards of Interest: 1) Personnel Board
2) _____
3) _____



TOWN OF WELFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

☐ Name Jeff Tash Date 7/13/15

Mailing Address P.O. Box 56
Wellfleet, MA 02667

Phone (Home) 508-349-9798 (cell) _____

E-mail jefftash@comcast.net

☐ Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: amateur Wellfleet historian; volunteered as a docent at the Wellfleet Historical Society Museum for a couple of decades; host guided walking walking tours of historic Wellfleet;
twice taught Wellfleet History course at Open University of Wellfleet; former member of the
Wellfleet Historical Society & Museum board

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

Currently serving on the town's Energy Committee and Cable Advisory Committee

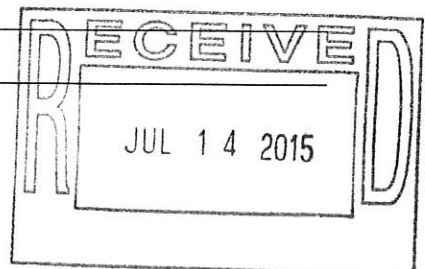
Currently serving as vice president of Friends of the Cape Cod National Seashore and the
Wellfleet Community Forum

Webmaster for Wellfleetian.com, plus several other websites including FCCNS.org,
WellfleetAffordableHousing.org, Wellfleet Non-Resident Taxpayers Association, Am HaYam

☐ Committees/Boards of Interest: 1) Historical Commission

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 or bring it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

☐ Name Robin Slack Date 8/6/15

Mailing Address 126 East Wind Circle
Wellfleet 02667

Phone (Home) 508-349-0948 (cell) 612-280-6151

E-mail Robinslack44@gmail.com

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

COA Board + Volunteer National Sea Shore Volunteer
Thrift Shop Volunteer Audubon Volunteer
LCOC Volunteer

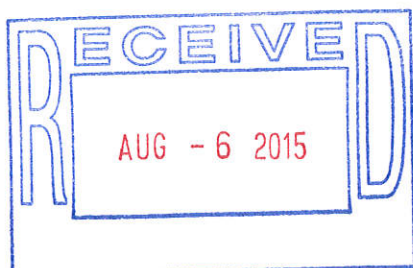
☐ Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.: _____

Retired Woman's Health Care N. P.

☐ Committees/Boards of Interest: 1) _____

2) _____

3) _____



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

Applicant WALTER BARON Affiliation or Group OLD WHARF DORY CO.
Telephone Number 508-349-2383 Mailing Address 170 OLD CHEQUER, N. RD.,
Email address walter@oldwharf.com WELLFLEET, MA 02667
Town Property to be used (include specific area) MAYO BEACH

Date(s) and hours of use: SEPT. 19, 2015 - 1 PM to 5 PM

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

3RD ANNUAL WELLFLEET ROWING RENDEZVOUS -
FREE EVENT - ROWING A VARIED COLLECTION OF
BOATS - ROWING AS EXERCISE - FREE FOOD

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

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

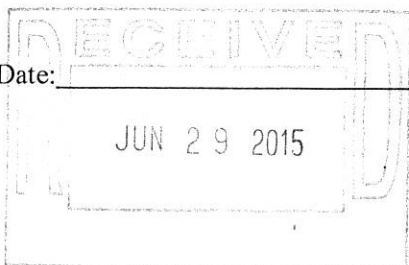
Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____



Processing Fee: 20.00 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature: Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings Signature: Comments/Conditions: Permits/Inspections needed:
Police Dept. Signature:  Comments/Conditions: OK	Fire Dept. Signature:  Comments/Conditions: OK
DPW Signature:  Comments/Conditions: OK 7/13/15	Beach Dept. Signature:  Comments/Conditions: OK 7/20/15
Shellfish Constable Signature: Comments/Conditions: OK.	Harbormaster Signature: Comments/Conditions: OK.
Recreation Dept. Signature: Comments/Conditions:	Town Administrator: Comments/Conditions:

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

Applicant Dakota Mlaskey + Alexander Affiliation or Group _____
Loughlin

Telephone Number 207 756 9815 Mailing Address PO Box 217

Southwellfleet 02663

Town Property to be used (include specific area) Newcomb Hollow Beach

Date(s) and hours of use: October 24th 2³⁰ - 3:30pm

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.

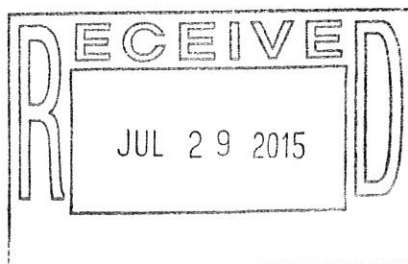
Wedding Ceremony, 80 people, no equipment, no food or beverage
Ceremony @ 3³⁰, guest arrival 2:30 - 2:45,

Action by the Board of Selectmen:

_____ Approved

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____



Processing Fee: 20.00 paid

Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

Comments/Conditions:

Permits/Inspections needed:

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

Police Dept. Signature:

Comments/Conditions:

OK.

Fire Dept. Signature:

Comments/Conditions:

OK 8/3/15

DPW Signature:

8/6/15

Comments/Conditions

Restroom facilities will be closed for the season

Beach Dept. Signature:

Comments/Conditions:

Shellfish Constable Signature:

Comments/Conditions:

Harbormaster Signature:

Comments/Conditions:

Recreation Dept. Signature:

Comments/Conditions:

Town Administrator:

Comments:

REC'D AUG 05 2015

LOCAL HOUSING PARTNERSHIP

At least 7 members; 3 Community, 1 Housing Authority, 1 Open Space, 1 Planning Board, 1 ZBA

Staff assistance: Inspector of buildings, Health & Conservation Agent, ATA/Town Planner

To work in conjunction with the Wellfleet Housing Authority. 1 year term

BOS 11/10/03

Members will work in coordination with the Wellfleet Housing Authority to promote, provide and maintain affordable housing.



TOWN OF WELLFLEET
Department of Public Works
220 West Main Street
Wellfleet, MA 02667

Mark Vincent
Director

Phone: 508-349-0315
Fax: 508-349-7085

July 20, 2015

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

Reference: Policy for Maintaining Private Paved Roads for Snow Plowing

Dear Mr. Pilcher,

As a result of a moderate response to the snow plowing policy, I am recommending to the Board that the enforcement date of the 2015 – 2016 snow plowing season be deferred for one year.

We have had only a twenty percent sign off on approximately one hundred forty (140) paved private roads to date. Based on what we have experienced, we do not anticipate much more than a 50% sign off by the beginning of the up coming snow plowing season. This could potentially leave approximately sixty (60) to seventy (70) private paved roads unplowed. The Department of Public Works, Fire Department and Police Department are working together with abutters of these roads to help them with their improvements.

I also would like to make this recommendation with the understanding that the Department of Public Works will not plow or sand any private paved road which is a potential danger to personnel or equipment.

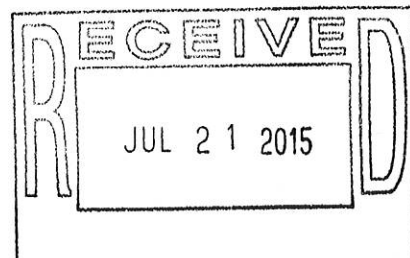
It is my intension to give the Town Administrator and the Board of Selectmen an update on the status of the inspections during the late spring of 2016 for your review and consideration.

I would also like to thank the Board for their support of this policy, which will ultimately provide a safer working environment for Town employees and provide better emergency access and response to residents.

Sincerely,

Mark Vincent
Director
MV/jgl

CC: Harry Terkanian



Michaela Miteva

From: bos-owner@wellfleet-ma.gov on behalf of Helen Miranda Wilson [helmirwil@c4.net]
Sent: Friday, August 07, 2015 10:57 AM
To: Michaela Miteva; Brian Carlson; BOS Wellfleet Selectmen BOS
Cc: Harry Terkanian; Hillary Lemos; Douglas Guey-Lee
Subject: SUPPORTING DOCUMENT to be included in our packet for Municipal Tick-testing Program agenda item.

Link to Laboratory of Medical Zoology website: www.tickreport.com

Hi Everyone.

Last year the State funded an excellent tick testing program run by the Department of Medical Zoology in Amherst that was free for certain municipalities, for the first year. I first heard about it through our Health Department.

The free tests ended on June 30th.

They now test ticks for a full spectrum of diseases for \$50. per tick which is way less expensive than, say, Imugen.

The lab now offers towns who fund it a discount: \$ 30. per tick.

Some towns have opted to continue to offer it by partially funding it, splitting the cost with the individual who wants a tick tested. The ticks would be sent in by the individual, not the Town.

I've been sending in any tick that's been on me for more than a day to be tested since 1997.

Over the years, I've used a number of labs . This program was by far and away the best.

They got back to me sooner and tested for more diseases with more specificity than any other lab I've used.

And the LMZ lab is motivated by the need for scientific data, not profit.

There are now more diseases that we can get from at least 3 kinds of ticks here on the Outer Cape than ever before.

(See LMZ's [Learn which tests are performed for each species](#))

Yesterday I spoke with Dr. Stephen Rich, the scientist who started this study and who's been running it at the LMZ lab.

Having the Town, and maybe even the region (Eastham, Wellfleet, Truro, Provincetown?) set up a way to participate looks possible. Dr. Rich expressed real interest. The more ticks, the better. If you google his bibliography, you'll see why.

He's been working with the County's Extension on these issues since 2006 and will continue to seek data here into the future.

Because the results of testing a tick's DNA are more quickly available and more immediately accurate than any of the tests that can be done on humans, being able to send in an engorged tick is the most efficient way to know if you are at risk.

Many ticks that I've sent in over the years do not test positive for a disease.

I would like to have this on next week's agenda so that we can discuss it, including how we might finance this much-needed public service.

Helen.



Town of Wellfleet

Memo

To: Harry Terkanian, Town Administrator
Board of Selectmen

From: Brian Carlson, Assistant Town Administrator

Date: July 30, 2015

Re: *Access A/V, Inc. contract award for installation of video recording and playback equipment at the Library and COA buildings.*

Access A/V, Inc. responded to a public bid to supply services and installation of video recording and playback equipment at the Wellfleet Town Library and the Council on Aging building. Access A/V, Inc. was the only bidder that responded to the Request for Proposals and was evaluated based on the criteria set forth in the RFP specifications. The evaluation team consisted of the Town Administrator, Assistant Town Administrator and a member of the Cable Advisory Committee. The overall evaluation found Access A/V, Inc., as an Advantageous respondent with a total price proposal of \$80,238. A contract has been drafted and is ready for the Town Administrators signature.



TOWN OF WELFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

This agreement made the ____ day of August 2015 by and between: **Kevin Long, Owner of Access AV** hereafter called the "Contractor" and the Town of Wellfleet hereinafter called the "Town".

Witnesseth, that the Contractor and the Town for the consideration hereinafter named agree as follows:

Article 1: Scope of Work

The Contractor shall furnish all the materials/services called for in the attached specifications for: "Cable TV Broadcast Equipment" set forth in the contractor's response to the Request for Proposals attached hereto.

Article 2: Time Period

The contract is for the period of 8/12/15 through _____. The deadline for completion of work may be extended by mutual agreement between the Contractor and the Town Administrator.

Article 3: The Contract sum

The total amount of the bid inclusive of extended warranties is \$80,238.

Article 4: Time of Payment

The Town shall pay the contractor on original invoices only and payment shall be based on invoices for goods received and services performed. The Town shall pay the contractor as follows: 25% deposit, 50% of balance due at installation, and remaining 25% due upon sign off by the Town Administrator.

Article 5: The Contract Documents

The RFP and contractor's response together with this Agreement, form the Contract, and they are as fully a part of the Contract as attached and incorporated herein by reference. In the event this agreement, the RFP and the Contractor's proposal contain inconsistent provisions, the terms of this agreement shall prevail over the RFP and Contractor's Response and the Contractor's Response shall prevail over the RFP.

Article 6: Termination for Cause

The Town may terminate this Agreement, for cause, at any time upon written notice to the other party designating the reason for said termination. Termination shall be effective immediately.

In Witness Whereof the representative parties hereto have cause this instrument to be duly subscribed and sealed.

Town of Wellfleet

Contractor

Harry S. Terkanian, Town Administrator
Duly authorized

Signature of Authorized Representative



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

To: Board of Selectmen
From: Harry Terkanian, Town Administrator
Subject: Manner of Changing Health Insurance Benefits; Acceptance of MGL c. 32B, s. 21-23.
Date: July 29, 2015

Acceptance of MGL chapter 32B sections 21 – 23 has been recommended to all of its member communities by the Cape Cod Municipal Health Group. Acceptance by a town is by vote of the board of selectmen.

Section 21 provides a mechanism by which certain changes to municipal health insurance benefits can be made, setting out a detailed process to verify eligibility and compliance with these requirements. Section 22 applies only to changes that do not increase the dollar amounts of copayments, deductibles, etc. to more than those in the Commonwealth's Joint Insurance Commission plan with the largest number of subscribers. (Any plan changes that would result in costs to the employees in excess of these limits remain subject to traditional collective bargaining.) Section 23 provides a mechanism to transfer employees to a plan offered by the Commonwealth's Joint Insurance Commission, again with the same limits on plan costs.

The flexibility offered by Section 22 may become necessary as the CCMHG determines to revise plan offerings from time to time. Wellfleet has a long history with the CCMHG and I see no reason to expect taking action under Section 23.

BOARD OF SELECTMEN

Policy on Policies

Original Date: November 9, 1988

1988-5

Revised: January 23, 1990 (1990-1)

Revised: November 22, 1993

Reaffirmed: January 16, 1996

Reaffirmed: February 2, 1998

Revised: January 16, 2001

Reaffirmed: March 9, 2004 Revised:

March 23, 2004

Revised: August 14, 2007

Proposals for new policies or changes to an existing policy can be initiated by any Board member, employee or citizen. Proposals shall be submitted in writing to the Chairman of the Board of Selectmen through the Town Administrator who shall place them on a meeting agenda for consideration.

For the purpose of efficient drafting, a new policy or a policy revision considered by the Board shall not be adopted at the meeting at which it is introduced, but shall require additional readings at subsequent meetings before adoption is final.

Revocation of an entire policy may be voted on at the same meeting during which it is initially discussed.

SCHEDULE FOR ADOPTION OF POLICY

1. A topic or amendment is proposed and placed on the agenda by a Board member or the Town Administrator. The Board votes that the topic is worthy of formulation as a policy, or that amending a policy is a good idea.
2. The Town Administrator prepares a draft of the policy and sends it to department heads and other appropriate members of Town government for review and comment. If necessary, the Town Administrator refers the proposed policy to Town Counsel.
3. The draft of the proposed policy or policy amendment is placed on the agenda. The Board discusses it and then votes on it. If further amendment is necessary, they vote on the final draft at a subsequent meeting.
4. This process shall take no longer than eight weeks.

CATALOGING OF POLICIES:

Include the original, effective date of the policy and the dates of any subsequent revisions.

Have the title clearly and briefly identify the content so that it will be easy to find in the table of contents.

List the policies in alphabetical order in the table of contents.

All new policies or substantial changes in an existing policy shall be published in the annual report of the Town.

USE OF TOWN PROPERTY FEES POLICY

Adopted: As Policy 2015-xx

The Board of Selectmen shall permit use of Town property by individuals or groups for only those activities which are not detrimental to public safety and convenience and which are completely in accordance with all relevant laws and regulations. Insurance coverage and potential liability exposure will be considerations whenever the use of Town property is requested.

Fees are established for use of Town property in order to balance the Town's responsibility to manage the assets entrusted to it by the voters, including Town real estate, in a manner that is consistent with the need to insure that Town government operations can be conducted and citizens access to Town property is preserved while balancing community needs for exclusive use of Town property for specific events. In order to balance these competing needs the Wellfleet Board of Selectmen adopts the following fee structure:

This fee structure applies only to properties under the control, care and custody of the Board of Selectmen. It therefore excludes from its operation properties such as the Wellfleet Elementary School which is under the care, custody and control of the School Committee and the Wellfleet Public Library which is under the care, custody and control of the Library Trustees.

Application fee: \$20.00. The application fee is required for all applications regardless of the event or sponsoring organization and is intended to partially cover the time required to review and process the application.

Reimbursement of direct costs: In addition to the application fee and the use fee, the sponsoring organization shall reimburse the Town for the cost of all Town services requested by the applicant or required by the Town as a condition of approval. The cost of services shall include any equipment charges, required minimum payment to employees for callbacks, private duty fees, etc. to which will be added an administrative surcharge to cover the administrative costs associated with furnishing services.

Insurance: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish proof of liability insurance covering the interests of the Town with such coverage limits as the Town shall require.

Bond or deposit: As a condition of approving any application, the Town, in its sole discretion, may require the sponsoring organization to furnish a bond or security deposit to insure the payment of all costs and the restoration of the property to its original condition.

Other conditions: As a condition of approving any application, the Town, in its sole discretion, may impose such additional conditions as it determines are reasonably necessary to protect the interests of the Town.

Basic use fee per day (or portion thereof) per parcel (or portion thereof): Between zero (\$0.00) and one thousand (\$1,000) dollars depending on the application of the following criteria. Parcel as used in this document means a parcel shown on the Town of Wellfleet assessing atlas in use at the time of the application.

In determining the fee to be charged for a specific application the Selectmen shall consider the following criteria:

First: The nature of the parcel or parcels for which application is made. Parcels which are heavily used by the public warrant a higher fee than parcels not as frequently or as intensively used by the public. An example of a heavily used parcel is the Town Hall parking lot which is used by persons having business at Town Hall or with Main Street merchants, employees, persons parking in order to travel on public transportation, etc. Less heavily used parcels would warrant a fee toward the lower end of the fee scale.

Second: The degree of exclusivity required. An application that requires the use of an entire parcel or a significant portion of a parcel to the exclusion of all others warrants a higher fee than uses which do not exclude the public or requires only a small portion of a parcel. In evaluating this criterion the Board may also consider whether and the extent to which adjacent public streets will be used by the event. An example of a use that warrants a high fee is one which requires use of the Town Hall parking lot and adjacent streets to the exclusion of the public for a day or more. An example of a use that warrants a lower fee is one that uses a beach parking lot to stage a road race during the early morning hours before the lot is manned by the Beach Department staff.

Third: The nature of the organization and its relationship to the Town.

- No fee is required of Town departments, boards, commissions or committees.
- Not for profit organizations formed solely to support Town government operations, such as the PTA, Friends of Recreation and Friends of the Library, would qualify for a reduced fee or no fee.
- Not for profit organizations formed to support a specific segment of the community or region as opposed to directly supporting Town operations would pay a larger fee than not for profits which directly support Town government.
- Organizations with commercial or quasi commercial purposes pay a larger fee. An example would be a commercial film crew.

Fourth: Whether an admission fee is charged by the event organizers for entrance into the event and for what purpose.

Fifth: Whether the event includes as participants businesses which pay a fee to the event organizers in order to participate in the event.

The five criteria taken together provide a basis for establishing a fee which reflects the importance of the public space, the degree to which the public is displaced from that space and the degree to which the Town benefits, directly, indirectly or not at all.

BOARD OF SELECTMEN
Quorum Policy
Original Date: May 10, 1993
1993-2

Revised: January 10, 1994
Reaffirmed: January 27, 1997 and
Reaffirmed: April 13, 1998
Reaffirmed: June 4, 2001

No business shall be undertaken by the Board of Selectmen without a quorum present. A quorum is a majority of the membership of Selectmen. Since the Board is comprised of five members, a quorum shall be three members. A majority of the quorum must vote in order to pass any action. Therefore, two members are sufficient to take action when only three members are present. However, if one of the three members present recuses him or herself for any reason, then the quorum is lost and no action can be taken. If that member does not recuse him or herself but merely decides to abstain, a 2-0-1 vote is sufficient to take action.



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

To: Board of Selectmen
From: Harry Sarkis Terkanian, Town Administrator
Subject: Town Administrator's Report
Date: July 31, 2015

This report is for the period July 24, 2015 through July 31, 2015. I will be on vacation the week of August 3rd.

- 1 Procurement:
 - a. Responses to the RFP for cable TV equipment have been received and evaluated. I will be recommending a contract award to Access A/V for installations of recording equipment at the Council on Aging and editing and playback equipment at the Library. There will be additional contracts for audio upgrades at the Council on Aging. Funding will come from CATY licensing fees which are restricted to this and similar purposes.
- 2 Dredging. Pre application meeting held July 28, 2015 with state and federal agencies. Dredging information is posted to the Town web site.
- 3 Wage & Classification Study. July 30, 2015 initial meeting with contractor. Plan is to setup initial meetings with department heads and employees and to distribute job description questionnaires to employees during the week of August 10th. A first draft of job descriptions is targeted for August 31st.
- 4 Mobile Food Vendors. Met with the Planning Board chairman to discuss zoning aspects of regulation, principally zones where this use is permitted. Assigned the task of reviewing possible selectmen's regulations to the Assistant Town Administrator.
- 5 Cash control policy. Based on feedback from department heads, on June 22, 2015 I recommended revisions for consideration by the treasurer. I am following up with the acting treasurer.
- 6 OPEB investment. Waiting for the treasurer's recommendations. Will follow up with the acting treasurer.
- 7 Additional Meetings.
 - a. July 28, 2015. Cape Cod Purchasing Officers meeting; Pre application dredging meeting.
 - b. July 29, 2015. Met with Barbara Wright about her request to purchase Town land to reconstruct their bulkhead. Met with Todd LeBart, Community Services Director and Fire & Police Chiefs about congestion and public safety at the Ocean View Drive – Cahoon Hollow Road intersection.
 - c. July 30, 2015. Initial meeting with Don Jacobs and ATA on wage and classification study. Met with Don Paladino on Herring River Restoration issues.
- 8 Personnel Matters:

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

- a. Administrative actions (appointments are subject to disapproval by majority vote of the Board of Selectmen within 14 days; Charter section 5-4-1):
 - i. The treasurer position has been posted on the Town web site and the MMA web site and will be run for two weeks in the Cape Cod Times. Applications are due on August 21st. Since the treasurer is a Board of Selectmen appointment I recommend a screening committee be appointed by the Board to evaluate applicants and recommend a panel of finalists.
 - ii. I will resume conducting annual performance reviews in September. Four have been completed to date.
- b. Current employment vacancies (Charter 5-3-2 (i)):
 - i. Building – Building Inspector is part time.
 - ii. Board of Health secretary position will be filled by Mary Rogers.

Town of Wellfleet Committee Vacancies

Date: August 6, 2015
To: Harry Terkanian
From: Jeanne Maclauchlan
Re: Appointments to Town Boards

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

Barnstable Human Rights Commission (1 Wellfleet Representative)

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

Bike & Walkways Committee (5 Members)

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

Board of Health (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: One application on file		

Building and Needs Assessment Committee (5 Members)

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

Cable Advisory Committee (5 Members)

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

Cape Light Compact Governing Board (2 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	to be determined by BOS
Requesting Appointment: No applications on file		

Commission on Disabilities (up to 7 Members)

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

Cultural Council (no more than 22 members)

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

Energy Committee (11 members total)

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

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years
Requesting Appointment: No applications on file		

Herring Warden (1 Warden, 1 Assistant Warden)

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

Historical Commission (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: One application on file		

Marina Advisory Committee: (7 members, 2 alternate)

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

Personnel Board (4 Community Members)

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

Recreation Committee (5 members)

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

Recycling Committee (Up to 11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: One application on file		

Shellfish Advisory Board (7 Members, 2 Alternates)

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

Wastewater Planning Committee (7 Members)

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



DRAFT

**Wellfleet Board of Selectmen
Minutes of July 28, 2015
Wellfleet Senior Center**

Present: Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Jerry Houk, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Paul Pilcher

Acting Chairman Dennis Murphy called the meeting to order at 7:00 pm.

Announcements, Open Session and Public Comment

Terkanian announced a fundraising dinner to benefit the Wellfleet Montessori Preschool on August 19, 6-10 at Chequessett Yacht and Country Club.

Public Hearing(s) [7:05]

Murphy explained the purpose of the informational hearing on the Harbor Dredging Status, and said that there will be no decision after the hearing. Murphy opened the public hearing at 7:05 pm. He acknowledged the attendance of Representative Sarah Peake, Andrew Nelson and Anthony Morse of Representative William Keating's Office, Stephanie Houghton of Senator Elizabeth Warren's Office, and Seth Rolbein of Senator Dan Wolf's office. Terkanian gave a Power Point presentation¹ representing the need for Harbor dredging. The presentation included information on the Harbor layout, history of previous dredging, existing conditions, and pictures of the Harbor and cost estimates dating back to 2012. Terkanian explained that this presentation together with additional information, studies and cost estimates are available on the Town's web site. Terkanian said that there will be series of meetings in order to identify what needs to be done. He explained that there are number of constraints and challenges that need to be overcome before this project can go forward. Harbormaster Michael Flanagan thanked the community for their attendance and talked about the importance of public safety and the currently delayed response time sometimes of four hours depending on the tide due to the current Harbor conditions. Fire Chief Richard Pauley also talked about the safety importance in water emergencies and rescue calls. Provincetown Coast Guard Chief John Harker spoke from the Coast Guard's perspective and mission of responsibility and stated that the Provincetown Coast Guard is fully supporting the Wellfleet harbor dredging efforts. Terkanian encouraged the people from the audience to voice their concerns. Barbara Austin, Chair of the Shellfish Advisory Board talked about the threat of "*black mayonnaise*" to the shellfish industry. Zack Dixon attested to the already made statements. Terkanian said that there have been comments and communications from businesses and charter boat owners who have been negatively affected by the current state of the Harbor. Steve Cooney of Kendrick Avenue wanted to know how much money the Town had set aside knowing that the dredging is forthcoming. Terkanian answered the question. Bill Carnduff asked a question about the type of dredging process. Bob Hawk asked how this issue compares to other communities with the same issue and wanted to know the realistic time frame to complete the process. Terkanian said that the Town can make a compelling case because of the significance of Wellfleet's shellfish industry to the State. He said that permitting is most likely expected by next spring, but then there are more studies needed, so the project is far from being "*shovel ready*". Anamarija Frankić spoke about the "*black mayo*" and its negative impact on shellfish population. She had questions about natural restoration efforts. Fred Richard also gave his experience

with the “*black mayonnaise*”. Representative Sarah Peake expressed her support for dredging, but said that securing funding will be a challenge and has to be a collaborative effort. She explained the State bonding process and the need for making a compelling case to the Governor in order to get funding approval. Peake addressed concerns about who else is competing for the same funding. Seth Rolbein was concerned that if Federal territories are not dredged, that may backfire on Wellfleet’s dredging shortly after dredging is done on Town territories. Terkanian answered the question by sharing his knowledge about how dredging generally works. Wilson expressed her support for the dredging and said that shellfishing is the single biggest livelihood of the Town. Bruinooge also expressed her support for dredging and said that the entire community depends on shellfishing in one way or another. Murphy closed the public hearing at 7:55 pm.

The Board took a recess from 7:55 pm to 8:02 pm.

Appointments

Murphy introduced the appointment of Dawn E Rickman. Terkanian said that due to personnel matters there is a need for temporary appointment pursuant to the provisions of General Laws, chapter 41, section 40.

MOTION 215-186: Houk moved and Bruinooge seconded to appoint Dawn E. Rickman as acting Treasurer indefinitely until a qualified Treasurer is hired. The motion passed 4-0.

MOTION 215-187: Wilson moved and Houk seconded to appoint Dawn E Rickman as Wellfleet Representative to the Cape Cod Municipal Health Group. The motion passed 4-0.

Use of Town Property

Request of John Arsenault to reduce the \$2,000 Use of Town Property Fee for food truck at the band stand end of the Marina

Murphy opened a discussion on the request of John Arsenault² to reduce the approved by the Selectmen on July 14, 2015 Use of Town Property Fee in the amount of \$2,000 for food truck vending at the band stand end of the Marina. Wilson wanted to know if there was a deadline for this kind of applications. Bruinooge said that food truck rules and regulations need to be established and added that she was under the impression that the applicant was satisfied with the fee terms at the time of approval. Houk had questions about the fees charged to other food truck vendors. Terkanian gave detailed background information about concession fees. Houk supported the request for fee reduction based on the fact that the business will be conducted only in the month of August. Wilson disagreed about the period of conducting a business and said that the request of Arsenault might have been reasonable if it was presented earlier in the season, but did not approve the fact that the request came in this late.

MOTION 215-188: Houk moved to reduce the fee assessed to John Arsenault for use of the band stand end of the Marina for food truck vending from \$2,000 to \$1,200. There was no second and the motion did not advance.

Update on Joey Rugo’s compliance with concession contract for Joey’s Food Truck at Baker Field

Terkanian presented the Assistant Town Administrator’s memo³ on Joey Rugo’s concession contract and went over the history of Joey’s Food Truck from 2014 to present. He talked about the addition provisions and terms of the current RFP and resulting concessions contract – one of which was to remove the vehicle at the end of the business day. Joey Rugo shared his understanding of the

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contract requirement for removal of the food truck. He also talked about the resulting communications with the Health and Conservation Agent and Assistant Town Administrator. He shared his concerns about removing the truck. Murphy said that the removal is required and agreed by in the contract. The other Selectmen unanimously agreed with Murphy. Terkanian said that moving the truck across the street does not solve the problem, because overnight parking is not allowed on Town beaches parking lots and that the moving location has to be on a private property. Rugo said that he had the understanding that the Mayo beach parking is free. Murphy advised that Rugo complies with the contract terms. The discussion concluded without any action by the Board.

Approval of revised BOS Policies: Approval of revised Baker Field Tent Use Policy, Senior Citizens Tax Work-Off Policy and Veterans Tax Work-Off Policy

Wilson had no changes on the language of Senior Citizens Tax Work-Off Policy⁴ and Veterans Tax Work-Off Policy⁵, but gave her opinion on the Baker Field Tent Use Policy⁶ regarding provision 9 and suggested removing it. Bruinooge agreed with the revision. Terkanian said that the change will be made.

MOTION 215-189: Wilson moved and Bruinooge seconded to accept the language of the Senior Citizens Tax Work-Off Policy and Veterans Tax Work-Off Policy. The motion passed 4-0.

MOTION 215-190: Wilson moved and Bruinooge seconded to accept the language of the revised Baker Field Tent Use Policy with the deletion of p. 9. Further discussion ensued. Houk had comments on storage of equipment. Terkanian explained why this provision was there. Community Services Director Suzanne Grout Thomas gave examples when this provision would be applicable. The motion passed 4-0.

Review of revised BOS Policy on Policies⁷

The Board reviewed the proposed changes to BOS Policy on Policies and had no additional changes. The revised policy will be adopted at the next meeting.

Review of possible deletion of the Quorum Policy

Wilson supported the idea of deleting the Quorum Policy. No action was taken since this was the first review.

Review of revised Policy on Use of Town Property

Wilson had additions to the language on p. 2. Terkanian said that these changes will be made for the second review.

Town Administrator's Report

Terkanian presented his report⁸ and had no additions. Wilson wanted to know if the BOS needs to take any actions the acceptance of MGL chapter on 32B sections 21 – 23 and the new changes to the Massachusetts Sick Leave Law. Terkanian answered the question about the need for acceptance of MGL Chapter 32B Sections 21 – 23. ATA Carlson said that he had attended a webinar on the subject, but the State did not answer the question and said that the changes to the Sick Leave Law may not be applicable for municipalities. Terkanian explained that the law would only apply to temporary and seasonal help, not to regular full time and part employees, who are already covered.

Future Concerns

- Bruinooge wanted to know the details for the August 4, 2015 Harbor Dredging meeting.
- Wilson requested setting a deadline, rules and structured process for food truck applications.
- Wilson was concerned with the role of BOS Clerk in terms of mail responsibility and suggested abolishing it, because all of the Selectmen should be reading the mail. Terkanian discouraged this action due to other responsibilities of the Board of Selectmen Clerk position. Wilson agreed with the suggestion and no action was taken.

Correspondence⁹ and Vacancy¹⁰ Report

Minutes of July 14, 2015

Wilson had corrections on the names of several people and gave the changes to the EA.

MOTION 215-191: Wilson moved to approve the minutes as amended. Bruinooge seconded. The motion passed 4-0.

Adjournment

MOTION 215-192: Bruinooge moved and Houk seconded to adjourn the meeting at 8:59 pm. The motion passed 4-0.

Respectfully submitted,

Michaela Miteva
Executive Assistant

¹ Power Point Presentation for the need of Harbor Dredging dated July 28, 2015

² Request of John Arsenault for Use of Town Property Fee reduction

³ ATA Memo on Joey Rugo's concession contract for use of Baker Field for food truck

⁴ Senior Citizens Tax Work-Off Policy

⁵ Veterans Tax Work-Off Policy

⁶ Baker Field Tent Use Policy

⁷ Revised BOS Policy on Policies

⁸ TA report of July 24, 2015

⁹ Correspondence report of July 28, 2015

¹⁰ Vacancy report of July 24, 2015