



Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, May 26, 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]**
- III. **Licenses/Appointments/Reappointments/Use of Town Property**
 - A. Licenses
 - 1) Common Victualler's License for Lewis Brothers Ice Cream and Joey's Food Truck
 - B. Appointments and Reappointment - NONE
 - C. Use of Town Property
 - 1) Request from Charlene Weber to use LeCount Hollow Beach from June 22 – until August 23 from 7:30 am to 8:30 am on Sundays, Mondays, Wednesdays and Fridays for "Well Fit" Class. Application fee paid; event fee TBD.
 - 2) Request from Jody Craven and Christa von der Luft to use White Crest Beach on June 13, 2015 from 9:00 to 3:00 pm for stand up paddle boarding event for the Cape Cod Bay Challenge. Nonprofit; event fee TBD.
 - 3) Request from Jody Craven and Christa von der Luft to use Mayo Beach and Baker Field on August 22, 2015 from noon to 9:00 pm for stand up paddle boarding event for the Cape Cod Bay Challenge. Nonprofit; event fee TBD.
 - 4) Request of Mike Manchuk to use Town Landing at the end of Old Wharf Rd for a dump truck and front loader from 8 am to 4 pm, May 27 - May 31, 2015; \$20 application fee paid, use fee TBD.
 - 5) Request of Zena Bibler & Katie Schetlick to use White Crest, Uncle Tim's Bridge, Town Hall Lawn, Wellfleet Harbor, Long Pond, Mayo Beach for Fleet Moves Dance Festival July 6 – 10, 2015; \$20 application fee paid, use fee TBD.
 - 6) Request of Eric Gustafson and Fun Seekers to use Long Pond, Gull Pond, Chipman's Cove, Paine Hollow for Stand up paddling lessons; Chipman's Cove and Gull Pond for Windsurf lessons; The Gut and Duck Harbor for Kitesurfing lessons from May 1 until October 15, 2015. Use fee TBD.
- IV. **Business**
 - A. Review of Town policy on plowing of private roads.
 - B. Update on Community Policing
 - C. Dredging planning
- V. **Town Administrator's Report**
- VI. **Future Concerns**
- VII. **Correspondence and Vacancy Report**
- VIII. **Minutes [May 12, 2015]**
- IX. **Executive session**
 - A. Approval of executive session minutes from 2013 and 2014 and review for public release. [TA]
- X. **Adjournment**

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

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

Applicant Charlene Weber

Affiliation or Group self

Telephone Number 508-214-0313

Mailing Address 15 Franklin Lane

Email address c22461@aol.com

Wellfleet MA 02667

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

Date(s) and hours of use: Mons/Weds/Fris/Suns 7³⁰-8³⁰ AM 6/22/15 -
8/23/15

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.

"WellFit" class. For a \$20 fee, participants will be led through a "boot-camp" style work-out on the beach. The purpose is to increase participant health on the most beautiful beach in the world ☺. Number of participants will vary, no equipment will be used (bodyweight), parking will be onsite, and no food or beverages will be served.

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

N/A

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: 4/27/15 Sum

Processing Fee: 20.00 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

[Signature]

Comments/Conditions:

Permits/Inspections needed:

OK

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

[X]

Police Dept. Signature:

[Signature] 4/28/15

Comments/Conditions:

OK

Fire Dept. Signature:

[Signature]

Comments/Conditions:

DPW Signature:

Paul Ridgely
OK 4/29/15

Comments/Conditions

Beach Dept. Signature:

SB Thomas - *(NK)*

Comments/Conditions:

*This should be discussed
and maybe be put out to bid.*

Shellfish Constable Signature:

[X]

Comments/Conditions:

Harbormaster Signature:

[X]

Comments/Conditions:

Recreation Dept. Signature:

[X]

Comments/Conditions:

Town Administrator:

W. S. R.

Comments/Conditions:

*Commercial activity
fee should reflect use
4 days/week for 2 months.*

*Lacount Hollow is Town's
smallest ocean beach.*

Parking permits required after 9AM.



TOWN OF WELFLEET
APPLICATION FOR PERMIT TO USE TOWN-OWNED PROPERTY

Applicant : Jody Craven/Christa von der Luft

Telephone Number: (774) 722-3479/(617) 721-1868

Affiliation or Group: Cape Cod Bay
Challenge, Inc.

Mailing Address: c/o Jody Craven, PO Box 1743,
Wellfleet, MA 02667

Town Property to be used (include specific area): White Crest Beach

Date(s) and hours of use: Saturday, June 13, 2015, 9 am – 3 pm

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

The Cape Cod Bay Challenge, Inc. (CCBC) is a non-profit organization that hosts a series of annual stand-up paddleboarding (SUP) events. The CCBC's primary goal is to raise money for Christopher's Haven by bringing together a group of people who forge new friendships and deep bonds as they physically and mentally challenge themselves through the sport of stand-up paddleboarding. Christopher's Haven's mission is to make a tangible difference in the lives of families with children who are receiving prolonged cancer treatment at Massachusetts General Hospital (MGH) by providing them with an affordable, comfortable and nurturing place to stay during their child's treatment.

In 2010, the CCBC expanded its events to include a SUPathlon at White Crest Beach in June: eight laps of an 800-yard ocean stand-up paddle and 400-yard beach run for a total of 4 miles of paddling and 2 miles of running along with a stand-up surf contest. We've repeated this event every year since and would like to hold the event again this year. The SUPathlon portion of the event will take approximately one hour to complete; the surf contest portion would take approximately another 1-2 hours of water time. (The six "use" hours above include registration time, event time, recovery time between events for SUPers who are competing in both events and clean-up time).

We expect 30-40 participants at this year's event. The registration fee will be \$25 per event or \$40 for both events (\$15 per event or \$30 for both events for additional family members); all proceeds to benefit Christopher's Haven. Awards will be provided for RELAY/ MALE/FEMALE/YOUTH divisions.

Conditions permitting, we will also have a small group of demo boards available.

We appreciate the Board of Selectmen's previous support of the CCBC and look forward to continuing our relationship with the Town.

Applicant is Responsible for Obtaining all Necessary Permits and Inspections (see page 2)

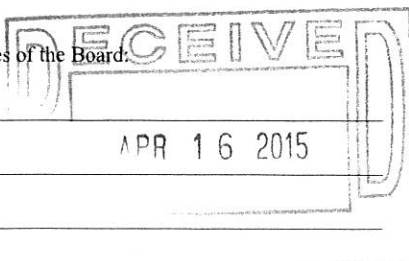
Action by Board of Selectmen:

_____ Approved as submitted:

_____ Approved with the following condition(s)

_____ Disapproved for following reason(s): _____

Signatures of the Board:



APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTION

Health/Cons. Agent Signature: <u>[Signature]</u> Comments/Conditions: <u>OK</u> _____ PERMITS/INSPECTIONS NEEDED: _____ _____	Inspector of Buildings Signature: : <u>[Signature]</u> Comments/Conditions: <u>OK</u> _____ PERMITS/INSPECTIONS NEEDED: _____ _____
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Police Dept. Signature: <u>[Signature]</u> 4/23/15 Comments/Conditions: <u>OK</u> _____ PERMITS/INSPECTIONS NEEDED: _____ _____	Fire Dept. Signature: : <u>[Signature]</u> Comments/Conditions: <u>OK</u> 4/27/15 _____ PERMITS/INSPECTIONS NEEDED: _____ _____
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DPW Signature: <u>[Signature]</u> Comments/Conditions: <u>Trash removal is the responsibility of event staff</u> PERMITS/INSPECTIONS NEEDED: <u>4/29/15</u> _____ _____	Beach Dept. Signature: : <u>[Signature]</u> Comments/Conditions: <u>Trash removal is responsibility of event staff.</u> PERMITS/INSPECTIONS NEEDED: <u>5/5/15</u> _____ _____
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Shellfish Constable Signature: _____ Comments/Conditions: _____ _____ PERMITS/INSPECTIONS NEEDED: _____ _____	Harbormaster Signature: : _____ Comments/Conditions: _____ _____ PERMITS/INSPECTIONS NEEDED: _____ _____
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TA OK LHS 2014 no fee charged
 Need \$20 processing fee



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

Applicant : Jody Craven/Christa von der Luft

Telephone Number: (774) 722-3479/(617) 721-1868

Affiliation or Group: Cape Cod Bay
Challenge, Inc.

Mailing Address: c/o Jody Craven, PO Box 1743,
Wellfleet, MA 02667

Town Property to be used (include specific area): Mayo Beach, Baker Field

Date(s) and hours of use: Saturday, August 22, 2015; Mayo Beach: SUP demo 2-4 pm and paddler landing; Baker Field Tent area: 12-9
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.

The Cape Cod Bay Challenge (CCBC) is a non-profit organization that hosts a series of annual stand-up paddleboarding (SUP) events. The CCBC's primary goal is to raise money for Christopher's Haven by bringing together a group of people who forge new friendships and deep bonds as they physically and mentally challenge themselves through the sport of stand-up paddleboarding. Christopher's Haven's mission is to make a tangible difference in the lives of families with children who are receiving prolonged cancer treatment at Massachusetts General Hospital (MGH) by providing them with an affordable, comfortable and nurturing place to stay during their child's treatment.

The CCBC's signature event is an approximately 35-mile SUP across Cape Cod Bay. For the past five years, the 35-mile crossing has ended in Wellfleet at Mayo Beach, with the post-event celebration occurring at Baker Field, which we would like to continue this year. In 2008, the CCBC's first year, 8 paddlers made the crossing; in 2014, there were approximately 60. For 2015, we expect 65-75 paddlers would land at Mayo Beach. The paddlers will be accompanied by support boats some of which will obtain overnight moorings/dock space from the Wellfleet Harbormaster. This event is not a race – we envision paddlers gathering off Jeremy Point and paddling in as a tight group on the incoming tide for a spectacular group finish.

After landing mid-afternoon at Mayo Beach, the paddlers and CCBC supporters would congregate at Baker Field for a post-event celebration and fundraiser. We anticipate offering live music (the Rip It Ups have provided excellent music for us in the past), catered food, and pursuant to a one-day beer and wine license, beer through CCBC sponsor Wachusett Brewery and wine through another sponsor. (Barefoot Wines has provided wine in the past). Part of the after-event is a raffle of donated items, which ranged last year from local art work and jewelry to a Kialoa SUP paddle and Naish SUP board. We estimate the total number of paddlers and supporters for the Wellfleet landing and post-event gathering to be approximately 300-400. In the past, we have rented a tent to supplement the existing Baker Field tent that is in place during the summer. A limited number of demo SUP boards would also be available for use at Mayo Beach Saturday afternoon. Parking will be at the Mayo Beach or Town Pier parking lots. CCBC paddlers will pay a registration fee of \$100 and be expected to each raise \$650 (including registration fee) for the benefit of Christopher's Haven. After event attendees would be charged a fee to cover food and beverage costs. (For the 2014 event, the adult per person charge was \$45). Baker Field activity will end by 9 pm.

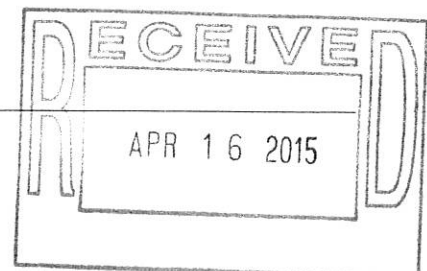
The CCBC very much appreciates the town's support in hosting this event and would like to continue the relationship. In 2014, the CCBC donated ___ stand-up paddleboards and adjustable paddles to Wellfleet's recreation program which are used in the summer recreation program.

Applicant is Responsible for Obtaining all Necessary Permits and Inspections (see page 2)

Action by Board of Selectmen:

____ Approved as submitted:

____ Approved with the following condition(s)



APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTION

Health/Cons. Agent Signature: <u>[Signature]</u>	Inspector of Buildings Signature: : <u>DGS / OK</u>
Comments/Conditions: <u>CATERED EVENT</u>	Comments/Conditions: <u>*ANY LARGE TENTS REQUIRE A PERMIT</u>
PERMITS/INSPECTIONS NEEDED:	PERMITS/INSPECTIONS NEEDED:

Police Dept. Signature: <u>[Signature]</u> 4/23/15	Fire Dept. Signature: : <u>[Signature]</u> 4/27/15
Comments/Conditions: <u>OK</u>	Comments/Conditions: <u>OK</u>
PERMITS/INSPECTIONS NEEDED:	PERMITS/INSPECTIONS NEEDED:

DPW Signature: <u>[Signature]</u>	Beach Dept. Signature: : <u>SG Thomas</u>
Comments/Conditions: <u>Trash removal is the responsibility of event staff</u>	Comments/Conditions: <u>Field must be in good condition - responsibility of Cape Cod Bay Challenge</u>
PERMITS/INSPECTIONS NEEDED: <u>4/29/15</u>	PERMITS/INSPECTIONS NEEDED:

Shellfish Constable Signature: _____	Recreation Harbor Master Signature: <u>[Signature]</u>
Comments/Conditions: _____	Comments/Conditions: <u>Would like to meet w/ DPW & representative of 1st visitors to event -</u>
PERMITS/INSPECTIONS NEEDED:	PERMITS/INSPECTIONS NEEDED:

TA: OK no fee charged in 2014
If alcohol is served BOS should
require insurance including Liquor
liability with the town as an
add'l insured. \$20 processing fee.

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

Applicant Mike Manchuk Affiliation or Group Coastal Carriers
Telephone Number 508-360-1388 Mailing Address 173 Webbers Path
Email address _____ West Yarmouth, MA 02673
Town Property to be used (include specific area) Town Landing at the end of Old Wharf Road

Date(s) and hours of use: 8AM to 4PM, May 27 to May 31, 2015

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.

Access to provide beach nourishment to properties at 60 Bay View Ave. and 30 Bay View Ave. along the shoreline.

Equipment will be dump trucks to deliver sand and front end loader to place sand on beaches.

SMALL AMOUNTS OF SAND TO BE DUMPED AT THE LANDING, NO
MATERIAL TO REMAIN OVERNIGHT.

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

N/A

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 paid

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

[Signature]
Comments/Conditions:
SEE ORDER OF CONDITIONS
Permits/Inspections needed:

Inspector of Buildings Signature:

Comments/Conditions:

Permits/Inspections needed:

[X]

Police Dept. Signature:

[Signature]
Comments/Conditions: *OK 5-20-15*

Fire Dept. Signature:

[Signature]
Comments/Conditions: *OK 5-20-15*

DPW Signature:

[Signature] FOR
MARK VINCENT + PAUL
LINBERG
Comments/Conditions
SEE ORDER OF CONDITIONS

Beach Dept. Signature:

Comments/Conditions:

[X]

Shellfish Constable Signature:

Comments/Conditions:

[X]

Harbormaster Signature:

Comments/Conditions:

[X]

Recreation Dept. Signature:

Comments/Conditions:

[X]

Town Administrator:

[Signature]
Comments/Conditions: Recommended
before & after photos;
insurance naming the Town
as additional insured at least
\$1M

Applicant Zena Bibler and Katie Schetlick Affiliation or Group Fleet Moves Dance Festival
Telephone Number 804 869 6944 Mailing Address 424 Prospect Place, Apt 2B
Brooklyn, NY 11238

Date(s) and hours of use: White Crest Beach areas will be used on July 6th from 4:30AM-6:30AM for a special site-specific performance at dawn. Downtown areas will be used for site-specific performances that will take place throughout the week of July 6th – 10th (to be arranged with Chief of Police).

The above events are part of the larger program of *Fleet Moves Dance Festival*, a week-long dance and movement festival that serves the Wellfleet community. Outdoor events will not be ticketed. We imagine each performance to attract about 40 audience members, plus a cast of 10-15 performers and helpers. No food/beverage service involved. Parking arrangements deemed not necessary, as performances will take place near public parking lots, and audience will travel by foot on each performance walk. We plan to attract most of our audience from people already in town who see the event happening and join the walk (another reason why we expect a minimal impact on parking). Small-scale lighting and sound equipment may be used, but will be hand-held and not invasive to either town or beach environment.

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____



Processing Fee: 20.00 paid

(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:
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Police Dept. Signature: <i>[Signature]</i> 5/11/15 Comments/Conditions: <i>OK</i>	Fire Dept. Signature: <i>[Signature]</i> 5/13/15 Comments/Conditions:
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DPW Signature: <i>Paul Brindley</i> 5/19/15 <i>OK</i> Comments/Conditions:	Beach Dept. Signature: <i>Suzanne Thomas</i> Comments/Conditions: <i>phone OK.</i>
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Shellfish Constable Signature: Comments/Conditions:	Harbormaster Signature: Comments/Conditions:
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Recreation Dept. Signature: Comments/Conditions:	Other: <i>HSL TR</i> <i>OK</i>
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**TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Eric Gustafson Affiliation or Group Fun Seekers
Telephone Number 508-349-1429 Mailing Address P.O. Box 1143
Email address info@funseekers.org Wellfleet, MA 02667
Town Property to be used (include specific area) see attached

Date(s) and hours of use: May 1 - Oct 15

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.

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

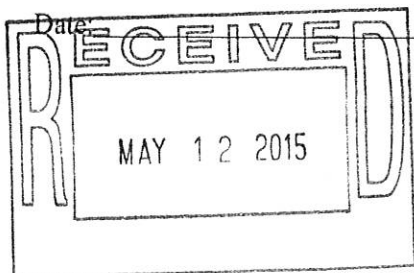
NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$20.00 processing fee. Applications must be received at least 30 days prior to the first event date to insure that all reviews can be completed prior to the event. This application is only for permission to use Town property. 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): _____



Processing Fee: _____

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Cons. Agent Signature:

[Signature]

Comments/Conditions:

ACTIVITIES ONLY ALLOWED AT
LOCATIONS SPECIFIED ON
Permits/Inspections needed: DESCRIPTION SHEET

Inspector of Buildings Signature:

[Signature]

Comments/Conditions:

Permits/Inspections needed:

Police Dept. Signature:

[Signature] OK

Comments/Conditions:

5/13/15

Fire Dept. Signature:

[Signature]

Comments/Conditions:

5/13/15
Any one under 13 years old must wear
P.F.D.s

DPW Signature:

[Signature]

Comments/Conditions:

5/19/15 OK

Beach Dept. Signature:

[Signature]

Comments/Conditions:

NO SUP Boards on Long Pond
NO Activities at Gull Pond
until after Swimming lessons
and Extended Day Rec.

Shellfish Constable Signature:

[Signature]

Comments/Conditions:

Harbormaster Signature:

[Signature]

Comments/Conditions:

Recreation Dept. Signature:

fine, will not
interfere with any of our
programs.

Comments/Conditions:

[Signature]

Town Administrator:

[Signature]

Comments/Conditions:

2014 fee was \$350
Town must be named as
insured with adequate
liability coverage ≥ \$1M

RE'D MAY 15 2015

town permit 2014.txt
Town Permit

Town property to be used:

Stand up paddling- Long Pond, Gull Pond, Chipmans Cove, Paine Hollow

We pick the location based on wind, ability and to give clients variety. The Chipmans cove tour starts from Indian Neck or Old Pier rd based on wind and tide. We try to use the ponds early before they get busy. This instruction/tour is 1-8 clients. These tours run 1-2 hours. Parking is based on where clients are staying. Wellfleet residents have stickers, others are parked at Dunkin Donuts or at the middle school.

Windsurf- Chipman Cove, Gull Pond

We pick location on wind direction and time of day. The Chipmans Cove lessons starts from Indian Neck or Old Pier rd based on wind and tide. Gull Pond would be used when its not busy. Infrequently, shoulder season or early/late in the day. Parking is the same as above. These lessons run @3hours and are 1-4 clients.

Kitesurfing- Gut, Duck Harbor

The Gut is used when plover regulations allow. Parking is at Great Island or resident sticker parking. These lessons are 3 hours and are 1-2 clients.



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

MEMORANDUM

TO: BOARD OF SELECTMEN
FROM: HARRY SARKIS TERKANIAN, TOWN ADMINISTRATOR *HST*
SUBJECT: PLOWING AND MAINTENANCE OF PRIVATE ROADS
DATE: 5/19/2015
CC: DPW DIRECTOR AND ASSISTANT DIRECTOR

Use of public funds to benefit private interests is generally prohibited by law. The Commonwealth has, by statute, permitted limited exceptions to this rule in connection with repairs to and snow removal from private ways¹.

Repairs: Authorization to make repairs to private ways is contained in chapter 40, section 6N. Section 6N allows a town to adopt a bylaw to implement the section. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years²; and (h) if a cash deposit shall be required for said repairs. The Town adopted a private road repair bylaw at the November 4, 1985 special town meeting (Article 7.) The bylaw appears in the General Bylaws, Article VII, section 28 and provides as follows:

Section 28. To allow for the ready passage of emergency and other vehicles, the Highway Surveyor may, as he deems necessary in consultation with the Selectmen and the Police and Fire Department Chiefs, smooth out irregularities on private primary residential access roads in Wellfleet on the following conditions in accordance with Chapter 40, Section 6N of the Massachusetts General Laws: (a) That those roads have been open for public use for six

¹ With few historical exceptions, public ways are ways that have been laid out and accepted by a governmental entity for public use. In Wellfleet some public ways have been laid out by the Commonwealth (e. g. Route 6 and Main Street) by the County (e. g. Chequessett Neck Road and Lieutenants Island Road) and by the Town. All other roads are private. Many, but not all, private roads have been laid out in connection with the subdivision of land. With rare exceptions, there is no public right of passage over private ways. Roads understood by the Town to be public have been given green street signs; private roads blue street signs.

² "Open to the public" has been defined in at least one case by the Supreme Judicial Court in the following terms: "Open to the public use as applied to a private way naturally means that such way is actually susceptible of use by the public other than for the purposes that are merely incidental to the use of the way by the owner thereof, and also that the way is open to the public at large for purposes of travel, not merely incidental to its use by the owner thereof, in a manner similar to the ordinary use for purposes of travel of a public way of the same general nature." Opinion of the Justices 313 Mass. 779, 783 (1943).

years; (b) That fifty (50) percent of the abutters sign an agreement with the Town that (1) the task of major maintenance, repair, drainage, and surfacing remains the obligation of the abutters regardless of the action of the Town under the authority of this article; (2) instead of any betterment charges being assessed, the road, while remaining private, be open for public use for the purposes for which public roads are commonly used, and that signs reading "Private Road Public May Use at Own Risk" be posted; (3) the Town would be indemnified and held harmless, as at present, in connection with any personal and property injury resulting from any Town work on or any defects in such road, such agreement to be recorded in the Barnstable Registry of Deeds, and the Highway Surveyor to maintain a record of labor costs, equipment use and materials to be reviewed by the Selectmen and Finance Committee each January.

Pursuant to this bylaw the Town had entered into a small number of private road agreements. It should be noted that the bylaw gives the Highway Surveyor (now the DPW Director), in consultation with other Town officials, discretion in whether to make repairs and the extent of repairs to be made. The bylaw does not compel the Town to make repairs. It is also important to note that neither section 6N nor the Town's bylaw deal in any way with the removal of snow and ice from these roads.

Removal of Snow and Ice: Removal of snow and ice from private ways is governed by General Laws, chapter 40, sections 6C. This section permits (but does not require) a town to appropriate funds for the removal of snow and ice from private ways which are open to the public as determined by the selectmen. Section 6C requires acceptance by a vote of the town at an annual town election. Wellfleet accepted this section at the September 14, 1982 state primary election by a vote of 324 to 105.

General Laws, chapter 40, section 7 allows a town to appropriate money to remove snow and ice from sidewalks.

At the October 25, 1982 Special Town Meeting under Article 5 the Town voted by voice vote to transfer \$10,000 to the snow removal account "for the removal of snow and ice on public or designated private ways."

At the 2006 Annual Town Meeting three articles related to funding for plowing of private roads. Article 32 proposed an appropriation to purchase an additional street sweeper. Article 32 was approved by town meeting by a 142 – 71 vote, but the required proposition 2 ½ debt exclusion lost at the annual town election by a vote of 492 – 506 and the sweeper was not purchased. Article 33 proposed an appropriation of \$52,000 to fund an additional DPW position. Although not stated in the article, I am led to understand that one of the purposes was to provide manpower for plowing. Article 33 was defeated by a vote of 105 – 110. Article 34 proposed the appropriation of \$34,000 "for the purpose of funding contract services and materials for snow removal on private roads." Article 34 was adopted by a voice vote.

I am presently unaware of additional town meeting actions related to snow removal on private roads other than the operating budget appropriation for snow removal.

The criteria for plowing private roads have changed over the years. Attached is a copy of a 1982 notice setting forth criteria for approving private roads for plowing and inviting requests. A

1993 document³ indicates that plowing of private roads will be done only during normal DPW operational hours (i. e. no overtime.) During November and December, 2012 the selectmen debated and adopted a policy setting out the conditions under which the Town would remove snow and ice from private ways. That policy limited snow and ice removal to paved private roads which meet the standards articulated in the policy. The policy is posted on the Town web site.

Town practice in emergency situations: The fire & rescue service, police and department of public works have a practice of reacting to requests for emergency assistance, whether medical or habitability related (e. g. heating outages, etc.) by applying the available public works and police department resources to assist the fire department with medical emergencies and to assist fuel vendors and utility repair crews with access over roads without regard to the public or private nature of the road. Some roads will always get plowed later than others. Even inclusion of a road on the list of roads to be plowed does not guarantee that it will be plowed at the time a medical emergency occurs.

Cost estimates: A combination of DPW equipment and manpower and contractor services has been utilized in recent years. Different equipment is required for roads in poor condition. Typically the DPW uses front end loaders rather than plows on unpaved roads. Any new equipment will require a capital outlay and continuing operating appropriations for fueling, maintaining, insuring and housing the equipment. Additional manpower would be needed to inspect roads for eligibility based on condition, to operate additional equipment during snow removal operations and to address damage claims after snow removal. The Town would incur expanded liability and after the fact cleanup and repair costs. Road improvements would be required to facilitate plowing.

Historical Snow Removal Costs:

FY 2004: \$35,000 with an additional \$29,626 supplemental appropriation.	Total: \$64,629.
FY 2005: \$35,000 with an additional \$40,000 supplemental appropriation.	Total: \$75,000.
FY 2006: \$35,000.	Total: \$35,000.
FY 2007: \$35,000 with an additional \$34,000 under Article 33.	Total: \$69,000.
FY 2008: \$69,000.	Total: \$69,000.
FY 2009: \$69,000 with an additional \$84,873 supplemental appropriation.	Total: \$153,873.
FY 2010: \$69,000 with an additional \$23,703 supplemental appropriation.	Total: \$92,703.
FY 2011: \$69,000 with an additional \$50,237 supplemental appropriation.	Total: \$139,273.
FY 2012: \$69,000 with a transfer of \$10,000 out of the appropriation.	Total: \$59,000.
FY 2013: \$93,300 with an additional \$57,485 supplemental appropriation.	Total: \$150,485.
FY 2014: \$93,300 with an additional \$70,000 supplemental appropriation.	Total: \$163,000.

³ December 27, 1993 memorandum from the DPW to then Town Administrator Enroth.

FY 2015: \$93,300 with an additional \$180,000 supplemental appropriation. Total: \$273,300.

FY 2016: \$93,300. Unknown whether a further appropriation will be required after the 2015 - 2016 winter.

Without adjustment for inflation, the average snow removal expenditure for FY 2007 through FY 2015 has been \$129,959. In 11 of the last 15 years a supplemental appropriation at the spring town meeting has been required to cover the additional costs. In FY 2012 there was a small (\$10,000) surplus.

Practices of Other Cape Towns: Eastham and Truro do not plow private roads. Barnstable plows private roads as long as they are not marked as "residents only", "no trespassing" or signage of similar import. Brewster has a Snow Removal from Private Roads/Ways Policy which sets forth standards of snow and ice removal operations. Examples of the policy standards include inspection of roadways during the summer to address deficiencies, travel width shall be ten (10) feet and free of defects, and that there be ample room for emergency vehicles. The Town of Harwich has a Private Roads Snow Removal Policy which establishes minimum standards such as road width, roadside clearance, height clearance, access requirements for emergency vehicles, absence of defects, visible street signs and seasonal inspections to determine road eligibility.

Current Plowing DPW Operations: The current practice of the DPW is to plow paved roads first and then plow unpaved public roads. The DPW plows approximately 95.45 lane miles⁴ of public roads and about 50.25 lane miles of paved private roads. Included in the 95 miles of public roads are 14.20 lane miles of unpaved public roads which are plowed. Some storms can require 3 or 4 passes to keep up with falling snow. It takes one employee with a front end loader approximately 8 hours to plow the unpaved public roads. Loaders are used on unpaved roads because it is difficult to clear unpaved roads down to the dirt surface without risking damaging equipment or injuring operators. Exceptions to this order of plowing are made for health and safety emergencies as detailed above. Snow removal operations are dependent on severity and duration of storms, available manpower and response to emergencies, therefore the time by which a particular road will be plowed can not be predicted with certainty.⁵

Current plowing operations represent the limits of present DPW capabilities. Equipment breakdowns and employee injuries have been experienced. There are still two employees receiving workers compensation benefits from snow removal operations this past winter. Existing DPW employees cannot be asked to work longer shifts during snow removal operations. The length of employee shifts has to be controlled to protect against risk of injury or damage to property due to employee fatigue.

For historical context attached is a July 27, 2005 memorandum on the subject from Mark Vincent to then Town Administrator Tim Smith. It also appears that at one point the Town plowed private roads only after public roads were plowed and then only without incurring overtime costs.⁶

⁴ "Lane miles" refers to the total number of travel lanes. A four lane highway would have four lane miles per road mile while a one lane road would have one lane mile per road mile.

⁵ The Town Administrator file on snow plowing dates back to 1982 and contains almost two dozen lists of streets to plow and many requests for plowing services on private roads, the majority of which date back to 1982.

⁶ Memorandum from the DPW to then Town Administrator Julia Enroth dated December 27, 1993.

Incidental Costs: In addition to the obvious costs, there are some incidental costs that relate to the use of private contractors. First, the Town does not escape liability for damage caused by plowing operations conducted by contractors.⁷ Private contractors must pay their employees the prevailing wage during plowing operations.⁸ Private contractors must provide workmen's compensation insurance for employees but are not required to do so for owner operators. If they do not provide coverage for themselves (most do not because the cost is prohibitive) then the worker's compensation premium for the total amount paid to the contractor (including amounts for equipment hire and wages to covered employees) is charged to the Town.

Unpaved Private Roads: There are about 46 lane miles of named unpaved private roads in Wellfleet and at least an equal number of lane miles unnamed roads. Based on the DPW's experience with unpaved public roads, to clear 80 or more lane miles of unpaved roads might require as much as 48 additional hours of operator and machine time. Present limitations on both staff and equipment mean that it would take several additional days to complete unless additional DPW staff is hired and capital equipment purchased. Alternatively, sufficient additional private contractors would have to be hired with the attendant administrative and supervisory overhead.

If unpaved private roads are to be plowed at Town expense the existing policy should be revised to provide standards for determining eligibility of unpaved roads for plowing. Additional inspections would be required as the number of roads under consideration increases. Other questions would have to be answered about priorities, providing emergency services, dealing with roads where during the winter there are no occupied dwellings, how to deal with roads which lack surveys, etc. The statute (section 6C discussed above) requires that selectmen make a determination that each of the roads to be added is open to the public.

A detailed cost estimate has not been prepared, but three additional front end loaders represent a capital cost of about \$550,000. Four additional DPW staff represents about \$300,000 additional annual salary expense (including estimated benefits) to which the cost of operating, maintaining, housing and insuring the additional equipment must be added. Also the Town must consider whether additional DPW employees and equipment would be useful outside of snow removal season. Costs to hire additional private contractors are unknown (but probably lower.) But the need to double or triple the number of contractors hired may affect price and it may be difficult to find private contractors with the required equipment and who are willing to give up private plowing opportunities. If private contractors with the required equipment can be located and hired the capital costs of additional equipment and the operating expense for additional employees and equipment would be avoided in whole or in part. No funding for expanded snow removal operations has been included in the fiscal 2016 operating or capital budgets. It would not be possible to expand the list of private roads eligible for snow removal without an additional appropriation. It will be difficult to fit such a additional appropriations within proposition 2 ½ levy limits.

⁷ Memorandum to All Municipal Clients from Kopelman and Page dated February 7, 2005.

⁸ Memorandum to All Awarding Authorities from the Attorney General dated January 22, 1999. See Also MGL c. 149, s. 27F.

TOWN OF WELLFLEET
PUBLIC NOTICE

The Board of Selectmen is accepting requests for the removal of snow and ice on private ways in Wellfleet.

Consideration will be given to those roads meeting the following specifications:

1. Minimum width twelve (12) feet
2. Provisions for turn around of Town equipment
3. Road surface must be hard and smooth

An inspection of each road will be made by the Board of Selectmen and Highway Surveyor to determine its acceptability.

The Town of Wellfleet will not be liable for damage to private property resulting from snow removal.

Deadline for requests is November 1, 1982, at 4:00 p.m.

Benson R. Moore, Chm.
Warren H. Rhodes
Wilbur C. Rockwell
Wellfleet Board of Selectmen

9/21/82

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

Mark Vincent
Director

Phone 508-349-0315
Fax 508-349-0315

MEMO TO: Tim Smith, Town Administrator

FROM: Mark Vincent, DPW Director

DATE: July 27, 2005

RE: Snow removal

The following information related to snow and ice removal by the DPW throughout the town is the same that was provided to the board in December 2004 with one exception. Under the categories of the town providing services, I have separated the figures according to initial capital outlay and operational costs.

Please keep in mind that all of these figures are estimated averages and that some of these costs may have increased since December, such as fuel, etc.

TOWN OF WELLFLEET
DEPARTMENT OF PUBLIC WORKS
ROAD INVENTORY

359 total roads, which includes:

101 public roads (80 paved, 21 dirt)

258 private roads (147 paved, 111 dirt)

Roads that are currently plowed, sanded and swept by the Department of Public Works:

80 paved public roads

21 dirt public roads

117 paved private roads

Remaining private roads not plowed and sanded by the DPW:

111 dirt roads

30 paved roads

Options for the Board of Selectmen to consider:
(Please note the figures are estimated averages)

Option A:

Town stops providing this service to all private roads.

The town will only maintain 80 public paved roads and 21 public dirt roads.

Cost savings to the town:

Material	\$24,800.00
Overtime	\$20,000.00
Fuel	\$ 4,800.00
Maintenance	\$ 4,000.00
Total savings:	\$53,600.00

Option B:

Plow all public and private roads, which includes 227 paved roads and 132 dirt roads.

In addition to the current snow removal expenditures, the following costs would be incurred:

Using Private contractors:

Contract services	\$68,000.00
Materials	\$ 7,000.00
Sweeper	\$180,000.00
Personnel (1)	\$35,000.00
Total <u>additional</u> cost:	\$ 290,000.00
(Initial capital outlay: \$180,000	
ongoing operating costs: \$110,000)	

Town providing services:

Personnel:	\$140,000.00 (4@35,000)
Overtime:	\$ 25,000.00
Equipment:	\$120,000.00 (2 trucks \$60,000 ea.)
Equipment:	\$240,000.00 (2 loaders \$120,000 ea.)
Sweeper:	\$180,000.00
Materials:	\$ 7,000.00
TOTAL:	\$712,000.00
(Initial capital outlay for equipment : \$540,000 /	
Ongoing operating costs: \$172,000)	

Option C:

Plow all public roads (101) and all paved private roads that meet DPW requirements (147).

In addition to the current snow removal expenditures, the following costs would be incurred:

Using private contractors:

Contract services	\$18,000.00
Materials	\$ 7,000.00
<u>Additional needs:</u>	
Sweeper	\$180,000.00
Personnel:	\$ 35,000.00

Town providing services:

Personnel:	\$ 70,000.00 (2@35,000)
Overtime:	\$ 9,000.00
Equipment:	\$120,000.00 (2 trucks \$60,000 ea.)
Sweeper	\$180,000.00
Materials:	\$ 7,000.00

Total <u>additional</u> cost:	\$240,000.00
(Initial capital outlay: \$180,000	
ongoing operating costs: \$60,000)	

TOTAL:	\$386,000.00
(Initial capital outlay: \$300,000	
ongoing operating costs: \$86,000)	

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

Mark Vincent
Director

Phone 508-349-0315
Fax 508-349-0315

March 8, 2005

Requirements for Plowing and Sanding Private Roads

1. There must be at least two (2) occupied year round homes on a road to be accepted for winter maintenance.
2. Roads must be paved with asphalt and free of defects or obstructions and maintained that way year round. Pavement must be a minimum of sixteen (16) feet wide. In the case of dead end roads a paved turn around area or cul-de-sac must be provided. Potholes, cracks, or patches must be kept at a depth level no greater than two (2) inches from the road surface.
3. The roadsides must be brushed back and free of obstructions a minimum of four (4) feet from either side of the road pavement. Over hanging branches, wires and any other obstructions must be kept at a level no lower than thirteen (13) feet from the road surface. Roadsides and overhead must be maintained year round.
4. Roads must be kept free of any signs or other restrictive devices which would prohibit or exclude the public from access to a roadway. A way shall be considered not open to the public by the posting of any sign or device indicating public access denied (i.e., "No Trespassing", "Residents Only", etc.) or the physical blockage of a way.
5. Roads shall be kept free from speed restrictive devices either paved or removable speed bumps year round.
6. Roads shall have a two (2) sided street name sign visible at each intersection that meets the Wellfleet Department of Public Works standard. All signs shall be kept in good condition and legible and free of obstructions year round.
7. Where applicable all catch basins or water run offs shall be kept clear and free of obstructions year round. Catch basins shall be cleaned to a minimum depth of four (4) feet.
8. The Wellfleet Department of Public Works shall conduct annual road inspections in September for the upcoming winter plow season. Any deficiencies shall be noted and the residents of the road shall find them published in the Cape Cod Times and the Provincetown Banner. Any corrections shall be made immediately and residents shall schedule a reinspection with the Wellfleet Department of Public Works prior to November 15 of each year.

9. Copies of the Requirements for Plowing and Sanding Private Roads shall be kept on file at the Wellfleet Department of Public Works for residents to pick up as needed.
10. The Wellfleet Department of Public Works shall set the schedule and or criteria for the order in which private roads are plowed and sanded. Each storm is different and a determination shall be made by the supervisor on duty during any event and is not subject to challenge or change by resident requests.
11. The Wellfleet Department of Public Works may suspend any operation being conducted on a private road in which the supervisor feels there is a hazard to Department personnel or equipment. In this event he or she may take any action he or she determines to be appropriate, up to and including a termination of the operation until such time as the problem is corrected. The Department may suspend any operation on a private way if the supervisor has knowledge of any legal actions being taken against the Town of Wellfleet which may result from the operation or prior operations.

This Policy shall be subject to reevaluation and review on an annual basis.

May 20, 2015

Mr. Paul Pilcher, Chair

Board of Selectmen

Town of Wellfleet

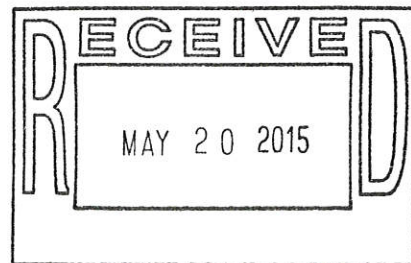
Mr. Pilcher,

Enclosed is an appeal that I will present at the May 26, 2015 meeting of the Board of Selectmen. I believe that the subject was put on the agenda for this meeting. I will attend the meeting to also answer any questions that the Board may have.

A handwritten signature in black ink, appearing to read "Richard A. French". The signature is fluid and cursive, with a large, stylized "R" at the beginning.

Richard A. French

30 Day Road



To Town of Wellfleet, MA

Board of Selectmen

Mr. Paul Pilcher, Chair

Re Meeting: May 26, 2015, COA

Subject: Snow Plowing Unpaved Private Roads

Purpose: To request that the Board of Selectmen reconsider the unfair and discriminatory treatment of citizens of Wellfleet, the Town having established two classes of citizens resulting from the 2006 Town policy regarding snow plowing. Enforcement of such policy commenced with the publication of the private road list effective December 6, 2012, categorizing private roads as paved or unpaved.

Discussion: Effective December 15, 1986, the Town of Wellfleet entered into a Private Road Maintenance Agreement signed by over 50% of the abutters on Day Road, copy attached. The agreement was properly recorded in Barnstable County Registry of Deeds, and properly recorded with the payment of the \$10.00 Fee. Details of obligations are documented in the attached papers and include specifications that show the Town's need and authority to remove ice and snow from private roads. The need is supported by stated reference to the Town's responsibility to provide effective emergency and public safety services. (See Special Town Meeting Warrant, November 4, 1985, which included stated policy for resurfacing, grading, and plowing all private roads. Also Included, attached.)

Since the establishment of this agreement in 1985, Day Road has been graded and snow has been plowed by the Town as needed up until the first big snowfall of 2014, when without specific notification, the Day Road property owners found that their road was not plowed. When Town officials were questioned as to why the road was not plowed, the residents of Day Road were directed to the Internet posting on the Town's web site that listed the unpaved roads not to be plowed.

At that time of questioning one family on Day Road had a seriously ill member suffering from a stroke. They were unable to get out for needed medicine and were in danger of not getting emergency help from the Wellfleet fire, EMT, and

police services due to the impassable road. The family scrambled to get private emergency snow plowing service at considerable expense.

Several calls, letters, and email letters were made to the Town Manager to obtain services and enforce the agreement. Copies of the Day Road agreement were provided to him with those contacts. It took several days to get a response, which was always a vehement "no". There was no evidence in return responses that the 1986 agreement was acknowledged or had been reviewed with the Town Counsel before response was given to us.

We find no evidence that the Town, in establishing the new and now existing policy, "Private Paved Roads to be Plowed and Sanded", provided any relief to the citizens to whom the Town had previously provided plowing. How were the citizens losing the service to be compensated? Was there any tax abatement? Was there a reappraisal of properties to reduce taxes when the plowing by the Town was to be discontinued? We understand that property appraisals do not take into consideration unpaved or paved roads. So, through payment of our taxes we are paying for the plowing received by those citizens with paved private roads with no compensation for our own plowing needs and expenses.

We believe that the establishment of a town is done to enable all citizens to spread the cost of services to everyone and not establish penalties to some.

For Day Road this recent winter resulted in unplanned expenses of over \$1150 for plowing and sanding for just 1/8 mile, about 200 yards of Day Road, which would have been over \$2000 for all the unpaved section of Day Road between Rt. 6 and the paved section that continues on to Old County Road.

This was like an extra tax for the owners on Day Road.

As acknowledged by the 1985 agreement and Town law, our roads must be passable to enable effective emergency and public safety services.

This past winter also demonstrated a need to provide access to properties to allow fuel deliveries to keep heat available to prevent freezing and damage to structures.

DPW says that unpaved roads tear up their plowing equipment. Are they using the right equipment? Should there be a third category of private roads? Shouldn't there be a Class titled, Unpaved But Well Maintained Private Roads? DPW grades our unpaved roads and so overall they should maintain the safe passage conditions of the road during winter snows.

Day Road is only ¼ mile long. The unpaved portion is only 1/8 mile long. Day Road is a flat relatively-straight and wide road without mail boxes or other obstructions that endanger snow plow equipment. It should not be classified with other long narrow undulating gravel roads that exist in our town.

We suggest that the entire snow plowing issue be reexamined by the Town to provide criteria which will restore all citizens' access to their homes, access to safety and emergency services, and to enable safe protection of their property. Limited criteria distinguishing only whether private roads are paved or unpaved discriminates against many citizens and threatens their safety.

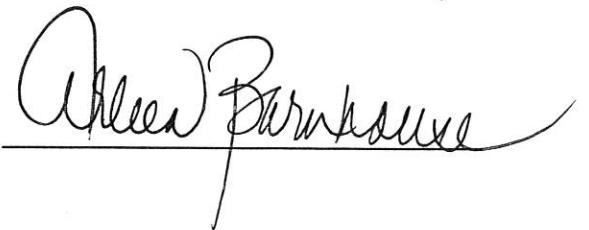
This entire matter can be resolved if the Town will honor their agreement with the Day Road owners, effective December 15, 1986, wherein the Town of Wellfleet entered into a Private Road Maintenance Agreement that did not provide termination.

Respectfully submitted,

Richard A. French, Property Owner, 30 Day Road



Arleen Barnhouse, Property Owner, 55 Day Road



Attachments

*Special Town Meeting Warrant
Monday Nov. 4, 1985*

conservation purposes. And to further direct that any reimbursement received shall be applied to the payment of any temporary borrowing under Chapter 44, Section 8c of the General Laws, or do or act anything thereon.

FINANCE COMMITTEE RECOMMENDS 5-0. BORROW \$175,000.00. Provided article is amended to include "Contingent upon full reimbursement."

SELECTMEN 3-0. This article involves NO COST to the Town. Mr. Robert Prescott of the Audubon Society will offer an amendment at the meeting to make that absolutely clear. He will pass out an explanation sheet at that time containing details and answer any remaining questions.

ARTICLE 7. To see if the Town will vote to amend the Town By-Laws by adding a Section 28 to Article VII as follows:

"To allow for the ready passage of emergency and other vehicles, the Highway Surveyor may, as he deems necessary in consultation with the Selectmen and the Police and Fire Department Chiefs, smooth out irregularities on private primary residential access roads in Wellfleet on the following conditions, in accordance with Chapter 40, Section 6N of the Massachusetts General Laws:

- (a) That those roads have been open for public use for six years;
- (b) That fifty (50) percent of the abutters sign an agreement with the Town that (1) the task of major maintenance, repair, drainage, and surfacing remains the obligation of the abutters regardless of the action of the Town under the authority of this article (2) instead of any betterment charges being assessed, the road, while remaining private, be open for public use for the purposes for which public roads are commonly used, and that signs reading "Private Road. Public May Use at Own Risk" be posted, (3) the Town would be indemnified and held harmless, as at present, in connection with any personal and property injury resulting from any Town work on or any defects in such road, such agreement to be recorded in the Barnstable Registry of Deeds, and the Highway Surveyor to maintain a record of labor costs, equipment use and materials to be reviewed by the Selectmen and Finance Committee each January."

or do or act anything thereon.

FINANCE COMMITTEE RECOMMENDS 5-0. For safe access of emergency vehicles.

SELECTMEN 3-0. This article has been prepared by the Selectmen in carrying out the April 1984 Special Town Meeting instruction to them "to study and formulate a policy for resurfacing, regrading and plowing all private roads." The Selectmen looked at the question from the standpoint of (1) what provisions were already in existence, (2) the legal aspects, (3) any financial impact, and (4) the needs of Town Services.

The article was considered at the Special Town Meeting a year ago. There was concern people would think private driveways would be included. So the article was amended then to make it clear driveways were not involved. The Town Meeting decided to postpone the article. The Selectmen have been requested to include the article on this warrant. The text here is as it was amended last year.

Special Town Meeting Variant #2 Monday Nov. 4, 1985

The proposed by-law we recommend meets the conditions specified in Chapter 40, Sect. 6N of the Massachusetts General Laws that gives Towns a legal basis under a by-law for limited work on private roads. Full scale road reconstruction work is provided under a by-law article voted in 1970, but that goes far beyond what we are concerned with here.

This article deals with roads already basically accessible and would not provide for making accessible those that are not. The article fits in well with the Town's existing authority to remove snow and ice from private roads when requested. Snow plowing equipment cannot be put on any roads which are not reasonably smooth as the equipment would risk being damaged.

But the need for this program is in the Town's responsibility to provide effective emergency and public safety services. Ambulances, fire trucks and police vehicles must be able to reach our residents without delays or difficulties. They should do it without risk of bumpy road damage to the expensive equipment ambulances carry in them, let alone aggravation of the injury or illness of those being carried. The article covers only the type of work that can be done with existing Highway Department equipment, personnel and regular budget. It would be for smoothing only those private roads where 50% or more of the abutters wish it and will sign up to keep the Town free of any liability. We believe that a Town with a substantial elderly population has an obligation, particularly in winter months, to be somewhat more service oriented in things like this than would otherwise be the case. Finally, the Town takes on no additional liability, and both the abutters and the Town would be protected by the signs saying that the road is used at the risk of those using it.

Foot ARTICLE 8. To see if the Town will vote that Old King's Highway within the Town of Wellfleet from its junction with Route 6 northward to the Truro-Wellfleet line, be designated as a scenic road under the provisions of Massachusetts General Laws, Chapter 40, Section 15 (c), or do or act anything thereon. (By Request of the Conservation Commission)

FINANCE COMMITTEE HAS NO RECOMMENDATION.

Proper SELECTMEN. Selectmen concur. Explanation to be provided by Conservation Commission.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$27,020.00 for work related to coastal erosion control at Duck Harbor and Power's Landing, or do or act anything thereon.

FINANCE COMMITTEE RECOMMENDS 5-0. TRANSFER \$27,020.00 FROM BEACH FUND. For the control of coastal erosion.

SELECTMEN 3-0. Coastal erosion control at Duck Harbor is of the highest priority in saving a protective dune. Should it be breached, there would be great harm to the shellfish industry. Detailed explanation to be provided by the Conservation Commission.

Handwritten ARTICLE 10. To see if the Town will vote to revise and set the salaries of Selectmen as follows: Any person elected to the Board of Selectmen on or after March 10, 1986, ~~for the fiscal year 1986~~, shall be paid at the rate of \$1,000.00 per year, or do or act anything thereon.

FINANCE COMMITTEE RECOMMENDS 4-0.

ending fiscal year 1986.

AGREEMENT

I/We, owner(s) of Lot(s) No. 37, as shown on Assessors' Atlas _____, abutting _____ Road (Way), request the Town of Wellfleet to smooth out irregularities on that road for the purposes of Section 28 of Article VII of the Town By-laws, a copy of which is attached hereto. I have read and do agree to the conditions set out in said Section 28. Pursuant to subsection (3) of said Section 28, I hereby indemnify and hold harmless the Town of Wellfleet in connection with any personal and property injury resulting from any Town work on or any defects in said road.

Date

Signature(s)

Then personally appeared the above named Virginia Morton and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Dawn E. Fickman
Notary Public

My Commission Expires: 9/26/89

We, the undersigned, Selectmen of the Town of Wellfleet, having verified the ownership of property abutting _____ Road (Way) by the above signatory(ies), agree that _____ Road (Way) is eligible for the Town maintenance as specified in Section 28 of Article VII of the Wellfleet Town By-laws.

Date:

Wellfleet Board of Selectmen

DAY ROAD

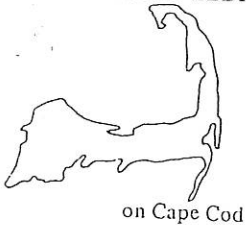
NUMBER OF HOUSES ON DAY ROAD - ¹⁴~~15~~ - (SOUTH WELLFLEET)

We the undersigned being tenants and/or property owners residing on Day Road, South Wellfleet, do hereby request the Selectmen of Wellfleet, to make necessary emergency repairs on said road, so that snow plowing and sanding can be done when necessary:

NAME

PROPERTY OWNER
OR TENANT

✓ Rhena Oiteng	owner	349-6072
✓ Joseph Oiteng	owner	
✓ Judith D. Rogers	tenant	
✓ Mrs & Mrs George Mcleady	owner	349-6408
✓ Margaret & Russell Hall	owner	
✓ Donald & Roberta Caputo	owner	
✓ Joyce Davis	tenant	
✓ Melissa M. Benson (Bob Bickel)	tenant	349-
✓ Edythe Santos	owner	349-7342
✓ Frank Caird (Ray Blesout)	owner	349-2943
Barbara Dunn	owner	349-6884
✓ Virginia Morton	owner	



on Cape Cod

OFFICE OF SELECTMEN

Box 1400
Wellfleet, Massachusetts 02667

Tel. (617) 349-3707

TO: Abutters _____ Day _____ Road _____
 FROM: Board of Selectmen
 DATE: December 15, 1986
 SUBJECT: Private Road Maintenance Agreements

Please be advised that the Town is in receipt of private road maintenance agreements signed by over 50% of the abutters on _____ Day _____ Road.

In order for these agreements to be valid, they must be recorded in the Barnstable County Registry of Deeds. The fee for recording is \$10.00 per agreement.

At its meeting held October 1, 1986, the Board of Selectmen agreed that the abutters should assume the cost of recording these agreements.

Accordingly, you are requested to forward a check in the amount of \$10.00, made payable to Stephen Weekes, Registrar, to the Selectmen's Office at your earliest convenience.

No work can be performed on the road until all agreements are recorded. Therefore, it is to your advantage that we receive your check as soon as possible.

If you have any questions, please do not hesitate to contact this office.

12.15.86
ck #926
Made out to
Stephen Weekes
Registrar of Deeds



TOWN CLERK
and TREASURER

TOWN OFFICE BUILDING
WELLFLEET, MASSACHUSETTS

December 30 1985

I, Dawn E. Rickman, Town Clerk for the Town of Wellfleet do hereby certify that the following article was voted on November 4, 1985 at the Special Town Meeting:

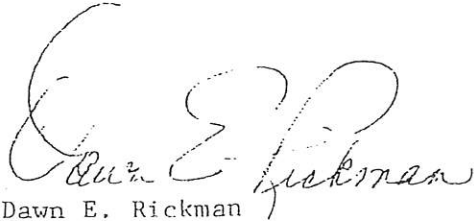
Article 7. Voted: to amend the Town By-Laws by adding a Section 28 to Article VII as follows:

"To allow for the ready passage of emergency and other vehicles, the highway Surveyor may, as he deems necessary in consultation with the Selectmen and the Police and Fire Department Chiefs, smooth out irregularities on private primary residential access roads in Wellfleet on the following conditions; in accordance with Chapter 40, Section 6N of the Massachusetts General Laws:

- (a) That those roads have been open for public use for six years;
- (b) That fifty (50) percent of the abutters sign an agreement with the Town that (1) the task of major maintenance, repair, drainage, and surfacing remains the obligation of the abutters regardless of the action of the Town under the authority of this article (2) instead of any betterment charges being assessed, the road, while remaining private, be open for public use for the purposes for which public roads are commonly used, and that signs reading "Private Road. Public May use at Own Risk" be posted, (3) the Town would be indemnified and held harmless, as at present, in connection with any personal and property injury resulting from any Town work on or any defects in such road, such agreement to be recorded in the Barstable Registry of Deeds, and the Highway Surveyor to maintain a record of labor costs, equipment use and materials to be reviewed by the Selectmen and Finance Committee each January."

Open
20 yrs

Attest:


Dawn E. Rickman
Town Clerk

**Private Paved Roads to be Plowed and Sanded
As of December 6, 2012**

Alves Road
Arey Lane
Aunt Sarah's Way
Back Drive
Barquentine Court
Bartlett Road
Bay View Road
Bayberry Lane
Bearberry Way
Beechwood Lane
Belding Way
Benjamin Way
Blueberry Circle
Blue Heron Road
Brown's Neck Extension
Caledonia Path
Capt. Bellamy Road
Castagna Drive
Chequessett Knolls Drive
Chris Drive
Cinema Circle
Coors Way
Cove View Road
Cranberry Way
Dale Avenue
Dalmas Trail
Daniel's Drive
→ Day Road (Partial Dirt)
Deer Path Way
Delphi Path
Designer's Road (Partial
Dirt)
Dow Drive
Drummers Cove Road
Druzilla Laha Road
East Hill Road
Eastwind Circle
Eden Lane
Edmeister Drive
Elisha Witherell Road
Finn Road
Franklin Lane
Fred Bell Way
Freeman Ave
Fresh Brook Lane
Governor Foss Drive
Grist Mill Way
Gross Hill lane

Harbor View Circle
Harding Drive
Haywain Way
Henry Doane Lane
Herring River Road
Hidden Acres
Hidden Valley Way
Highland Avenue
Highmeadow Road
Hiram Hill Road
Hog Cranberry Lane
Homestead Lane
Hopkins Drive
Howard Court
Huckleberry Lane
Indian Pipe Circle
Indian Walk
Ira Freeman Lane
Irene's Way
Iron Horse Drive
Isaiah Way
Joshua Cook Lane
Karen Lane
Kerouach Road
King Phillip Road
Knowles Dyer Road
Leila Rich Drive
Light Wing Drive
Lookout Road
Major Doane Road
Marven Way
Mayflower Drive
Meadow View
Michael's Way
Midden Road
Nanny Waterman Drive
Newcomb Heights
Newcomb Hill Road
Newcomb Hill Way
Noble Way
Oak Ridge Drive
Oak Valley Road
Old Bay Road
Old Mill Way
Partridge Way
Peace Valley Road
Perch Pond Way
Pheasant Run

Pierce's Tavern Road
Pine Field Road
Pinecrest Way
Pineneedle Road
Pinewood Circle
Quail Run
Queen's Way
Richard's Way
Ridge Street Extension
Ridge Street
River Harbor Road
Riverview Road
Rose Lane
Salt Hay Lane
Salt Meadow Lane
Sandpiper Hill Road
Sarett Lane
Sea Pine Road
Somerset Ave.
South Wharf Lane
Thomas Coles Lane
Timway Road
Uplands Drive
Upper Marsh Road
Wellfleet Woods Lane
Whereaway
Whidah Way
Whitetail Lane
Whitman Lane
Wood Duck Lane
Wood Lot Road
Woodlot Way
Zoheth Smith Way

From: "Fred Young"
To: "paul pilcher" <paul.pilcher@wellfleet-ma.gov>
Sent: Wednesday, May 6, 2015 6:19:25 PM
Subject: [Wellfleet MA] Thoreau way

Message:

Hi-Harry-As you probably know Thoreau Way is almost impassable with any vehicle including an ambulance which would be destroyed. I have worked for a lot of the Wellfleet and Truro residents for 35 years in this area and am very familiar with the work that was consistantly done on this road in the past. Up to 2 years ago the road was always maintained by the DPW. Our great DPW employee Paul Lindeberg elected upon "HIMSELF" to stop all maintenance on this road. I have just been informed by the residents that they have received a signed petition-18 that they will take to the state legislature to force Wellfleet to continue to maintain the road. This could be totally avoided with legal fees costing the town additional expenses that could be directly spent on maintaining this road. Thanks, Fred Young----no response from Harry

=====

Message sent by: Fred Young

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TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleetma.org

MEMORANDUM

TO: BOARD OF SELECTMEN
FROM: HARRY SARKIS TERKANIAN, TOWN ADMINISTRATOR
SUBJECT: COMMUNITY POLICING UPDATE
DATE: 5/21/2015
CC: CHIEF FISETTE

Training

The total cost for the program sponsored by the Provincetown Police Department was \$9,259. A reasonable estimate for the cost to replicate that program in Wellfleet is \$7,500. The Police Chief has been in discussion with the program provider and they are preparing a cost estimate for a community session involving 40 – 50 persons followed by department training for 10 officers. They have recommended that, unlike the program held in Provincetown, we hold the community portion first so that the department portion can be tailored to take advantage of what is learned from the community portion. Final cost may depend on whether we can host the community day at a Town facility. Funds for this are not in the FY 2015 or 2016 budget. Funding will involve some combination of use of consultancy funds or possible a reserve fund transfer. We have requested available dates from the program vendor. It will be difficult to conduct this program in June due to scheduling constraints. July and August are extremely busy times for both the public and the police and should therefore be avoided. Although it appears to be unlikely, if we can get a June date we will try to take advantage of it.

Community Policing Road Map

This is intended to foster a discussion involving the Town administration, the police department and the community. Its purpose is to serve as one possible outline for discussion and consensus rather than to dictate a particular agenda or result. The elements of an agenda to define Community Policing and to plan for its implementation for Wellfleet could include the following topics or elements:

1. What does Community Policing mean in Wellfleet.
 - a. What does it mean to the Police and the Community in the context of our Town? There are a lot of definitions around; some are a better fit for Wellfleet than others. Are there elements that should be included or excluded?
 - b. One definition from the US DOJ might be summarized as follows¹: Community Oriented Policing Services is a strategy law enforcement use to engage the community by forming

¹ <http://ric-zai-inc.com/Publications/cops-p157-pub.pdf>

partnerships, enhancing organizational effectiveness, and developing problem-solving techniques in order to proactively address the cause of crime and social disorder and the fear of crime.²

c. The Primary Elements of Community Policing:

- i) Community Partnerships- between the law enforcement agency and the individuals and organizations they serve to develop solutions to problems and increase trust in police.
 - (1) Government agencies – social & human services agencies, other Town departments, neighboring local, county and state law enforcement.
 - (2) Community members/groups – citizen police academy, community groups
 - (3) Nonprofits/service providers – support groups, service and religious organizations.
 - (4) Private businesses – local businesses and local business organizations (e. g. Chamber of Commerce)
 - (5) Media
- ii) Organizational Transformation- the alignment of organizational management, personnel, and information systems to support community partnerships and proactive problem solving.
 - (1) Agency Management – incorporate community policing ideals into areas such as culture, leadership, planning, policies and procedures.
 - (2) Organizational Structure – delegate decision making authority to officers on the scene where appropriate.
 - (3) Personnel – integrate community policing ideals into hiring, supervision, evaluation and training.
 - (4) Information Systems (Tech) – accurate records promoter accountability, accuracy and transparency.
- iii) Problem Solving (SARA) - the process of engaging in the proactive and systematic examination of identified problems to develop and evaluate effective responses.
 - (1) Scanning: Identify and prioritizing problems.
 - (2) Analysis: Researching what is known about the problem.
 - (3) Response: Developing solutions to bring about lasting reductions in the number and extent of problems.
 - (4) Assessment: Using the crime triangle to focus on immediate conditions (victim/offender/location).



2. What resources are available? What

² See more at: http://discoverpolicing.org/whats_like/community-policing/?fa=learn-more#organizationalfeatures

additional resources are needed?

- a. What is the “catalog of services” that the police department provides?
 - b. What relationships does the Department have with other service providers? (e. g. DMH, Outer Cape Health, other social and health care support organizations.)
 - c. What current types of training do officers receive?
3. What are the Community’s goals and needs?
- a. Addressing opiate use?
 - b. Identifying to the Department mental and/or physical impairments of residents and adjusting police response in response to the presence of those conditions.
 - c. Referral of non criminal behavior to appropriate providers.
 - d. Increased community contact in situations outside of traditional law enforcement events.
 - e. Pre contact identification of residents who may require specialized or “non law enforcement” services to better inform police officers as to appropriate responses?
 - f. Other?
4. Department Goals
- a. Better understanding by the Community of the reasons for handling certain criminal behaviors as presenting a danger to the community.
 - b. Better communication with the Community of emergency information.
5. Are additional resources are needed by the police department?
- a. Training
 - b. Staff
 - c. Equipment
6. What can the Community do to help achieve these goals?

It is important that there be commitments from the Community, from the Town’s administration and from the Police Department.

Once a framework is agreed to, the second step is to develop and execute a plan to prioritize and implement the agreed upon steps.



TOWN OF WELFLEET

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To: Board of Selectmen
From: Harry Sarkis Terkanian, Town Administrator
Subject: Town Administrator's Report
Date: May 21, 2015

This report is for the period May 1, 2015 through May 21, 2015.

- 1 I was out of the office the week of May 4th.
- 2 Work continues on the 2017 capital improvement plan which is due on June first.
- 3 Status of unpaved private roads. With the assistance of the DPW a memorandum has been prepared for the Board summarizing the available information about both road repairs and snow removal from unpaved private roads.
- 4 Community Policing. In consultation with the Police Chief a "community policing roadmap" has been prepared for discussion by the Board. I have conferred briefly about the matter with Ray Squire. I plan to attend the conclusion of the community orientation portion of the Police Department's orientation for summer specials on May 22nd.
- 5 Rental Rooms Tax. The documents necessary to petition the legislature have been sent to Representative Peake's office and Senator Wolf's office has been informed of the petition.
- 6 Replacement of Dead tree at Wilbur H. Ryder Square. I have given Jeremy Young permission to replace the dead tree on Wilbur H. Ryder Square under the supervision of the Tree Warden. Mr. Young has offered to remove the existing dead tree and replace it without cost to the Town.
- 7 We are continuing to develop the procurement documents for a wage and compensation study and for the police station owner's project manager.
- 8 Additional Meetings.
 - a. May 11, 2015: The ATA, Executive Assistant and I met with Karen Faria from Kaplansky Ins. to review Town's insurance coverage and plan for renewal. Attended the Building and Needs Assessment Committee to discuss DPW facilities budget Police Department project and BNA's role.
 - b. May 12, 2015: Attended Cultural District information meeting.
 - c. May 13, 2015: Met with ATA and Michael Banghart and Joe Arsenault to discuss permitting issues with mobile food trucks; issues are primarily zoning and board of health. Met with the ATA and police chief to review community policing initiative. Attended the Personnel Board to review water department staffing, draft personnel manual and draft RFP for a wage and compensation study.
 - d. May 14, 2015: Attended the Herring River Restoration Committee MOU III meeting to review project status – the meeting reviewed alternatives for High Toss Road, status of the Chequessett Neck Road Bridge and status of the EIR/EIS

TOWN ADMINISTRATOR'S REPORT TO THE SELECTMEN

and MOU III. A community update has been scheduled for June 2nd at the COA and the Restoration Committee will be bringing its recommended alternatives to the Board for review and possible approval on June 9th.

- e. May 15, 2015: Met with selectmen Pilcher and Houk and Community Services Director to discuss planning for preschool voucher program. Attended a vendor OPEB investment proposal presentation with the Treasurer. Met with DPW Director and Assistant Director to discuss maintenance of and snow removal from unpaved private roads. Met with Marina Advisory Committee chairman to review dredging status.
- f. May 19, 2015. Met with Don Paladino from Friends of the Herring River to review project status.

9 Personnel Matters:

- a. Administrative actions: none.
- b. Current employment vacancies (Charter 5-3-2 (i)):
 - i. Building – Building Inspector is part time.

Town of Wellfleet Committee Vacancies

Date: May 21, 2015
To: Harry Terkanian
From: Jeanne Maclauchlan
Re: Appointments to Town Boards

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

Barnstable Human Rights Commission (1 Wellfleet Representative)

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

Bike & Walkways Committee (5 Members)

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

Board of Health (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	6/30/2015 (to complete term)
Requesting Appointment: One application on file.		

Building and Needs Assessment Committee (5 Members)

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

Cable Advisory Committee (5 Members)

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

Commission on Disabilities (up to 7 Members)

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

Cultural Council (no more than 22 members)

Vacant Positions	Appointing Authority	Length of Term
12 positions	Board of Selectmen	3 years
Requesting Appointment: No application on file.		

Energy Committee (11 members total)

Vacant Positions Appointing Authority
1 regular Position Board of Selectmen
2 (Alternate) Positions Board of Selectmen
Requesting Appointment: **One application on file.**

Length of Term
6/2015 (to complete term)
6/2015 (to complete term)

Finance Committee (9 members, 2 alternate)

Vacant Positions Appointing Authority
1 Alternate Position Town Moderator
Requesting Appointment: no applications on file

Length of Term
3 years

Herring Warden (1 Warden, 1 Assistant Warden)

Vacant Positions Appointing Authority
1 Assistant Position Board of Selectmen
Requesting Appointment:

Length of Term
3 years

Historical Commission (7 Members)

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

Length of Term
6/2015 (to complete term)

Personnel Board (4 Community Members)

Vacant Positions Appointing Authority
1 Position Board of Selectmen
Requesting Appointment: No applications on file.

Length of Term
6/30/2015 (to complete term)

Recycling Committee (Up to 11 Members)

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

Length of Term
3 years

Shellfish Advisory Board (7 Members, 2 Alternates)

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

Length of Term
3 years

Wastewater Planning Committee (7 Members)

Vacant Positions Appointing Authority
2 Positions Board of Selectmen
Requesting Appointment: No applications on file.

Length of Term
3 years



DRAFT

**Wellfleet Board of Selectmen
Minutes of May 12, 2015
Wellfleet Senior Center**

Present: Paul Pilcher, Chairman , Dennis Murphy, Berta Bruinooge, Helen Miranda Wilson, Town Administrator Harry Sarkis Terkanian and Assistant Town Administrator Brian Carlson

Regrets: Jerry Houk,

Chairman Paul Pilcher called the meeting to order at 7:00 pm. Pilcher started the meeting with Reorganization of the Board of Selectmen.

MOTION 215-201: Murphy moved and Wilson seconded to nominate Pilcher to be the Chairman of the Board of Selectmen. The motion passed 4-0.

MOTION 215-202: Bruinooge moved and Wilson seconded to nominate Murphy for Vice Chairman of the Board of Selectmen. The motion passed 4-0.

MOTION 215-203: Pilcher moved and Bruinooge seconded to nominate Wilson for Clerk of the Board of Selectmen. The motion passed 3-0-1 (Wilson abstained).

Announcements, Open Session and Public Comment

- Pilcher congratulated the newly elected Selectmen – Wilson and Murphy and thanked the runners up.
- Terkanian announced that the nine month PAYT report has been posted online.
- Barbara Austin thanked the Police and Fire Chiefs for their assistance with the rumble strips request for relocation.
- Police Chief Ronald Fisette announced that Officer Jared Meegan is leaving the Police Department in June due to re-location. Fisette said the rumble strips installation is completed and talked about a gun buy back initiative.

Public Hearing(s) [7:05]

John Mankevetch, Assistant Shellfish Constable presented the recommendations of the Shellfish Constable¹. Wilson explained that under the current regulations Rafe Emond would still qualify for a commercial shellfishing permit.

MOTION 215-204: Bruinooge moved and Wilson seconded to approve a Commercial Shellfish Permit for Rafe Emond. The motion passed 4-0.

MOTION 215-205: Murphy moved and Bruinooge seconded to approve the application of Todd LeBart to renew shellfish grant licenses #85E, 85EA, and 85EAB for a ten year period. The motion passed 4-0.

MOTION 215-206: Bruinooge moved and Wilson seconded to approve the application of Robert McClellan to renew shellfish grant licenses #85B, 85BA1 and 85BA2 for a ten year period. The motion passed 4-0.

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MOTION 215-207: Murphy moved and Wilson seconded to approve the application of Margaret Jennings and Lee Clark to renew shellfish grant licenses # 85C and 85C-A for a ten year period. The motion passed 4-0.

MOTION 215-208: Bruinooge moved and Murphy seconded to approve the application of Randy Williams to renew shellfish grant licenses # 85-I and 85I-A for a ten year period. The motion passed 4-0.

MOTION 215-209: Bruinooge moved and Wilson seconded to approve the application of Clinton Austin to renew shellfish grant license # 2008-02 for a ten year period. The motion passed 4-0.

MOTION 215-210: Bruinooge moved and Wilson seconded to approve the application of Philip Morton to renew shellfish grant licenses # 95-7 and 95-8 for a ten year period. The motion passed 4-0.

MOTION 215-211: Murphy moved and Wilson seconded to approve the application of Ralph Bassett to renew shellfish grant license #2008-01 for a ten year period. The motion passed 4-0.

MOTION 215-212: Bruinooge moved and Murphy seconded to approve the application of Richard Blakeley to renew shellfish grant licenses # 85-F, 85F-A and 85F-A ext for a ten year period. The motion passed 4-0.

MOTION 215-213: Murphy moved and Wilson seconded to approve the application of Shawn Rose to renew shellfish grant licenses # 85H and 85H-A for a ten year period. The motion passed 4-0.

MOTION 215-214: Wilson moved to approve the proposed changes to the Town of Wellfleet Shellfishing Rules & Regulations sections 4.3, 6.1.4, 6.6, 7.16 & 7.18.4 with amendments to the titles of section 4.3.2 and 7.16.1 to have the same title as section 6.6 and section 4.3.1 to have the same title as section 4.3 and to add the new sections to the table of contents. Murphy seconded and the motion passed 4-0.

Appointments

Thomas Siggia expressed his interest to serve on the Historical Commission and Shellfish Advisory Board (SAB). Barbara Austin, Chair of the SAB recommended approval of the appointment to SAB.

MOTION 215-215: Wilson moved to appoint Thomas Siggia as an alternate member to the Shellfish Advisory Board with term ending June 30, 2017. Bruinooge seconded and the motion passed 4-0.

Lydia Viviane, Co-Chair of the Historical Commission spoke in favor of appointing Siggia to the Historical Commission.

MOTION 215-216: Murphy moved to appoint Thomas Siggia to the Historical Commission to fill the vacant term ending June 30, 2015. Bruinooge seconded and the motion passed 4-0.

Paul Goetinck expressed his interest to serve on the COA Board.

MOTION 215-217: Bruinooge moved and Wilson seconded to appoint Paul Goetinck to the COA Board with term ending June 30, 2018. The motion passed 4-0.

MOTION 215-218: Wilson moved to appoint Vernon Jacob as an alternate member of the ZBA with term ending June 30, 2017. Murphy seconded and the motion passed 4-0.

DRAFT

Sharon Inger expressed her interest to serve as a regular ZBA member.

MOTION 215-219: Murphy moved and Bruinooge seconded to appoint Sharon S. Inger as a regular member of the ZBA with term ending June 30, 2017. The motion passed 4-0.

Use of Town Property

Harriet Korim Arnoldi was present to answer questions about the benefit sale and the WOMR request to use the Swap Shop on May 23, 2015. She raised a question about the \$20 application fee, and explained that members of the Recycling Committee will be volunteering at the event. Terkanian talked about the history of the event over the years and recommended approving the request.

MOTION 215-220: Wilson moved to approve the request of Harriet Korim Arnoldi to use the Swap Shop area at the Transfer Station on May 23 8:00 am – 3:00 pm for the 22nd Annual Swap Shop Ecology Action Yard Sale, and wave the \$20 application fee. Murphy seconded and it passed 4-0.

John Colman answered Selectmen's questions about the USGS gage house to measure tidal flow as part of the Herring River Restoration Project. Pilcher wanted to know about the opinion of the Conservation Commission. Murphy asked if this gage house would be attached to an existing structure. Colman showed sample picture of a similar gage house. Murphy had insurance concerns.

MOTION 215-221: Wilson moved and Bruinooge seconded to approve John Colman's request to erect USGS 4' by 6' gage house at Culvert deck at Chequessett Neck from May, 2015 to September, 2017 and to wave the use fee. The motion passed 4-0.

Review of filming schedule for Year By The Sea², LLC *(added on 5/11 as unforeseen agenda item)*

Pilcher expressed his concerns about the duration of the filming and the discrepancies with the approved filming schedule. Peter Gonzales, Location Manager of the movie *Year by the Sea* explained the logistics issues of the schedule and thanked the Selectmen for their understanding and patience and said that the filming was completed on May 11. Chief Fisette confirmed that all but one police detail bills have been paid. Terkanian said that the original request and approved schedule were for for six days, but in fact took an additional day; therefore \$100 Use of Town Property fee is due. Gonzales affirmed that the additional \$100 fee will be paid.

Status of Government TV Channel

Teresa Martin, Executive Director of Lower Cape Community Access Television (LCCAT) and Larry Greeley, President of the Board of Directors updated the Selectmen about the activities of the community TV station and the many training and learning opportunities available to the local community. Martin announced that there is a vacancy on the LCCAT Board and encouraged people to consider serving. Greeley explained the benefits of having a designated local government channel specifically for Wellfleet. Discussion ensued about the process involved. Assistant Town Administrator Brian Carlson talked about the RFP and MOU for use of the Library space. Terkanian explained that the process would probably take about four or five months from RFP to equipment delivery and staff training. Wilson had questions about personnel involved and how the channel will be operated. Terkanian went over the available channels under the Comcast license. The discussion concluded by Teresa Martin giving out her email tmartin@lowercapetv.org for questions and details.

Vote to execute memorandums of understanding with WEA bargaining units

Terkanian explained the need for a public meeting motion for the approval of the Motion of Understanding (MOU) for the Wellfleet Employee Association (WEA) Union contract.

MOTION 215-222: Bruinooge moved that the Selectmen execute the MOU with WEA bargaining unit. Wilson seconded and the motion passed 4-0.

Town Administrator's Report

Terkanian presented his report³ and added:

- Town Counsel will be on site for Open Meeting Law training on June 7, 2015 at 2:00 pm and 5:00 pm. at the Library.
- The Army Corps of Engineers has determined that dredging biomass can be disposed in the Cape Cod Bay and this will present a significant saving to the project.
- FY15 Operating Budget is on projected schedule.
- The process of the FY17 Capital Budget began the day after 2015 ATM.
- Route 6/Main St and the Police Station engineering project manager selection processes will be initiated in the next few weeks.

Pilcher talked about an email communication with Joe Aberdale about possible funds for dredging from the State. Terkanian said that he will meet with Donald Paladino and will ask about lobbying possibilities, but suggested that the efforts should be coming from the Selectmen.

Future Concerns

- Murphy talked about the meeting with Building and Needs Assessment Committee on May 11 and their request for Selectmen's direction in terms of committee charge. Murphy said that the committee will probably be looking for additional funds for facilities maintenance. Terkanian said that the next Building and Needs Assessment Committee meeting will be on June 8, 2015. Pilcher directed Terkanian to check if they would like to attend the June 9, 2015 Board of Selectmen meeting.
- Pilcher asked the Selectmen to bring FY16 BOS Goals list in June.
- Wilson suggested updating and re-amending the exiting BOS policies
- Terkanian explained that there is a need for Policy on Baker Field Tent and IT Policy.
- Terkanian said that he will be presenting a Community Policing update in June.

Correspondence⁴, Vacancy⁵ Report and Minutes

MOTION 215-223: Murphy moved and Bruinooge seconded to approve the minutes of April 21⁶ and April 27⁷, 2015 as printed. The motion passed 3-0-1 (Wilson abstained).

Adjournment

MOTION 215-224: Murphy moved and Bruinooge seconded to adjourn the meeting at 8:07 pm. The motion passed 4-0.

Respectfully submitted,
Michaela Miteva, Executive Assistant

Public Record Documents

¹ Shellfish Constable Andrew Koch's recommendations

² Year by the Sea filming schedule

³ TA Report of May 1, 2015

⁴ Correspondence Report of May 12, 2015

⁵ Vacancy Report of May 8, 2015

⁶ Minutes of April 21, 2015

⁷ Minutes of April 27, 2015