

Approved October 7, 2019

**Wellfleet Selectboard Meeting
Tuesday, September 24, 2019 at 7pm
Wellfleet Senior Center**

Selectboard Members Present: Chair Janet Reinhart; Helen Miranda Wilson; Justina Carlson; Michael DeVasto

Regrets: Kathleen Bacon (personal)

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Shellfish Constable Nancy Civetta; Harbormaster Michael Flanagan

Chair Reinhart called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

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

- The Flu Clinic, hosted by the VNA and Cape Cod Healthcare, will be held on October 4th from 2-4pm at the Wellfleet COA. The Flu Clinic at Outer Cape Health will be on September 28th, with additional dates to be made available.
- The Board congratulated DPW Mechanic Warren Silva on his retirement and thanked him for his years of service to the Town.
- Butler announced that the 2020 Artist Beach Sticker application is open until October 1 at 12 Noon. Information can be found on the Town's website on the Cultural District page.
- Reinhart read a letter of thanks from the family of the late Marie Morrison who was so appreciative of the staff at the Council on Aging and acknowledged their generous donation.
- Audience member Alfred Pickard questioned if a Board member who made a significant donation for the purchase of land that included aquaculture acreage should be disqualified from voting on shellfish related issues including regulation changes. TA Hoort responded that he had spoken with town counsel regarding the matter and Wilson has a financial conflict of interest only in matters related to the purchase of the HDYLTA Trust property.

PUBLIC HEARINGS

Change to Shellfish Regulations 7.19.5. Overwintering of Equipment on Grants [Continued from 08/27/19 BOS meeting]

DeVasto recused himself and left the room.

Civetta presented the changes which will alter the Town's regulations regarding equipment being left, or not left, on grants during the winter months. Currently equipment has been allowed to be left on grants during winter months if that grant holders signs a simple contract. She cited problems with lost gear due to ice this previous winter. Civetta said the Shellfish Advisory Board (SAB) recommended minimal changes to the regulation but did say the Department should be able to enforce the regulation as now written. She said her Department thought they could do better and were also cognizant of being only one category of users of the harbor. They want to take into consideration the Marina Advisory Committee's recommendations and to try to strike some sort of balance. Civetta noted the need for supporting a year-round market in Wellfleet and for people to be able to make a living. She said she also emailed her memo to the entire commercial shellfish

community and to Department Heads for suggestions. Civetta said she, like all those in Town, want to have a thriving industry, but people in the industry need to be responsible.

Reinhart clarified that the audience, comprised mostly of shellfishermen, had had the chance to read the suggested changes. Many nodded in agreement.

Carlson echoed Civetta's comment that it is important to keep the winter market open, not only for the grant holders but for the wholesaler of shellfish, to have a reliable supply. Carlson said she thought Civetta's proposed changes are very balanced and address the needs of the industry as well as the concerns brought forward. Civetta stated that in the peak summer months, 10-11,000 racks are set out; last winter there were about 3,000.

Wilson asked at what point Kathleen Bacon's statement from the August 27 meeting should be read. Reinhart said Wilson could do so, as Bacon could not attend this evening. Wilson noted Bacon made her statement prior to the Board receiving 3 to 4 letters from the shellfish community.

Bacon's direct quote from that meeting read as follows: "She (Bacon) said this is a big regulation change and she is 100% in agreement with the Harbormaster and the Marina Advisory Committee on this. Bacon said she considers herself an environmentalist who has lived here all her life and is watching what this crap (equipment) is doing in our harbor and our waterways or what it is doing to the marine life. Bacon said she was very interested in seeing what the sonar study puts upon the bulkhead up at the pier and she thinks that everyone would be shocked at how much abandoned equipment is out on the water. She said she will not support leaving any kind of equipment out in the harbor or our waterways over the winter months where the Town gets ice. She said she will not support a regulation that does not state that – anybody that is a shellfishermen in Wellfleet – that every piece of equipment, every bag, every piece of rebar, every zip tie, has to have a name tag on it, she wants to know who it belongs to. She said this stuff is killing us – it is killing the marine life, it's killing our water quality. She said the shellfish industry has gone from picking in the wild, when she was growing up here, to an industry that is \$6.5 million dollars a year – let's get responsible. She asked the shellfish community to be responsible and respectful to the environment and the industry."

Carlson expressed understanding for Bacon's concerns, but that the Board wasn't able to comment and respected that she is an environmentalist but said the Board could institute incremental changes and review them at future dates.

Reinhart asked to hear from a member of the Shellfish Advisory Board, one person who sells shellfish in the winter, as well as one proponent and one opponent of the proposed changes.

Audience member Zack Dixon, from the Shellfish Advisory Board, said the Shellfish Advisory Board voted to bring the gear height in the winter down to 4-6 inches. He said the sentiment behind that was that the rules that exist need to have a chance to be enforced before they are changed drastically. Reinhart asked how they were not being enforced, Dixon said that racks are not checked to ensure they are being pumped down to the proper level, which caused racks to get away this past winter. Reinhart asked if the Advisory Board approves the changes to regulations. Dixon said that Civetta brings the proposed changes to the Advisory Board and the Advisory Board makes their recommendations. Reinhart asked Dixon if the Advisory Board felt that 3,000 racks left out in the

winter was an adequate amount. Dixon said yes. He said the Advisory Board also voted not to recommend or support Civetta's second round of recommendations.

Audience member Chris Merl said he had not read the proposed amendment; he asked Dixon to clarify if the Shellfish Advisory Board voted that 3,000 racks was acceptable or was that an opinion. Dixon said there was no specific vote. Civetta said she wrote and posted the original memo because the Shellfish Advisory Board had not gone far enough, so she wrote a new memo. She said the Board stayed with their same recommendations as in the beginning which was to pump the racks down to 4-6 inches, as well as to have all condos removed. Civetta then wrote a new memo, which is included in the meeting packet, that was a counter to the SAB's recommendations. There was further discussion.

Audience member William "Chopper" Young asked for clarification on the process, saying he thought Civetta was supposed to go to the SAB prior to coming to the Selectboard. Reinhart asked Young how many racks he felt he needed. Young said this was splitting hairs because if everyone responsible for their equipment it shouldn't be limited, because that would be nitpicking individual businesses. He suggested using augers to keep equipment tied down. There was further discussion. He mentioned that it was better to have oysters left out, rather than taking them out of a pit and putting them back out for a week and then sending them to the market in January.

Reinhart asked the audience who among them harvested in the winter; about 15 people in the audience raised their hands. An audience member said that Shellfishermen Bob Wallace stated he needed 400 racks to sustain his business.

Harbormaster Flanagan reiterated his opinion that all equipment should come off during the winter. Reinhart asked what the people who want to harvest in the winter would do. Flanagan suggested fishing in the wild. The audience audibly disapproved of this suggestion. Flanagan noted that if nothing was on the grants then there was nothing to be enforced.

Pickard said that last year was a bad winter for the ice and that last year was not going to be the only year. He said that it wasn't just one or two people who left their racks out there, it was 3,000 racks. He said good intentions do not stop Mother Nature.

Wilson said she has attended many SAB meetings regarding this section, including when it was first added to the regulations in 2013 or 14. She said, somewhat in jest, that all shellfishermen should go to prison if they do not tag their equipment perfectly. Wilson said there was another issue besides maintaining a winter market, which is that different parts of the harbor have different types of bottom, and also that conditions and the range of cultivation vary from year-to-year. She said she felt Civetta's language in the draft included in the meeting packet was a good compromise between all or nothing.

Wilson asked audience member Bob Wallace if he had an allowance of 100 racks to leave out in the winter, would it be enough for him to retain his winter market in a normal year. Wallace said it would be minimal and he said the equipment being considered that is flush with the ground should not be counted as part of any number that is left out there. He said it is difficult to legislate morality, noting trying to be environmentally responsible while also encouraging winter business.

Young asked about the investment the shellfishermen have with seeds they have purchased. He asked the Board how they expected the shellfishermen to overwinter those seeds with no gear in the water. Reinhart asked what the compromise was, noting the Marina Advisory Committee and Harbormaster do not want racks in the water.

Joe Aberdale, from the Marina Advisory Committee, noted the Committee conducted a hearing last week on the proposals from Civetta. He noted the Committee agreed that there was a lack of conformity in the quality of tags used to tag the gear. He said the kind of tags used need to be approved by either the Constable, the Harbormaster, the State, or a combination of all three. Civetta said different types of businesses use different systems and she recognizes that some tags stay on better than others. She said she would ask the Shellfish Advisory Board what they thought of trying to mandate a uniform tag standard. Wilson agreed that tagging requirements should be enforced across the board. There was further discussion.

Civetta said she could not attend the second Shellfish Advisory Board meeting where this was discussed because she was sick. She said she did her best, with the help of her department staff, to think of compromises on the matter. She said she is flexible and willing to try something out, that she is trying to find a common ground. Civetta recognized the two strong forces at play – those who believe everything should come off and those who believe we should continue doing what we’ve always done.

Carlson said she thought Civetta had an innovative solution – that grant holders who wish to overwinter more than 100 racks place \$5 per rack into a fund that would go toward paying for a cleanup of lost gear, should there need to be one. Civetta noted the main difference from the SAB’s proposed language is that her amendment requires all overwintered racks to be flush to the bottom, instead of 4-6”.

Audience member Sheila Lyons asked how long this practice, of leaving the equipment out over the winter, has been occurring. She noted it is an arduous process to take equipment out for the winter. Young said it began at least 25 years ago. Merl asked if there was anything that addressed damage to other grant holders’ property. Civetta said it was number 11 in her amendment to Appendix D and that in the existing regulations whoever’s gear it is, is solely liable.

Wilson asked Pickard to give historical context to the issue. Pickard said 15 years ago that draggers did not bring home their equipment 3 days a week and now they are. He noted that galvanized equipment was not in use 15 years ago and in the last few years equipment getting dragged around has gotten worse. He noted that \$5 per rack was not a deterrent and that funding should be sought.

Reinhart asked Flanagan and Aberdale that if everyone was responsible for taking everything off, would they be amendable to that. Flanagan said of course but he does not see that happening. Aberdale noted that often the gear cannot be identified when cleanups occur, reiterating his point about mandating proper tagging.

Audience member Andy Koch said this is a tough issue and noted the pushback to regulations he suggested during his tenure as Constable. Reinhart said there needs to be a better compromise. Civetta noted this would be, a big change to get everyone on the same page. There was further discussion.

Dixon noted there was a limited number of racks that can be taken off in a trip. Wilson asked Dixon how many racks his farm had currently, he said about 1,000. She asked what a reasonable number of racks, in his opinion, would be to be left out. Dixon said that isn't the issue.

Audience member Dave Ziemba, a retired shellfisherman and dragger, noted that historically Wellfleet marketed wild oysters and the market is still well supplied on wild oysters. He suggested ground cropping larger oysters and pitting smaller oysters.

Wallace reiterated that he ground-flushes his racks and asked the Board to consider that racks that are flush be left out of the equation. Civetta noted that her recommendation asks that equipment being left out in the water has product on it, not be left empty like Wallace suggests.

Pickard said nothing would change, if Civetta's proposal goes through, except for the \$5 for funding clean up. Wilson said there were changes, including that racks had to be pushed down to be flush with the bottom before January 15th.

There was further discussion.

- Wilson moved to approve the changes to Section 7.19.5 of the Wellfleet Shellfish Regulations and Appendix D as recommended by the Shellfish Constable.
- Carlson seconded, and the motion carried 3-0.

Review and approve new Section 8 Commercial Shellfishing: Dragging and Dredging regulations

Civetta presented the proposed regulation. She said Bay Scallop season begins on Tuesday, October 1, and she was unable to attend the Shellfish Advisory Board meeting because she was sick, so no recommendations have yet been made by that Board. Civetta said that currently, as the regulation is written, she does not have clear guidance on how to implement the regulation without specifying gear type, which is an impediment for her and her staff to do their jobs. Civetta said anytime a piece of gear is deployed one is targeting a specific species. She said she and her staff researched of regulations in other towns, which all specify the gear type. Civetta was specifically speaking of bay scallop dredges to obtain bay scallops. She said the blood clam bycatch will not be implemented because it is not a regulated species by the State.

Wilson said the blood arc bycatch and harvest has to be regulated since it is in our regulations, which were approved by the Department of Marine Fisheries (DMF). Civetta said the DMF would not support her on this issue. Wilson said this had changed. Civetta said the bay scallop open season is a state regulated and the Town would need to petition the state to extend the season, which the Town has done. Wilson said she was only referring to the blood arc and ponderous regulations.

Wilson read Section 8.4. By-catch Limited to 20%, which says "No vessel shall land more than twenty per cent (20%) of the permitted daily catch of any species of shellfish, as by-catch, other than such species which the gear used is designed to harvest." She asked Civetta to confirm that she needed this to be more enforceable by defining the gear. Civetta said yes. Wilson said she would vote to approve this but would like to hear what the Shellfish Advisory Board has to say about it at their next meeting but would like Civetta to be able to begin enforcing it on October 1st.

Young asked Civetta if she planned to enforce the State bushel size. Civetta said they would be using the Wellfleet bushel baskets, with a limit of 10 bushels, the State limit. Young asked Civetta if no other Towns have teeth on them, he had said he found that in other Towns to have teeth on them. Civetta said that is correct, according to Deputy Constable Manulla's research. Young said he has dredges from other Towns. Civetta said it is not traditional in Wellfleet harbor. There was further debate.

Audience member Dan Morton said there should be more discussion of this at the Shellfish Advisory Board meeting before a vote is taken.

Aberdale said the issue of enforceability is an issue the Committee had a lot of discussion about. He noted that in Civetta's original proposal she noted she would need to shift her duties to be able to enforce this.

Zimba agreed with Civetta about the Bay Scallop issue except that Wellfleet is allowed to take a string-tied bushel bag to create the same yield as other Towns. Civetta said this was still in the regulations.

Wilson asked to continue the hearing and asked the Shellfish Advisory Board to discuss the matter at their next meeting.

- Wilson moved to continue the hearing for the new Section 8 of the Wellfleet Shellfish Regulations, Commercial Shellfishing: Dragging and Dredging until the October 22nd meeting.
- DeVasto seconded, and the motion carried 4-0.

PRESENTATION BY NAUSET SUPERINTENDENT TOM CONRAD ON BUILDING PROJECT

Superintendent of Nauset Schools Tom Conrad, Chris Easley, from the Nauset Regional School Committee, and Harry Terkanian, from the Building Needs and Assessment Committee presented an update on the High School Renovation Project.

Conrad noted the assistance of the Massachusetts School Building Association (MSBA), saying they provide funding for such projects. He said that Nauset was chosen as 1 of 14, out of 80 applicants, to be selected for financing. Conrad said the educational vision for this program goes out as far as 20 to 30 years, setting the tone to begin the looking at the space to meet the needs of that educational plan. He noted the project is currently in the schematic phase. Conrad said the Committee has placed poster boards that depict the project throughout town, including at the COA, Library, and Town Hall.

Conrad said the concern of safety and security has been discussed and there is a plan to use gates to control the flow of people coming into the school. He said there is also recognition that learning does not stop at any age, and the Committee sees the opportunity for the facility to be a community learning center. He noted the importance of maximizing the use of the facility for all those who have access to it.

Easley said the school is 47 years old and there is a fair amount of maintenance that has been put off for years. He said the partnership with the State is beneficial because roughly 41% of the project will be shared by the State, putting less of a burden on the Towns. Easley noted the importance of education and preparing students for life after their time at Nauset.

Conrad said there are 1-hour tours of the school being offered every Wednesday from 4:00 to 6:00pm at the campus.

Terkanian said it is important for the public to understand that the Committee has tried to be a good steward of taxpayers' dollars. He said the Committee has paid close attention to efficiencies in the building and to retain as much of the existing structure as possible. He said the MSBA state has awarded an additional 1% of funding for maintenance, 3% for retaining existing structures, and 2% for energy efficiency – which totals to an additional 6% to the current 37.9% reimbursement from the State.

Reinhart asked the projected number of students who will use the school. Conrad said the estimate is 905 students. Reinhart asked about solar panels, Terkanian said that will be part of the design process. DeVasto asked how open the use of the auditorium will be. Conrad said he would entertain the idea of adults, after giving them proper background checks, being able to take extracurricular classes if there were open seats. He also suggested having all sorts of classes on weekends and utilization of a black box theater and the gymnasium. He said he believed that taxpayers own the school and it is theirs to use.

Wilson opposed the idea of allowing adults to intermingle with the students during their academic day.

Carlson said she feels the teachers are amazing but agreed the building is rundown, saying she is thrilled about the project. She commended Nauset for serving a wide range of needs of the students. DeVasto, who graduated from Nauset about 20 years ago, agreed that the building is run down. He commented about school choice and said he wanted to see the school be an attractive choice for students to attend and for the State to help fund that. He said he would like to see the school utilize programs that could offset costs for the school.

More information can be found about the project at www.nausetbuidlingproject.com

BOARD/COMMITTEE APPOINTMENTS AND UPDATES

Open Space Committee – Margaret Sagan

Sagan was not present, but audience member Denny O'Connell said he thought she would be a great addition to the Committee.

- Carlson moved to appoint Margaret Sagan to the Open Space Committee for a one-year term.
- DeVasto seconded, and the motion carried 4-0.

Marijuana Cultivation-Host Community Agreement - Patrick Kemple & Ennie MacDonald

Hoort said this group has presented to the Board before and Town Counsel has approved the HCA. Reinhart asked about the term “manufacturing”. Stephanie Ryan, a representative from SunDog, said “manufacturing” meant packaging in this case.

Wilson said this was different than establishment HCAs, noting the group is not opening an establishment. She asked what a canopy was. Ryan said this was the footage of what the plants cover – the tops where the leaves touch. Wilson said, like a forest, and Ryan concurred. Wilson noted the group had many more steps to complete after the Board signs the HCA, including getting licensed by the Cannabis Control Commission. She noted a possible issue of smell and that the Community gets to voice their opinion on whether the smell would be detrimental to the neighborhood or not at the ZBA hearing for the project.

DeVasto noted that it is legal for people to grow for personal consumption already throughout the Town and that the smell is not a problem, because it is not generally apparent throughout Town.

Carlson commended MacDonald's entrepreneurial spirit.

- Wilson moved to approve the Marijuana Cultivation Host Community Agreement with Patrick Kemple and Ennie MacDonald, doing business as SunDog Cannabis Cape Cod, LLC, located at 165 Paine Hollow Road.
- Carlson seconded, and the motion carried 4-0.

Discuss, deliberate and take appropriate action to respond to letter from the Planning Board

Hoort said on September 10th the Board received an email from Jude Ahern that stated "You must be joking. There is NO WAY Gerry Parent is going to represent the Town of Wellfleet in anything beyond its borders. If this ridiculous idea is pushed forward, I will start my assault on the Planning Board. Understood?"

Reinhart said that when this was received, and she asked Hoort to refer the email to Town Counsel. She noted that this was not the first inappropriate correspondence Ahern has sent. Hoort noted this correspondence crossed the line, saying the use of the word "assault" is not condoned and can be interpreted in many ways. He said he spoke with Counsel who suggested the "Board discuss appropriate action regarding Ms. Ahern's e-mail and make a statement that they do not condone the behavior and language. The word assault is not appropriate under any circumstances and Ms. Ahern has threatened a group of public officials. The Board should consider whether this is a threat that may result in violence and decide whether this threat should be referred to the office of the Barnstable County District Attorney." Counsel also suggested the Board write a letter to Ms. Ahern stating they do not condone this behavior and said that "having the conversation may be a warning to Ms. Ahern that this behavior is unacceptable." Hoort said he inquired about getting a restraining order against Ms. Ahern and Carolyn Murray, from KP Law, said "the courts have been very hesitant to do this because you are restricting a citizen's access to their government. However, Ms. Ahern should, at a minimum, be warned that the Town will take all appropriate and necessary action to protect its officers and staff."

Wilson said civil discourse is essential to our government. Negative characterizations – which you could also describe as "verbal abuse", and certain kinds of informal language that are meant not simply to express disagreement with vehemence, intimidate, threaten, and stifle an exchange of different opinions and is counterproductive and distracting. She noted an Open Meeting Law complaint filed by Ahern that was filled with conjecture and had an intimidating tone. Wilson

suggested making sure that every Chair of every Board and Committee understands that the minute anyone who uses a derogatory term and steps over that line is immediately cut short.

Reinhart said that, while she is Chair, Ahern is welcome to attend any meeting but that neither she, nor anyone who acts in this way, will be recognized. Reinhart said she said Ahern should be made aware of this, but that Ahern will probably watch the recording and can view the Board's determination then.

Carlson noted the option of referring the letter to the County Attorney and recommended the Board take that action. She said Ahern is often well informed and does good research, but her particular confrontational and threatening style is not acceptable. She said a stricter response is needed.

DeVasto agreed with Carlson and said the use of the word "assault" was probably not meant in a violent manner but he then thought of how he would feel if a man had written it. He said he may have thought differently about the use of the word if it was written by someone of a different gender and didn't think he should discriminate by gender when assessing what was written. He said he did not know what Ahern was capable of, that assault is assault, and that the matter should be looked into.

Wilson said this email to the Board about the Planning Board was part of pattern of abusive correspondence from Ms. Ahern and that is reason enough to send this in for a higher level of review.

- Wilson moved that the Board submit the email, received on September 10, 2019, as well as evidence and a report of a pattern of harassment by Jude Ahern to the Barnstable County District Attorney.
- Carlson seconded, and the motion carried 4-0.

BUSINESS

Approve renewal of license agreement with Thomas J. Siggia and Cathy G. Siggia

Hoort said this will be taken up at the next meeting, due to an error in the agreement.

No action taken.

Review of Bookstore & Restaurant hour extension

Albert DiNapoli, attorney for Caroline and Steven Parlante presented their request. DiNapoli reminded the Board that they asked for a review of the extension after approving it at the start of the summer. Reinhart noted 1 incident in which a patron had to be subdued with a taser.

Wilson said the Board learned from the Police Chief that if they extend the hours for one business, they must do so for all businesses as they cannot be selective. DeVasto noted that the number of establishments open until 1AM is only 2 and that 1 of them is now closed for the season. He noted that there was no request from any other establishment. He said he felt comfortable extend the hours, as there had been no major incidents or noise complaints.

Carlson asked Steve Parlante for his thoughts on the extension. He said he only had the one issue that has already been mentioned. Carlson said it was her understanding that he ran a tight ship.

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Reinhart asked who was out after 1 AM, Parlante said it is mostly restaurant workers. He noted that he stops serving at 1AM when they close at 2AM and this change made things easier for him.

Hoort read a statement from Bacon who said “I am against extending the hours to 2AM. I do not wish this to be town wide.”

Wilson and Parlante noted that under MA law, such places can stay open until 2AM. DiNapoli noted the Board has the power to review the license at any time and if there was an incident the Parlantes would certainly come in to address it. He echoed DeVasto’s comment that no other establishment requested to have their hours extended.

Audience member John Wolf said that even though he does not drink, it is not uncommon for him to go to the Bomb Shelter because it is the only place open all year to socialize. He said he did not see why there would be a problem with this.

- Wilson moved to approve the continued extension of hours for the licensee, Bookstore & Restaurant, Inc., from 1AM to 2AM until further notice.
- DeVasto seconded, and the motion carried 4-0.

Dredging Update

Hoort said the Army Corps of Engineers has all permits in order to be able to dredge the federal channel. He said it is expected that the federal funding is coming through and the Corps is expected to be ready to start on October 1, 2020. Hoort said this takes care of the federal channel being dredged and on Friday, September 27, the Secretary of Housing and Economic Development, Michael Kennealy and Rep. Sarah Peake will meet with the Dredging Task Force at 5pm to see the local channel at low tide. This tour will be followed up with a meeting to discuss possible funding sources.

Finalize FY 2020 goals

There was no discussion.

- Wilson moved to approve the Selectboard’s FY 2020 Goals as presented and amended and as more specifically described in each individual Selectboard members’ list of goals.
- Carlson seconded, and the motion carried 4-0.

DeVasto asked if these could be amended in the future, Reinhart said yes.

Approve FY 2021 Budget Policy

Hoort said this is the same policy presented at the September 10th meeting, with Wilson’s amendment.

- Carlson moved to approve the FY 2021 Budget Policy as presented by the Town Administrator.
- Wilson seconded, and the motion carried 4-0.

Approve FY 2021 Annual Budget & 2020 Annual Town Meeting schedule

Hoort noted that all of these documents will be on the Town’s website under the Selectboard’s page.

- Wilson moved to approve the FY 2021 Annual Budget and the 2020 Annual Town Meeting Schedule as presented by the Town Administrator.
- Carlson seconded, and the motion carried 4-0.

Consent for Town Administrator to be involved in business activity related to a business he has owned since 2005

Wilson said she felt that the Board had carefully and responsibly discussed this matter when they were renewing the Town Administrator's contract. She said what the Town Administrator, or a similar employee, does on their own time is their own business just so long as they do what's required while working for the Town.

Carlson said Hoort was transparent about his minimal involvement in his home business. She said this was a thoroughly vetted issue.

DeVasto said he couldn't believe the Board even had to sign anything, unless it had significant detriment to the Town. It was pointed out that this is required in the Town Charter.

Carlson said the Town was lucky to have Hoort as the Administrator.

- Reinhart moved to approve consent for the Town Administrator to be involved in business activity related to a business he has owned since 2005 and that the Board adds a vote of confidence in the Town Administrator.
- Wilson seconded, and the motion carried 4-0.
- Reinhart moved that the Board adds a vote of confidence in the Town Administrator.
- Carlson seconded, and the motion carried 4-0.

A resolution in support of a Future Act

Reinhart said this was presented to her by a resident whose daughter is on the board of Mothers Out Front, a nonprofit organization that is pushing for awareness of how fuel emissions affect our climate.

Wilson asked to strike the 7th "whereas" section, which relates to fracking.

- Reinhart moved to support the resolution of Future Act H.2849/S.1940, An Act for Utility Transition to Using Renewable Energy, as amended, and authorize the Board to sign it.
- Wilson seconded, and the motion carried 4-0.

SELECTBOARD REPORTS

- Reinhart: Will distribute the definition of what constitutes a meeting and the definitions of a quorum and deliberation to Board members
- DeVasto: Met with Seashore Superintendent and members of the Bike & Walkways Committee to discuss possible new bicycle trails. He said his impression was that the Seashore does not have funding or resources to do this on their own, but they are willing to work with the Town. He noted that permitting for creating new trails is extensive.

- DeVasto: Concerned Citizens for a Responsible Bikeway met with State Senator Julian Cyr
- Wilson: At the Selectmen and Councilor's Association breakfast Andrew Gottlieb, Chris Schillaci, and Rob O'Leary did a good presentation on the Massachusetts Shellfish Initiative
- Wilson: The Division of Marine Fisheries has re-invigorated their Shellfish Advisory Panel which existed before the MSI.

TOWN ADMINISTRATOR'S REPORT

This report is for the period September 7, 2019 through September 20, 2019.

1. General:
 - Applications for FY 2020 Affordable Housing Tax exemption are now closed. (7 applicants, 6 qualified)
 - Issuing Request for Bids for the Pavilion at Baker Field
2. Fiscal Matters:
 - FY 2021 CIP scheduled for delivery to BOS and FinCom on October 1st
 - FY 2021 Budget in progress
 - Finalizing submission of FY 2020 tax rate materials
3. Meetings:
 - September 9 – Meeting W.H.A.T
 - September 10 - Selectboard meeting
 - September 11 – Meeting on phone system update
 - September 16 – Staff planning meeting
 - September 17 – Site visit to inspect tennis courts
 - September 19 – WEA negotiations
4. Complaints:
 - none
5. Personnel Matters:
 - Town Accountant started on September 23rd
 - DPW Mechanic Warren Silva has retired, our thanks to him for his years of service to the Town.

Hoort reminded the Board that at least 3 members need to go online to the Gateway portal and sign the necessary documents to set the tax rate.

TOPICS FOR FUTURE DISCUSSION

- Wilson asked to discuss the marijuana and HCA policies. Butler noted that it is slated as an agenda item for a work meeting.

VACANCY REPORT

Butler noted that this agenda item has changed from "Correspondence and Vacancy Report" to just "Vacancy Report." She said this was changed to prevent items of correspondence, which may pertain to citizens' requests or complaints, from being discussed when they are not included in the packet. She asked the Board to inform her prior to a meeting if there is a piece of correspondence that they would like to discuss, so she may add it to the agenda and meeting packet.

MINUTES

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Wilson noted that the motion for SPAT's use of town property approval did not specifically name the use of the Town lot next to the Custom's House. Butler said she would ask the Principal Clerk to contact SPAT and make sure they are aware of which lot(s) they may use.

- Wilson moved to approve the minutes of the September 10, 2019 as amended.
- Carlson seconded, and the motion carried 4-0.

ADJOURNMENT

- DeVasto moved to adjourn.
- Carlson seconded, and the meeting adjourned at 10:30 pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material as of 9/20/19

1. Public Hearing Papers – Change in Shellfish Regulations 7.19.5 Overwintering of Equipment on Grants and Section 8 Commercial Shellfishing: Dragging and Dredging regulations
2. Presentation materials for Nauset Building Project from Superintendent Tom Conrad
3. Appointment papers for Margaret Sagan
4. Letter from the Planning Board to the Selectboard
5. License Agreement with Thomas J. Siggia and Cathy G. Siggia
6. Marijuana Cultivation – Host Community Agreement with Patrick Kemple and Ennie MacDonald
7. Letter from Attorney DiNapoli and Chief Fiset re: Bookstore & Restaurant hour extension
8. Selectboard FY 2020 Goals
9. FY 2021 Budget Policy
10. FY 2021 Annual Budget and 2020 Annual Town Meeting schedule
11. Consent memo for Town Administrator to be involved in business activity related to a business he has owned since 2005
12. Resolution in support of a Future Act and Mother's Out Front information paper
13. Town Administrator's Report
14. Vacancy Report
15. Draft minutes for September 10, 2019