



Wellfleet Selectboard

Note: Start Time of 6pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, March 24, 2020, at 6:00 p.m.** **This meeting will be held via Zoom Video Conference** in accordance with the temporary suspension and enhancement of the Open Meeting Law requirements by Governor Baker. Instructions for a Zoom video conference meeting which also allows phone dial-in are given below:

Join Zoom Meeting: <https://zoom.us/j/268491710> | **Meeting ID: 268 491 710**

Dial by your location: +1 929 205 6099 US (New York)

+1 253 215 8782 US

+1 301 715 8592 US

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 Comments

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

II. Public Hearings

- A. Transfer of Grant License #01-03 from Dave Seitler to Dave Seitler and Melissa Yow
- B. Transfer of Grant License #741 Paul Lalumiere and Jim Clark to Paul Lalumiere and Jim Clark and Brett Morse
- C. Transfer of Grant Licenses #738 and #738A from Robert Hautanen and Davin Hautanen to Robert Hautanen and Davin Hautanen and Kelly Hautanen
- D. Transfer of Grant License #85-F from Richard Blakeley and Caleb Potter to Richard Blakeley
- E. Transfer of Grant License #85F-A and 85FA-Ext from Richard Blakeley and Caleb Potter to Richard Blakeley and Ian Holmes
- F. Transfer of Grant License #09-03 from Ethan Estey to Ethan Estey and Dwight Estey
- G. Transfer of Grant Licenses #891 and 891A from Ethan Estey and David Ernst to Ethan Estey and David Ernst and Dwight Estey

III. Town Administrator Search

- A. Appoint members to Town Administrator Search Committee.

IV. Licenses

- A. Renewal of Seasonal Liquor Licenses: Wellfleet Beachcomber, Winslow's Tavern, Bocce, Wellfleet Motel and Lodge, Van Rensselaer's, Maurice's Campground, Wellfleet Marketplace, Chequessett Yacht & Country Club, Flying Fish Café, Wellfleet Flea Market, Catch of the Day, Mac's Shack, Pearl Restaurant, Harbor Stage Company, Bob's Sub N Cone, Ceraldi, Liquor N More

V. Use of Town Property

- A. Uncle Tim's Bridge – Wellfleet Historical Society, May 1, 2020 from 7:30-9:30pm
- B. Duck Harbor – Jason Boisviert/Melissa McCutcheon, May 21, 2020 from 6-8pm
- C. White Crest – Eastham Fire Department, April 2, 2020, 9:00-3:00pm
- D. Long Pond, Etc. – WOMR/John Braden & Kathleen Walker, May 30, 2020 from 5AM-1PM
- E. Mayo Beach, other Beaches – Kathleen Walker, June 20, 2020 from 5AM-1PM

VI. Business

- A. Extension Agreement for DRI Hearing Period
- B. Schedule date of 2020 Annual Town Meeting
- C. Discussion of possible revision to Wellfleet liquor regulations
- D. Discussion of Wellfleet Marijuana policy

VII. Selectboard Reports

VIII. Town Administrator's Report

- IX. Topics for Future Discussion**
- X. Correspondence and Vacancy Reports**
- XI. Minutes – February 28, March 10, and March 17, 2020**
- XII. Adjournment**



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

II

PUBLIC HEARINGS – A - G

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	This is a public hearing. The public should be asked if anyone has any public comments on any of these grant transfers. After public comments the Selectboard may vote on them individually or as a group.
PROPOSED MOTION:	<p>If in a group. (or each request may be voted separately)</p> <p>I move to approve the following Shellfish Grant Transfers per the recommendation of the Shellfish Constable:</p> <ul style="list-style-type: none">A. transfer Shellfish Grant License #01-03 from Dave Seitler to Dave Seitler and Melissa YowB. transfer Shellfish Grant License #741 Paul Lalumiere and Jim Clark to Paul Lalumiere and Jim Clark and Brett MorseC. transfer Shellfish Grant Licenses #738 from Robert Hautanen and Davin Hautanen to Robert Hautanen and Davin Hautanen and Kelly HautanenD. transfer Shellfish Grant License #85-F from Richard Blakeley and Caleb Potter to Richard BlakeleyE. transfer Shellfish Grant License #85F-A and 85FA-Ext from Richard Blakeley and Caleb Potter to Richard Blakeley and Ian HolmesF. transfer Shellfish Grant License #09-03 from Ethan Estey to Ethan Estey and Dwight EsteyG. transfer Shellfish Grant Licenses #891 and 891A from Ethan Estey and David Ernst to Ethan Estey and David Ernst and Dwight Estey
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 4, 2020

Public Hearing Item II - A

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application dated 2/24/2020 from Dave Seitler to transfer shellfish grant license #01-03 from Dave Seitler to Dave Seitler and Melissa Yow.

I carefully reviewed our regulations and ascertained that Melissa Yow meets all the criteria for being added to a Wellfleet grant lease. She submitted three letters from grant holders with whom she worked and a very detailed five-year business plan, which I also reviewed. I recommend that the grant #01-03 be changed from Dave Seitler to Dave Seitler and Melissa Yow.

Attached please find all related paperwork.

Respectfully submitted,

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 2-24-2020

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 01-03


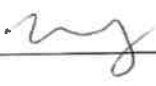
From Dave Scitler

To Dave Scitler and Melissa Yow

Said grant license is located at INDIAN NECK DEEP WATER, in Wellfleet, MA

and consisting of three acres, as shown on a plan prepared

by Slade Associates and dated 9/29/2000

		
Signature	Signature	Signature
<u>David Scitler</u>	<u>Melissa Yow</u>	
Name	Name	Name
<u>Po box 1231</u>	<u>Po Box 1711</u>	
Mailing Address	Mailing Address	Mailing Address
<u>Wellfleet MA 02667</u>	<u>Wellfleet MA 02667</u>	
<u>724-722-2840</u>	<u>507518770</u>	
Telephone	Telephone	Telephone
<u>dave-cape-wake</u>	<u>myow36@gmail.com</u>	
Email <u>@yahoo.com</u>	Email	Email

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

☒ Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.

☒ Applicant is 18 years of age or older.

☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.

☐ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.

☒ At this time, there are no more than three lease holders named to the lease.

N/A ☐ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.

☐ The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,
OR,

☒ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.

☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

To: Wellfleet Selectboard

From: Melissa Yow

Date: 2-24-2020

I, Melissa Yow, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Melissa Yow', written in dark ink.

Nancy Cievetta, Shellfish Constable
Town of Wellfleet Shellfish Department
255 Commercial Street
Wellfleet, MA 02667

February 18, 2020

Dear Ms. Cievetta,

Melissa Yow worked as an aquaculture technician for Science Wares, Inc. for six months from May 2018 through December 2018 assisting with a three-year demonstration project at Lonnie's Pond in the Town of Orleans. Tasks she performed included:

- Field maintenance and observations conducted on a floating work platform
 - Empty over 2,000 bags of first and second year oysters to photograph contents, separate and weigh dead shells, record total live oyster weight, collect data for calculating average individual weights, reload and redeploy bags in specific order
 - Redistribute first year oysters from floating spat bags into floating 6mm diamond mesh bags based on weight
- Flip, clean and agitate over 200 floating spat bags and flip and agitate over 1,000 floating diamond mesh bags from a kayak on a weekly basis
- Assist with construction of floating spat bags and floating 6mm diamond mesh bags.

The work required extended physical exertion and consistent technical precision regardless of weather conditions. Melissa quickly understood what needed to be done and contributed ideas that improved efficiency of workflow and accuracy of observations. She works hard, has excellent handwriting and integrates well with teams whether they are seasoned hands or newcomers. She has the skill, ability and mindset that it takes to be a successful commercial oyster farmer. Please contact me if you would like to discuss any aspects of my experience having her work for our company.

Sincerely,



Eric Karplus, President
508-457-4556

To:
Nancy Cievetta
Shellfish Constable
Wellfleet Shellfish Department

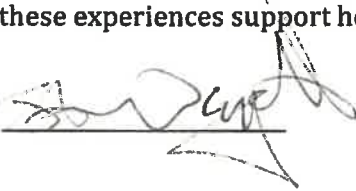
Melissa Yow worked for Chatham Shellfish Company as an oyster farm laborer for three months in May 2016, August 2016, and October 2017.

In this time, she:

- Drove the scow and Novi skiff, moved gear, handled racks and floating gear, washed the decks, and fixed gear.
- Counted and bagged legal and petite oysters for sale, shoveled ice into xactics and made a slurry for sales during vibrio, and transferred bags to the cooler.
- Graded juvenile oysters in a machine and redistributed them into bags and racks.
- Cleaned psilos for oyster seed, and shucked oysters at local events.

I can attest that these experiences support her skills and competency for growing oysters.

Signed,
Stephen Wright



Dated 2/19/2020

To:
Nancy Cievetta
Shellfish Constable
Wellfleet Shellfish Department

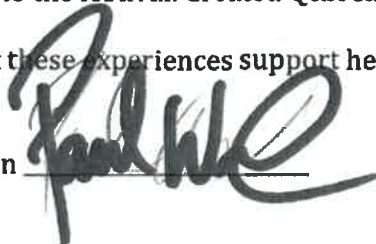
Melissa Yow worked for Aquaculture Research Company as a shellfish and algae lab technician at the hatchery for six months, from June 2016 through December 2016 .

In this time, she:

- Cleaned the tanks, conicles, psilos, and downwellers, and analyzed samples under the microscope for quality control every work day in the shellfish and/or algae lab.
- Performed daily hydrology analysis using fluorometer, pH meter, and thermometer.
- Graded seed from conicles, upwellers, and downwellers.
- Cleaned the primary Isochrysis and Diatom algae cultures of bacteria through repeated agar plating, picking, and transferring of cells.
- Participated in outreach and education at Wellfleet Oysterfest in a three-person team. Constructed a mini upweller that runs without electricity and brought live animals to the festival. Created Q&A sheet on the Eastern Oyster.

I can attest that these experiences support her skills and competency for growing oysters.

Signed,
Paul Wittenstein



Dated 2.19.2020



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 4, 2020

Public Hearing Item II - B

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application dated 2/22/2020 from Jim Clark and Paul Lalumiere to transfer shellfish grant license #741 from Jim Clark and Paul Lalumiere to Jim Clark, Paul Lalumiere and Brett Morse.

Brett Morse is already named to a grant lease, and this addition will not put him over the maximum seven acres allowed by our regulations. Brett submitted all necessary paperwork including a five-year business plan. I recommend that the grant #741 be changed from Jim Clark and Paul Lalumiere to Jim Clark, Paul Lalumiere and Brett Morse.

Attached please find all related paperwork.

Respectfully submitted,

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 2/22/20

To: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 741

From James Clark + Paul Lalumiere

To James Clark, Paul Lalumiere + Brett Morse

Said grant license is located at Inner Harbor CB13, in Wellfleet, MA

and consisting of 5 acres, as shown on a plan prepared

by Slade and dated _____

Jim Clark
Jim Clark
P.O. Box 131
Wellfleet, Ma.
02667
508-688-9968

Paul Lalumiere
Signature(s)
Paul Lalumiere
PO Box 9
Name(s)
WELFLEET MA 02667

Mailing Address

Brett R Morse
Brett Morse

508-349-7327
Telephone 74 Spring Creek Rd
Wellfleet MA,

Email

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- ☒ Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- ☒ Applicant is 18 years of age or older.
- ☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- ☒ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- ☒ At this time, there are no more than three lease holders named to the lease.
- NA ☒ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.
- ☒ The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,
OR,
- ☒ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
- ☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- ☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with MGL Ch. 130 and CMR 322, as well as the most recent SEMAC Best Management Practices, DMF's vibrio control plan, National Shellfish Sanitation Program's Guide and DPH's Regulations for Fish and Fishery Products, as they apply to the harvest of shellfish governing his/her business operations.

~~FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS~~

To Wellfleet Selectboard
From Brett Morse 3/19/20

I Brett Morse, agree to comply
with the Town of Wellfleet's
rules and regulations regarding
aquaculture farms and
state regulations.

Brett Morse

3/12

To: The Selectboard
and Nancy,

things differently —
(he thinks I'm too particular)
(he is wrong) but he is
absolutely ready to
embark on farming.

Brett Morse has
helped me on our
grant ($1\frac{1}{2}$ ac.) for close
to the ten years
that I have known
him. Only part of
the grant can be
used because of
the bottom, summer
fungs loads and
loads of black mup
moss. Lam planting
is a major impos-
sibility. Brett has
however, learned
how my oyster business
works. Everyone does

I'm closing, all involved.
hope that if need be,
this matter can be
handled remotely —
Their time for involvement
is already here.
Sincerely, Rebecca
Nassau



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 19, 2020

Public Hearing Item II - C

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application dated 3/3/2020 from Robert Hautanen and Davin Hautanen to transfer shellfish grant licenses #738 and 738A to Robert Hautanen, Davin Hautanen and Kelly Hautanen.

I carefully reviewed our regulations and ascertained that Kelly Hautanen meets all the criteria for being added to a Wellfleet grant lease. She submitted all necessary paperwork including a five-year business plan, which I also reviewed. I recommend that shellfish grant licenses #738 and 738A be transferred from Robert Hautanen and Davin Hautanen to Robert Hautanen, Davin Hautanen and Kelly Hautanen.

Attached please find all related paperwork.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



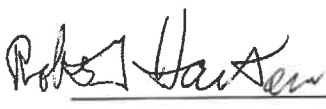


Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3/3/2020

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 738 + 738A
From Davin Houtanen, Robert Houtanen
To Davin Houtanen, Robert Houtanen, Kelly Houtanen
Said grant license is located at INDIAN NECK / W SIDE, in Wellfleet, MA
and consisting of 1.3 + 0.16 acres, as shown on a plan prepared
by W. G. Slade and dated 11/1/73 + 4/1/75

		
Signature	Signature	Signature
<u>Robert Houtanen</u>	<u>Davin Houtanen</u>	<u>Kelly Houtanen</u>
Name	Name	Name
<u>PO Box 212</u>	<u>PO Box 57</u>	<u>POB 57</u>
Mailing Address	Mailing Address	Mailing Address

<u>508 237 1405</u>	<u>508 612 2783</u>	<u>508 2140432</u>
Telephone	Telephone	Telephone
<u>_____</u>	<u>davin.houtanen@comcast.net</u>	<u>kdm6261@comcast.net</u>
Email	Email	Email

KELLY HAUTANEN

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- ☒ Applicant is a domiciled resident of Welfleet, as that is defined in Section 1 of our regulations.
- ☒ Applicant is 18 years of age or older.
- ☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- ☒ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- ☒ At this time, there are no more than three lease holders named to the lease.
- N/A ☐ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.
- ☐ The applicant has held and been documented by the Shellfish Department using a Welfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,
OR,
- ☒ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
- ☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- ☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with MGL Ch. 130 and CMR 322, as well as the most recent SEMAC Best Management Practices, DMF's vibrio control plan, National Shellfish Sanitation Program's Guide and DPH's Regulations for Fish and Fishery Products, as they apply to the harvest of shellfish governing his/her business operations.

To: Wellfleet Selectboard

From: Kelly Hautanen

Date: 3/3/2020

I, Kelly Hautanen, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

Kelly Hautanen

To whom it may concern.

My name is Davin Hautanen, I am the fourth generation lease holder of grant #738 on Indian Neck. My wife, Kelly Hautanen, is a born and raised Wellfleetian, also the grand daughter of the infamous Joe "Tweet" Francis.

Kelly has been working for fifteen years along side my father and I on our grant planting, digging, and selling clams. We have Three children, a 13 yr old daughter and a set of 12 yr old twin boys who have all shown interest in working the grant and becoming generation #5.

At this time there are two names on our lease, my father Robert Hautanen, and myself. My father and I feel it would be advantageous for our family and the future of our family business to add Kelly to the lease of grant #738.

Thank You. Davin Hautanen.



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 19, 2020

Public Hearing Item II - D
and
II E

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received applications dated 2/27/2020 and 3/9/2020 from Richard Blakeley and Sharyn Lindsay (Power of Attorney for Caleb Potter) to transfer shellfish grant license #85-F from Richard Blakeley and Caleb Potter to Richard Blakeley and to transfer shellfish grant licenses #85F-A and #85F-Aext from Richard Blakeley and Caleb Potter to Richard Blakeley and Ian Holmes.

Ian Holmes is already named to a grant lease, and this addition will not put him over the maximum seven acres allowed by our regulations. Ian submitted all necessary paperwork including a five-year business plan, which I reviewed. I recommend that the three above-mentioned grants be transferred as outlined above.

Attached please find all related paperwork.

Respectfully submitted,

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: ~~4-29-2017~~
2/27/20

To: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 85-F, 85F-A + 85FA ext
From James Lindsay and Richard Blakeley
To John Holmes and Richard Blakeley (85F-A + 85FA ext)
and Richard Blakeley (85F)
Said grant license is located at Indian Neck, in Wellfleet, MA
and consisting of 5 acres, as shown on a plan prepared
by Nickerson, Murzyn + Slade and dated 10/1/1985, 9/1/1992 + 10/5/2005

Richard Blakeley
50 LeConte Hollow Rd
Box 53
So. Wellfleet
02663

James Lindsay
Signature(s)

POWER OF ATTORNEY, CAL EB POTTER
Name(s)

4 Saponiokis way
Mailing Address

508-349-7409
Telephone

Email

FEB 28 2020

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3-9-2020

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 85-FA + 85-FA - 1 acre

From RICHARD BLAKEZY + CALEB POTTER

To RICHARD BLAKEZY + IAN HOLMES

Said grant license is located at INDIAN NEZIC, in Wellfleet, MA

and consisting of 5 Acres - 1 Acre = 4 acres, as shown on a plan prepared

by NICKERSON, MURZYK + SLADE and dated 10/1/985

All of: 85-FA + 85-FA EXT Remains in Richard Blakezy
Name = 5 Acres.

Signature

Signature

Signature

RICHARD BLAKEZY

IAN HOLMES

Name

Name

Name

50 LeCount Hollow Rd

425 Old Kings Hwy

Mailing Address

Mailing Address

Mailing Address

So. Wellfleet

Telephone

Telephone

Telephone

Email

Email

Email

(508) 237-3035

(508) 237-9804

capecodfish@hotmail.com

IAN HOLMES

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

☒ Applicant is a domiciled resident of Welfleet, as that is defined in Section 1 of our regulations.

☒ Applicant is 18 years of age or older.

☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.

☒ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.

☒ At this time, there are no more than three lease holders named to the lease.

☒ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.

☒ The applicant has held and been documented by the Shellfish Department using a Welfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,
OR,

☒ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.

☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with MGL Ch. 130 and CMR 322, as well as the most recent SEMAC Best Management Practices, DMF's vibrio control plan, National Shellfish Sanitation Program's Guide and DPH's Regulations for Fish and Fishery Products, as they apply to the harvest of shellfish governing his/her business operations.

~~FROM WELFLEET SHELLFISH POLICY AND REGULATIONS~~

To: Wellfleet Selectboard

From: IAN HOLMES

Date: 3/15/2020

I, Ian Holmes, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A handwritten signature in dark ink, appearing to be "Ian Holmes", with a long horizontal flourish extending to the right.

To Whom it may concern.

In regards to Ian Holmes ~~as a~~ ^{grant holder} I can only say this. He is honest, fair, and hardworking. Let me be brutally honest Ian his wife Lisa and 2 kids Hayley + Elliot are homeowners in Littleport. Ian has been by my side for almost a decade helping me ~~in the process~~ ^{Since Caleb's accident} gently nudging him to Plant (hardwood) Oysters alongside me I would like now to protect his investment by putting his name alongside my own. Ian is the future of my business as a whole alongside Ebs and Justin on the grant outside ours. I think we will be in good shape. I am

~~Blair~~
Zhe Blair



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 19, 2020

**Public Hearing Item II - F
and**

Public Hearing Item II - G

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application dated 3/6/2020 from David Ernst and Ethan Estey to transfer shellfish grant licenses #891 and 891A from David Ernst and Ethan Estey to David Ernst, Ethan Estey and Dwight Estey.

I received another application dated 3/7/2020 from Ethan Estey to transfer shellfish grant license #09-03 from Ethan Estey to Ethan Estey and Dwight Estey.

I carefully reviewed our regulations and ascertained that Dwight Estey meets all the criteria for being added to a Wellfleet grant lease. He submitted all necessary paperwork including a five-year business plan for each of the above farms, which I also reviewed.

I recommend that shellfish grant licenses #891 and 891A be transferred from David Ernst and Ethan Estey to David Ernst, Ethan Estey and Dwight Estey and that shellfish grant license #09-03 be transferred from Ethan Estey to Ethan Estey and Dwight Estey

Attached please find all related paperwork.

Respectfully submitted,

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3/6/20

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 891 + 891A

From DAVID ERNST + ETHAN ESTEY

To DAVID ERNST + ETHAN ESTEY + DWIGHT ESTEY

Said grant license is located at Lt. Island, in Wellfleet, MA

and consisting of 2 acres, as shown on a plan prepared

by A. Henry Nickerson and dated 5/30/1989

<u>Eth Estey</u>	<u>David Ernst</u>	<u>David Dwight Estey</u>
Signature	Signature	Signature
<u>Ethan Estey</u>	<u>David Ernst</u>	<u>David Dwight Estey</u>
Name	Name	Name
<u>PO 14 S. Wellfleet</u>	<u>Box 222 S Wellfleet</u>	<u>PO Box 307</u>
Mailing Address	Mailing Address	Mailing Address
<u>774 219 2212</u>		<u>S. Wellfleet MA</u>
		<u>02663</u>
		<u>774-406-7039</u>
		<u>hjeconche@yahoo.com</u>

<u>Ethan Estey</u>	<u>508 277 1275</u>	
Telephone	Telephone	Telephone
<u>@comcast.net</u>	<u>N/A</u>	
Email	Email	Email

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date:

3/1/20

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request transfer of Shellfish Grant License # 09-03

From ETHAN ESTEY

To ETHAN ESTEY + DWIGHT ESTEY

Said grant license is located at FIELD POINT, in Wellfleet, MA

and consisting of 1.5 acres, as shown on a plan prepared

by Slade Associates and dated 8/25/2011

Signature

Ethan Estey

Name

Ethan Estey

Mailing Address

PO 14 S. Wellfleet

774 219 2212

Telephone

Ethanestey@comcast

Email ney

Signature

Name

Mailing Address

Telephone

Email

Signature

Dwight Estey

Dwight ESTEY

Name

Box 307

Mailing Address

South Wellfleet MA 02663

774-406-9039

Telephone

hcoach@yahoo.com

Email

DMCUTT ESTEY

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

☒ Applicant is a domiciled resident of Welfleet, as that is defined in Section 1 of our regulations.

☒ Applicant is 18 years of age or older.

☒ Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.

☐ All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.

☒ At this time, there are no more than three lease holders named to the lease.

NEA ☒ If applicant is applying for a lease on private property other than their own, written permission from the owner has been provided.

☐ The applicant has held and been documented by the Shellfish Department using a Welfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports,
OR,

☐ The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.

☒ The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

☒ The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with MGL Ch. 130 and CMR 322, as well as the most recent SEMAC Best Management Practices, DMF's vibrio control plan, National Shellfish Sanitation Program's Guide and DPH's Regulations for Fish and Fishery Products, as they apply to the harvest of shellfish governing his/her business operations.

To: Wellfleet Selectboard

From: Dwight Estey

Date: 3/6/20

I, Dwight Estey, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

 —

Nancy Civetta

From: Ethan Estey <ethanestey@comcast.net>
Sent: Sunday, March 8, 2020 11:04 AM
To: Nancy Civetta
Subject: Recommendation letter

Hi Nancy,

Here's my recommendation letter for Dwight. Let me know if you need a hard copy.

Dwight Estey has been helping me out shellfishing on my shellfish grants since 2009. He has assisted with dipping spat collectors, breaking them down, hauling gear in the winter, and bringing gear back out in the spring. Dwight began shellfishing in town in 1975 when he got his first shellfish license. He introduced me to shellfishing in the early 1980s and has been shellfishing with me ever since.

For these reasons I am writing this letter of support for Dwight to be added to my shellfishing lease.

Thank you,

Ethan



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

III

TOWN ADMINISTRATOR SEARCH

REQUESTED BY:	Chair
DESIRED ACTION:	Appointment of Town Administrator Search Committee
PROPOSED MOTION:	<p>I move to appoint:</p> <ol style="list-style-type: none">1. Harry Terkanian2. David Mead-Fox3. Liz Smith4. Jim Hood5. _____ <p>to the Town Administrator Search Committee.</p>
ACTION TAKEN:	<p>Moved By: _____ Seconded By: _____</p> <p>Condition(s): _____</p>
VOTED:	<p>Yea _____ Nay _____ Abstain _____</p>



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

IV

LICENSES

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of Renewal of Seasonal Liquor Licenses
PROPOSED MOTION:	<p>I move to approve the Renewal of Seasonal Liquor Licenses for</p> <ul style="list-style-type: none">• Wellfleet Beachcomber• Winslow's Tavern• Bocce• Wellfleet Motel and Lodge• Van Rensselaer's• Maurice's Campground• Wellfleet Marketplace• Chequessett Yacht & Country Club• Flying Fish Café• Wellfleet Flea Market• Catch of the Day• Mac's Shack• Pearl Restaurant• Harbor Stage Company• Bob's Sub N Cone• Ceraldi• Liquor N More
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

V

USE OF TOWN PROPERTY – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of Uncle Tim's Bridge by the Wellfleet Historical Society on May 1, 2020, from 7:30-9:30pm
PROPOSED MOTION:	I move to approve the use of Uncle Tim's Bridge by the Wellfleet Historical Society on May 1, 2020, from 7:30-9:30pm, subject to the conditions, if any, as listed on the application form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant Sheryl Jaffe Affiliation or Group Wellfleet Historical Society & Museum
Telephone Number 508-349-9157 Mailing Address PO Box 58
Email address sheryl@wellfleethistoricalsociety.org Wellfleet, MA 02667

Town Property to be used (include specific area)

Uncle Tim's Bridge

Date(s) and hours of use: May 1, 2020 7:30 - 9:30 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.

No fees charged - From 40-100 people, hard to say
Bring Lanterns to bridge - illuminate from 8:00-9:30 - take
pictures, walk on bridge - celebrate Wellfleet's history
Parking at Town Lots, churches and Historical Society

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

None requested

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

 Approved as submitted

 Approved with the following condition(s):

 Disapproved for following reason(s):

Date:

FEB 18 2020

Processing Fee: \$50.00

Fee:

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions:  02.18.20 Permits/Inspections needed:
Police Department:  Comments/Conditions: Shift will keep an eye on traffic 2-27-20	Fire Department:  Comments/Conditions: 3-2-2020 OK
DPW:  Comments/Conditions	Community Services Director: Comments/Conditions:
Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
Recreation: Comments/Conditions	Town Administrator:  Comments/Conditions



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

V

USE OF TOWN PROPERTY – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of Duck Harbor by Jason Boisviers and Melissa McCutcheon on May 21, 2020, from 6-8pm
PROPOSED MOTION:	I move to approve the use of Duck Harbor by Jason Boisviers and Melissa McCutcheon on May 21, 2020, from 6-8pm, subject to the conditions, if any, as listed on the application form for a fee of \$110.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Josh Boisvert

QUESTIONS? CONTACT
MOO MORILL 349-9040

Applicant MERISA McLUTCHEON

Affiliation or Group

Telephone Number 603-209-4722

Mailing Address 380 NEW BOSTON ROAD

Email address JOSHUA @ LABELLE WINERY NH.COM GREENFIELD, NH 03047

Town Property to be used (include specific area) DUCK HARBOR

Date(s) and hours of use: MAY 21, 2020 6PM - 8PM

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

SMALL WEDDING CEREMONY. 20-25 PEOPLE 8-10 CARS

NO FOOD OR BEVERAGE SERVICE, NO EQUIPMENT NEEDED.

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

NONE

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

 Approved as submitted

 Approved with the following condition(s):

 Disapproved for following reason(s):

Date: MAR - 2 2020

Processing Fee: \$50.00

Fee: \$110.00

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:

Comments/Conditions:

Permits/Inspections needed:

X

Inspector of Buildings:

Comments/Conditions:

Permits/Inspections needed:

X

Police Department:

Comments/Conditions:

OK M. K. 3/4/20

Fire Department:

Comments/Conditions:

OK Captain

DPW:

Comments/Conditions

Phone OK

Community Services Director:

Comments/Conditions:

Phone OK

Harbormaster:

Comments/Conditions

X

Shellfish:

Comments/Conditions

X

Recreation:

Comments/Conditions

X

Town Administrator:

Comments/Conditions

Amel R. Hoort

subject to COVID-19 conditions



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

V

USE OF TOWN PROPERTY – C

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of White Crest Beach by the Eastham Fire Department on April 2, 2020, from 9am-3pm
PROPOSED MOTION:	I move to approve the use of White Crest Beach by the Eastham Fire Department on April 2, 2020, from 9am-3pm, subject to the conditions, if any, as listed on the application form.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant Jesse Cappello (EFD) Affiliation or Group Eastham Fire Dept. / Technical Rescue Team
Telephone Number (508) 255-2324 Mailing Address 2520 State Hwy
Email address jcappello@eastham-ma.gov Eastham, MA 02642
Town Property to be used (include specific area) White Crest Beach Dunes

Date(s) and hours of use: April 2, 2020 0900-1500

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.

High angle rescue extricating sick/injured - approximately 30 firefighters involved - extrication equipment such as ropes & backboards will be used - parking lot will be used for parking - \$ food, \$ fees charged

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

NO TOWN SERVICES REQUIRED

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

_____ Proof of Insurance Required

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: \$50.00 ✓

Fee: _____

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: <i>Phone ok</i> Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
---	---

Police Department: <i>Ken LaRosa LT</i> Comments/Conditions:	Fire Department: <i>Richard J. Pauley, Jr (H)</i> Comments/Conditions:
---	---

DPW: <i>Phone ok</i> Comments/Conditions	Community Services Director: <i>Phone ok</i> Comments/Conditions:
---	--

Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
---	--

Recreation: Comments/Conditions	Town Administrator: <i>Daniel R. Hoort</i> Comments/Conditions <i>COVID-19 ?</i>
---	--



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

V

USE OF TOWN PROPERTY – D

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of Long Pond and other roads and beaches by WOMR/John Braden & Kathleen Walker on May 30, 2020 from 5AM-1PM
PROPOSED MOTION:	I move to approve the use of Long Pond and parking lot, Long Pond Road, Lawrence Road, Gross Hill Road, Ocean View Drive, and the Elementary School Parking Lot by WOMR/John Braden & Kathleen Walker on May 30, 2020 from 5AM-1PM, subject to the conditions, if any, as listed on the application form for a fee of \$500.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Applicant WOMR/John Braden & Kathleen Walker Affiliation or Group Wellfleet Sprint Triathlon

Telephone Number 508.487.2619 Mailing Address PO Box 975



Email address kathleen@neeevents.com Provincetown 02657

Town Property to be used (include specific area) Long Pond and grassy area & Long Pond parking lot

Long Pond Rd, Lawrence Rd., Gross Hill Rd, Ocean View Drive, Elementary School parking lot

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:  Comments/Conditions: Permits/Inspections needed: 	Inspector of Buildings:  Comments/Conditions: Permits/Inspections needed:
Police Department:  Comments/Conditions: 	Fire Department:  Comments/Conditions: 
DPW:  Comments/Conditions: 	Community Services Director:  Comments/Conditions:
Harbormaster:  Comments/Conditions:	Shellfish: Comments/Conditions: 
Recreation: Comments/Conditions: 	Town Administrator:  Comments/Conditions:  



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

V

USE OF TOWN PROPERTY – E

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Approval of the use of Mayo Beach, Gull Pond, Great Pond, and Long Pond areas by Kathleen Walker on June 20, 2020 from 5AM-1PM
PROPOSED MOTION:	I move to approve the use of Mayo Beach, Gull Pond, Great Pond, and Long Pond areas by Kathleen Walker on June 20, 2020 from 5AM-1PM, subject to the conditions, if any, as listed on the application form for a fee of \$500.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

**TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667**

Applicant Kathleen Walker

Affiliation or Group New England Endurance Events

Telephone Number 617-240-4805

Mailing Address 39 Eldridge Rd, Brewster MA 02631

Email kathleen@neeevents.com

Town Property to be used (include specific area) Mayo Beach (5am – 7:30am), Gull Pond, Great Pond, Long Pond areas (starting at 8:30am –and filtering out by 12pm)

Date(s) and hours of use: June 20, 5am – 1pm

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.

Please see attached Operations Plan

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

police, beaches, EMS, DPW

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to 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: JAN 28 2020

Processing Fee: \$50.00

Fee: \$500

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:  Comments/Conditions: Permits/Inspections needed: 	Inspector of Buildings:  Comments/Conditions: Permits/Inspections needed:
Police Department:  Comments/Conditions: 	Fire Department:  Comments/Conditions: 
DPW:  Comments/Conditions: Please email a list of roads that need to be swept 2 weeks prior to the event. jay.norton@wellfleet-ma.gov 2/13/20 	Community Services Director:  Comments/Conditions: 
Harbormaster:  Comments/Conditions:	Shellfish:  Comments/Conditions:
Recreation:  Comments/Conditions:	Town Administrator:  Comments/Conditions:  



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

VI

BUSINESS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Extension Agreement for DRI Hearing Period
PROPOSED MOTION:	I move to approve the Extension Agreement for DRI Hearing Period to July 9, 2020 and authorize the Selectboard Chair to sign the agreement.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

5th Extension Agreement- DRI Public Hearing Period

Re: Development of Regional Impact
Herring River Restoration Project Phase 1
Herring River Estuary System in the Towns of Wellfleet and Truro
Applicant: Town of Wellfleet
(Commission No. 08009)

1. The above referenced matter ('Project') required the preparation of an environmental impact report (EIR) under the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws, the Massachusetts Environmental Policy Act (MEPA) and thus is subject to mandatory Development of Regional Impact (DRI) review by the Cape Cod Commission (Commission) pursuant to Section 12(i) of the Cape Cod Commission Act;
2. The Project underwent Joint Review between the Cape Cod Commission and the Massachusetts Environmental Policy Act (MEPA) Office during its MEPA review period, during which the Commission held hearings and provided comments on the project's MEPA filings;
3. The Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs issued a Certificate on the Project's Final Environmental Impact Report (FEIR) July 15, 2016, determining that the Project adequately and properly complies with MEPA.
4. The Cape Cod Commission opened the Development of Regional Impact (DRI) public hearing period on the Project by hearing officer August 29, 2016. The Commission and Applicant previously executed four extension agreements to the DRI public hearing period, the most recent dated March 12, 2019, which extensions were necessary to allow the Town of Wellfleet to prepare a DRI application responsive to community concerns, new data and the complexity of the Project. The current extension is to April 3, 2020,;
5. Pursuant to Section 7(c)(vi) of the Enabling Regulations Governing Developments of Regional Impact/ Chapter A of the Code of Cape Cod Commission Regulations of General Application (as amended), the Applicant Town of Wellfleet and the Cape Cod Commission hereby mutually agree to extend the DRI public hearing period on the above-referenced matter to July 9, 2020, which further extension will allow the Commission DRI Subcommittee sufficient time to review and hold hearings on the Project, and formulate its recommendation to the full Commission on the Project.

(signature page follows)

SIGNATURE PAGE

For the Commission by:

Elizabeth Taylor
Town of Brewster Cape Cod Commission Representative
DRI Subcommittee, Chair

Date

For the Town of Wellfleet by:

Name:
Title:

Date



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

VI

BUSINESS – B

REQUESTED BY:	Town Moderator and Town Administrator
DESIRED ACTION:	Schedule date of annual town meeting
PROPOSED MOTION:	In accordance with Section 2-6-1 of the Wellfleet Charter and in light of the Selectboard's March 17th emergency declaration regarding the COVID-19 virus I move to set Monday, June 15th as the date for the Wellfleet 2020 annual town meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Dan Hoort

From: Dan <dan.silverman@verizon.net>
Sent: Friday, March 20, 2020 10:35 AM
To: Dan Hoort
Cc: Carolyn M. Murray; Katharine L. Klein; Janet Reinhart (personal); Courtney Butler; Mike Trovato
Subject: Re: Wellfleet Annual Town Meeting

Dan,

That's consistent with my thinking. No need for the 10A declaration and 30 day limit now, as the SB still has the power to set the date. June 15 is about what I was thinking too.

If things improve dramatically faster (unlikely!) with the warrant still not closed, an earlier date could be selected.

If just before the 14 day cutoff for a Jun 15 meeting it still looks bad and the legislature has acted on allowing towns to go beyond June 30 without a budget, the decision can be made then on whether to call a meeting in the summer or the fall.

I'll be available on the teleconference on Tuesday. Have a good, but socially distant, weekend.

Dan

On Mar 20, 2020, at 10:18 AM, Dan Hoort <Dan.Hoort@wellfleet-ma.gov> wrote:

Carolyn,

The deadlines are no longer in play. I believe the Selectboard has the power to call the Town meeting for a different date (see below). I will ask them to make that vote on Tuesday night with June 15th as my recommendation.

Wellfleet Charter

Section 2-6 Annual Town Meeting

2-6-1 The Annual Town Meeting shall convene annually on the fourth Monday in April in each year, **unless otherwise provided by bylaw or by action of the Selectboard**, to act upon annual operating, enterprise and capital budgets, other financial matters, and to consider and act upon such other business as may properly come before the meeting. (**emphasis added**)

2-6-4 The Annual Town Meeting shall not be held earlier than fourteen days after the date on which a constable certifies that copies of the Warrant have been posted in two or more public places. . .

Chapter 5 The Town Administrator

Section 5.3.2 (I) cause copies of the Warrant incorporating the recommendations thereto for all Town Meetings to be mailed to each voter's postal address at least fourteen days prior to each Town Meeting.

..

- I was going to request Moderator Dan Silverman issue an emergency declaration, but I believe the Charter allows to Selectboard to change the date.
- I also believe that the finalizing of the warrant is tied to the date of town meeting so the warrant may remain open until a later date.

Would you agree with both those statements?

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
 300 Main Street
 Wellfleet, MA 02667
 (508) 349-0300

From: Carolyn M. Murray <CMurray@k-plaw.com>
Sent: Friday, March 20, 2020 9:49 AM
To: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Cc: Katharine L. Klein <KKlein@k-plaw.com>
Subject: Re: Wellfleet Annual Town Meeting

Thanks, Dan,

I know I owe you responses on a few questions on theme warrant but let me know if you need anything else.

Carolyn M. Murray, Esq.
 KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1726
F: (617) 654 1735
C: (617) 257 9581
cmurray@k-plaw.com
www.k-plaw.com

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On Mar 20, 2020, at 9:36 AM, Dan Hoort <Dan.Hoort@wellfleet-ma.gov> wrote:

Please be advised that in consultation with Town Moderator, Dan Silverman, I am recommending to the Wellfleet Selectboard that during their teleconference meeting on Tuesday, March 24th that they vote to postpone town meeting for thirty days. Should

legislation that allows a longer postponement be passed before Tuesday night's meeting
I will recommend that we postpone town meeting until Monday, June 15th.

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

VI

BUSINESS – C

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Preliminary discussion of possible changes to Wellfleet liquor regulations
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Note:

Another community's liquor regulations as amended to fit Wellfleet are attached for the purpose of discussion. Selectboard may wish to consider how to amend our regulations instead of a complete re-write.

I. Policy

Town of Wellfleet^[L]^[SEP] Local Alcoholic Beverages Licensing Regulations

The Selectboard (Board) is the Local Licensing Authority (LLA) for the Town for all purposes under M.G.L. c. 138 and Section 3-5-1 of the Wellfleet Home Rule Charter as approved at the April 29, 2019 Town Election. The Board has sole authority for the issuance and regulation of all alcoholic beverage licenses within the Town. By virtue of this authority, the Board hereby establishes these regulations governing alcoholic beverage licenses. All licenses issued for the sale of alcoholic beverages, shall be issued on the condition of full compliance with the terms hereof. Failure to so comply shall constitute sufficient cause for refusing to grant or renew the license, or for suspending, cancelling, or revoking a license previously granted. This Policy shall supersede all previous policies issued by the Town relative to Alcoholic Beverage Licenses. The Board may exercise its authority to amend these Regulations from time to time subject to a public hearing advertised in a local newspaper and with postal and/or email notification to Licensees.

- II. **Purpose** ^[L]^[SEP] It is the goal of the Board, as the LLA, to provide for a reasonable number and variety of well-run establishments for the sale and service of food and drink as will meet the public need and serve the common good. These Regulations exist solely for the assistance of the Board, the general public, Licensees and prospective liquor license applicants, to enable them to work together to accomplish this goal. It also provides Licensees with the penalty structure to be followed if liquor license violations occur. It should be emphasized that the purpose of these

Regulations are primarily preventative, not punitive. It is the Town's position that license holders and their employees are ultimately responsible for preventing alcohol abuse on the licensed premises. [L]
[SEP]

III. Definitions [L] [SEP]

“Agent,” as used herein, with respect to the Board/LLA, shall include the Town Administrator, any member of the Police Department, or any other authorized licensing authority of the Town. [L]
[SEP]

“Alcoholic Beverages,” as used herein, shall mean any liquid intended for human consumption containing one percent or more of alcohol by volume, including wines, malt beverages and spirits.

“Board,” as used herein, shall mean the Wellfleet Selectboard.

“License,” as used herein, shall mean a revocable privilege granted by the LLA. When used in these regulations, the term collectively refers to licenses issued under MGL Ch. 138.

"Licensed Hours" are those which are designated on the Licensee's alcohol license.

“Licensee,” as used herein, shall mean any person, club, partnership, corporation, or other entity licensed under the provisions of MGL Ch. 138 to sell alcoholic beverages to be served and drunk on or off the licensed premises and for the purpose of these Regulations shall include, without limitation, employees and agents of the Licensee.

“Local Licensing Authority (LLA),” as used herein, shall mean the Wellfleet Selectboard.

“Premises,” as used herein, shall mean the establishment at which the licensed business is operated, including all land and buildings, or any portion thereof, associated with the operation of the licensed business.

IV. General Provisions

The issuance of liquor licenses and the sale of all alcoholic, wine, and malt beverages in the Town is governed by the Town's Local Alcoholic Beverage Licensing Regulations, the provisions of **204 CMR §2.00, et seq.** of the Code of Massachusetts Regulations (the “Code”) as promulgated by the Alcoholic Beverage Control Commission (ABCC), and Chapter 138 of the Massachusetts General Laws. No license can be issued, surrendered, transferred, sold, or amended without the specific prior approval of the LLA, subject to the provisions of the applicable law of the Commonwealth.

No license shall be issued until payment in full of all applicable fees is received by the Town, including fees for publication of the hearing notice. Payments shall be made by cash, bank or personal/business check. Fees may vary depending upon the type of application submitted, but shall be in accordance with the Liquor License Fee Schedule adopted by the LLA. Said fee schedule may be amended from time to time. License fees are non-refundable. License fees shall be prorated for new license applications.

The license and any permits required for premises operations must be posted in a conspicuous location within the licensed premises, clearly visible and accessible for inspection by regulators, enforcement officers and the general public.

The licensed premises shall at all times be subject to inspection by the LLA, the ABCC, the Chatham Police and/or Fire Department,

Building Inspector, Board of Health or other duly authorized Town agent(s). The Licensee shall fully cooperate with such agents and shall not, in any way, hinder or delay access to the licensed premises or otherwise interfere with any agent in the conduct of any inspection or investigation. The Licensee must maintain and promptly make available to the LLA and its authorized agents for inspection and copying, records of all transactions involving the sale or purchase of alcoholic beverages. If such records are maintained at a location other than the licensed premises, the Licensee shall provide written notice to the LLA specifying the location and any change thereof.

No Licensee shall dispense or sell alcoholic beverages to any person under twenty-one (21) years of age.

No Licensee shall make any distinction, discrimination, or restriction of service, access, or treatment on account of race, color, religious creed, national origin, sex, sexual orientation or ancestry.

No Licensee shall store or sell any alcoholic beverage at any location or in any part of the premises at a given location not specified in the description of premises stated on the license.

No Licensee may exceed the approved number of seats or total occupancy posted on the Certificate of Inspection issued by the Building Commissioner and prominently displayed on the premises. **The seating capacity and occupancy will be set by the Department of Community Development, and the Town's Board of Health** in conjunction with other regulatory departments and the provisions of the State Building Code.

No physical alteration, the effect of which would be to constitute a change in the description of the licensed premise as shown on the license (ie resulting in any increase/decrease in size, changes

in entrance/exit locations) shall be made without prior approval of the LLA.

The licensee shall be responsible for obtaining all permits, licenses, and/or certifications necessary to the conduct of the business; the Licensee shall be responsible for prompt notification to the LLA of any projected change or amendment needed or contemplated for permits, licenses and/or certifications previously issued.

The Licensee shall be responsible for the enforcement of all Regulations of the LLA, all rules and regulations of the ABCC, and all Massachusetts General Laws pertaining to the operation of an establishment possessing an alcoholic beverage license.

The Licensee shall be responsible for any violations or infractions of the license, these Regulations, and alcohol related disorders or disturbances of any kind which take place on the licensed premise without limitation, including the actions of employees whether or not the Licensee is present.

Each Licensee shall appoint a Manager as the principal representative of the Licensee, and as having full authority and control of the licensed premises and of the conduct of all business therein relative to alcoholic beverages, as provided in M.G.L. c. 138, §26. To that end, the LLA will hold the Manager responsible for the following:

1. Selection, upon due diligence, of qualified employees of the licensed business, including bartenders, servers, host/hostesses, runners, and persons who are engaged with the public in any capacity. [SEP]
2. Proper training of employees in all matters relating to the safe and responsible sale, service, and consumption of

alcoholic beverages. In the case of a violation of these Regulations committed by an employee, the Manager's culpability for such violation shall be limited to instances where there has been a failure to properly train and/or supervise. [L]
[SEP]

3. Ensuring that only forms of identification as described in M.G.L. c. 138, §34B shall be relied upon as proof of legal age. [L]
[SEP]
4. Enforcement of the liquor laws and the Local Alcoholic Beverages Licensing Regulations of the Town with respect to the operation of the licensed business, including hours of operation. [L]
[SEP]
5. Prohibiting any illegal or unlawful act from occurring on the licensed premises. [L]
[SEP]
6. Except as provided herein, the Manager must be a full-time employee or a corporate officer of the Licensee and must be engaged exclusively in the management of the licensed business. The Manager must be on the licensed premises regularly in the course of business, consistent with the permitted hours of operation. When the Manager is not upon the premises, the person temporarily responsible for the business must be designated by the approved Manager to have charge of the business in the Manager's absence. When the Manager is not upon the premises, a protocol for contacting the Manager promptly must be arranged so that the Manager can be reached at all times by the person designated to be temporarily in charge of the business. The Manager shall maintain full responsibility for the operation of the business whether or not he/she is on the premises. [L]
[SEP]

7. The Manager shall, at all times, maintain order and decorum on the premises and in the immediate surrounding area of the premises, and shall cooperate with Town officials in ensuring safe and orderly facilities. ^[L]_[SEP]

Failure of the Manager to comply with these Regulations or any other applicable laws or regulations or to properly discharge the duties of Manager may result in removal as Manager or suspension or revocation of the license, as may be deemed appropriate to the circumstances by the LLA.

Licensed establishments may operate outside of licensed hours where permitted but may not serve/sell alcohol outside of licensed hours. A violation of any of the following restrictions shall constitute a violation of these Regulations, and shall subject the Licensee to possible discipline and/or penalties.

1. Last call shall be at least thirty (30) minutes before the end of licensed hours. ^[L]_[SEP]
2. All tables and bars must be cleared of all glasses, bottles, and containers of alcoholic beverages within (30) minutes after the end of licensed hours. ^[L]_[SEP]
3. Owners and employees must be off the premises no later than sixty (60) minutes after a licensed establishment closes to the public, provided that owners and their employees and contractors may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, preparing food for the next day's business, or opening or closing the business in an orderly manner. It is the intent of these Regulations that licensees be afforded some flexibility in allotting their clearing and cash-out functions within this sixty (60) minute period,

provided that the provisions of paragraph 2 immediately preceding are complied with. [SEP]

4. No alcohol can be served or consumed by anyone on the premise outside of licensed hours. Employees and patrons are strictly prohibited from bringing alcoholic beverages from outside the premise onto a licensed premise for the purpose of consumption. [L]
[SEP]

V. Types of Licenses

The Town issues several types of alcoholic beverage licenses. All licenses shall comply with M.G.L. c. 138, and the Code (204 CMR), as those laws and regulations relate to the specific type of licenses, including, but not limited to, those listed below.

A. On Premise

Restaurant All Alcohol: Issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Wellfleet, and any and all conditions set forth in the specific license.

Restaurant Wine and Malt: Issued to qualified applicants to sell only wine and malt beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Wellfleet, and any and all conditions set forth in the specific license.

Innholder All Alcohol: Issued to qualified applicants to sell all alcoholic beverages in a hotel/inn under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Wellfleet, and any and all conditions set forth in the specific license.

Innholder Wine and Malt: Issued to qualified applicants to sell only wine and malt beverages in a hotel/inn under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Wellfleet, and any and all conditions set forth in the specific license.

Club and Veterans Organization All Alcohol: Issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Chatham, and any and all conditions set forth in the specific license.

One-day Special Event: Issued to qualified applicants **with-non-profit status** to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants with for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Wellfleet, and any and all conditions set forth in the specific license.

Tavern licenses are not allowed within the Town of Wellfleet. A Licensee which sells alcoholic beverages to be consumed on premises must have a kitchen and offer food for purchase by patrons. Unless otherwise approved by the LLA, no alcoholic beverages shall be offered for sale at times when food service is not available other than two hours prior to the initiation or re-initiation of food service or three hours after the cessation of food service; all within the allowable hours of operation as specified on an individual license.

In addition to those set forth in Section **IV. General Provisions,**

the following regulations apply specifically to On Premise licenses.

No alcoholic beverage may be served or consumed in any area outside the licensed premise such as, without limitation, a patio, roof garden, or sidewalk unless such area is approved by the LLA and is contained in the description of said licensed premise.

In accordance with 204 CMR 2.05 (2), no licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

In accordance with 204 CMR 2.18, restaurants, inns, clubs, and war veterans' organizations are permitted to "recork" unfinished bottles of wine for patrons. The partially consumed bottle of wine must have been purchased in conjunction with the ordering of a meal and must be packaged in accordance with 204 CMR 2.18. Only one bottle of partially consumed wine may be packaged per patron.

With the exception of Club and Veterans Organization Licenses, all Annual On Premise Licensees shall have their establishments open to the public at least five (5) days each week from the last Saturday in May to October 15 of each year and at least three (3) days each week during all other times of the year unless a Licensee seeks specific relief from the LLA. Licensees shall notify the LLA, in writing, in advance of any closure of or cessation of licensed activities on any licensed premises, or any portion thereof, which does not comply with the public access time periods set forth in the preceding sentence. Failure of a Licensee to so notify the LLA of any such closure or cessation of activity without good cause, such as emergency or other unforeseen circumstances, may be deemed a violation of these Regulations.

Notwithstanding any limitations on applicability otherwise described in the State Board of Fire Prevention regulations, 527 CMR 10.13 (2) (d) (1), (2) and (3)(c), any Licensee that has a bar on the licensed premise and an occupancy load of 100 or more persons shall designate one or more persons as a Crowd Manager, at least one of whom shall be present during the operational hours of the establishment. The designated Crowd Manager(s) shall be trained in accordance with 527 CMR 10.13(2)(d)(5) and perform the duties and have the qualifications and responsibilities described in 527 CMR 10.13(2)(d) and (e), including but not limited to, maintaining clear paths of egress, assuring that the facility does not exceed its occupant load limit, initiating a fire alarm if necessary, directing occupants to exits, and assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made in accordance with law. To the extent the requirements of 527 CMR 10 may exceed this regulation; the provisions of 527 CMR shall pertain.

i. Annual/Seasonal Licenses

The number of Annual On Premise licenses allocated to the Town by the ABCC is based on the year round population of the Town. The number of Seasonal On Premise licenses issued is at the discretion of the LLA.

When properly granted or renewed, annual licenses shall be effective from January 1 through December 31 of the same year.

When properly granted or renewed, seasonal licenses shall be valid from April 1 through November 30. Any seasonal license issued after April 1 shall expire on November 30.

Seasonal licenses may be extended to January 15 of the following year with the express permission of the LLA.

Requests for an extension of a seasonal license to January 15 of the following year must be received in writing by the LLA before November 30.

ii. Entertainment

No form of entertainment including recorded and live music, amplified or acoustic, with or without dancing, shall be allowed on the licensed premises until such time as the Licensee has applied for and obtained a Weekday and/or Sunday Entertainment License from the Board. This applies to the use of entertainment/music inside and/or outside, **and with respect to noise, shall be managed as specified in Article VII, Section 26 of Wellfleet's General Bylaws.**

iii. Automatic Amusements/Billiards

No coin-operated automatic amusement machines shall be allowed on the licensed premises until such time as the Licensee has applied for and obtained an Automatic Amusements License from the Board. This applies to the use of billiard and/or pool tables.

B. Off Premise

Package Store All Alcohol: Issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Chatham, and any and all conditions set forth in the specific license.

Package Store Wine and Malt: Issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the ABCC, the Town of Chatham, and any and all

conditions set forth in the specific license.

In addition to those set forth in Section **IV. General Provisions**, the following regulations **and definitions** apply specifically to Off - Premises licenses.

"Official Opening and Closing Hours" are those which are designated on the Licensee's alcohol license. Sales are prohibited outside of those hours.

Sale of alcoholic beverages to a person of legal age when the intent of that customer to provide such beverage to any underage person is known, a so-called "second party sale," is prohibited.

On-premises consumption of alcohol is prohibited except sample tastings as provided by MGL Ch. 138 Section 15. No alcoholic beverages shall be sold to be consumed on the premises, except that Licensees may provide without charge on their premises sample wine or malt beverage tasting of products available for sale on their premises. Each "taste" shall be limited to one ounce of wine or two ounces of malt beverage, and, if licensed to sell all alcoholic beverages, 1/4 ounce of other such cordial, liqueur or spirit.

The number of Annual Off-Premises licenses allocated to the Town of Wellfleet by the ABCC is based on the year-round population of the Town. Seasonal Off Premises licenses allocated to the Town were converted to Annual Off Premises licenses by State statute in 1985.

C. Special One-Day Licenses (amended 9/24/2018, 2/11/2019)

Unlike an annual and seasonal liquor license, a special one-day license granted under M.G.L. c. 138, §14 does not require the approval of the ABCC. One-day licenses for sale of all alcoholic

beverages may be issued only to the manager/ representative for a non- profit organization and the applicant will be required to provide proof of the organization's 501(c)(3) status. One-day liquor licenses for the sale of wine and malt beverages may be issued to the manager/representative for *any* for-profit or nonprofit enterprise. This special license authorizes its holder to sell alcoholic beverages at any indoor or outdoor activity, subject to certain restrictions. Pursuant to M.G.L c. 138, § 23 and 204 CMR 7.05, the holder of a one-day special license must purchase alcohol from authorized wholesalers only, with the exception of nonprofit charitable corporations organized pursuant to M.G.L. c. 180 and registered with the division of public charities in the department of the attorney general and licensed pursuant to M.G.L. c. 138, §14, which may accept free alcoholic beverages donated to the nonprofit charitable corporation by an individual, by a person licensed to manufacture alcoholic beverages or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to this chapter for the purpose of serving such donated alcoholic beverages at fundraising events for the benefit of the nonprofit charitable corporation. The holder of a one-day special license must comply with all alcohol storage requirements. As ABCC approval for one-day license is not necessary, the local licensing authority may impose additional regulations/ conditions with respect to these licenses, consistent with local interests. A police detail, a well-defined plan/diagram of the premises showing the proposed serving area sectioned off from the general public (so people will not be free to wander off the licensed premises with open containers), liquor liability insurance and a Certificate of Inspection may be required, [in the discretion of the Selectboard](#), as a condition of such a license. The holder of a special one-day liquor license must abide with all regulations imposed by the ABCC relating to the sale of alcoholic beverages as if it was an annual or seasonal Licensee.

Applicability: An event which satisfies one, two, or three of the following criteria, which is being held at a location not covered by an annual or seasonal license, is required to obtain a special one-day license:

- Open to the public^{[[SEP]]} • Advertised^{[[SEP]]} • A fee is charged, either for the event or per drink.

Eligibility: An applicant who has applied for or is in the process of obtaining an annual or seasonal alcoholic beverage license under M.G.L. c. 138, §12, may not be granted a one-day license under M.G.L. c. 138, §14. *Examples* of the types of organizations and individuals who are eligible for one-day alcoholic beverage licenses under these Regulations include civic or municipal organizations, non-profit organizations, commercial establishments, fraternal organizations, service clubs, veterans organizations, and individuals holding social events not held at a private residence. A real person must be named as the responsible party for the one-day license.

Hours of Service of Alcoholic Beverages: The hours of sale and service shall not deviate from those permitted for retail pouring licenses, **as above**. ~~The "last call" must occur not later than 30 minutes before the expiration of permitted service hours. The function need not end at the expiration of service hours, but no alcoholic beverages may be sold, served or consumed on the licensed premises, or in adjacent premises such as parking or recreational areas, after that expiration time.~~

~~*Number of Persons on Premises:* The number of persons on the licensed premises shall not exceed the occupancy limits allowed by law for the premises to which the license relates. ??~~
Redundant?

The following criteria will be taken into account in approving one-

day licenses:

Admission Age: The LLA will not deny a one-day license solely because individuals under the legal drinking age will be in attendance at a function, but will require that sufficient trained servers are present, and that other appropriate measures are in place, to ensure compliance with the laws governing the sale or furnishing of alcoholic beverages to such persons.

Frequency: Under ABCC regulations, One–Day Special Alcohol permits may be issued to any person (representing themselves or an organization) permitting sales on an aggregate of up to 30 days in any calendar year. Each “One-Day” permit actually covers three days to allow for delivery/return of alcohol on the day preceding and following the event, thus each person or organization may be granted up to 10 One-Day Special Alcohol permits in a calendar year.

Neighborhood Impact: The applicant, or such other person designated by name, address, and telephone number in the application, will be responsible for the orderly conduct of the function/event for which the license is issued. Consumption of alcoholic beverage outside of any structure within which the license was intended to be exercised will not be permitted. Music, noise, or other function-related activities must not create an undue imposition upon any adjacent residences, **as specified in Article VII., Section 26 of the Town’s General Bylaws**. Police officers will be instructed to respond appropriately to any such complaints. Such response may result in an order to terminate the event or otherwise limit the offending activity.

Police Detail: The LLA, at its discretion, may require that the Licensee hire a police detail for the event/function at which the license will be exercised. The number of officers, if any, and the

hours during which a police detail will be required shall be determined by the LLA in cooperation with the Police Department. The factors to be considered would include the location of the premises, availability of on-site parking, the number of persons estimated to be in attendance, potential traffic impacts and the time and duration of the event/function.

Departmental Approvals: **Town Departments, including but not limited to** the Board of Health, Fire Department, Police Department, Department of Public Works, and the Building Inspection Department may be asked to review the application and make their recommendation to the LLA.

Violations: The sale of alcoholic beverages without a Special One-Day license is a violation of MGL Ch. 138 and may, therefore, subject a person/entity engaged in such activity to criminal and/or civil liability. MGL Ch. 138 §62 provides that a violation of any section of said Chapter shall be subject to a fine of \$50-\$500 or one month to one year imprisonment, or both. Section 14 does not set forth a specific violation penalty provision, and the courts have determined that a violation of a section of Ch. 138 that does not have a penalty provision render such a violation a criminal offense.

Penalties: In addition to any criminal or civil liability for the sale of alcoholic beverages without a license, the following fines may be imposed by the LLA after proper investigation of the alleged violation, notification and public hearing:

- First Offense - \$125.00 ^{[[1]]}_{[[SEP]]}
- Second Offense - \$250.00 ^{[[1]]}_{[[SEP]]}

Third and Any Subsequent Offenses - \$500.00 ^{[[1]]}_{[[SEP]]} *Fees:* A fee of \$25 is charged for each license issued and is payable by check or

money order at the time of application. If the application is denied the check or money order will be returned to the applicant. Applications will not be accepted unless submitted with payment. ^L_{SEP} Fees for nonprofit charitable corporations organized pursuant to M.G.L. c. 180 and registered with the division of public charities in the department of the attorney general and licensed pursuant to M.G.L. c. 138, §14, or other nonprofit organizations which can prove their 501(c)3 status are waived.

^L_{SEP}

D. Farmer's Market **FIX FORMATTING?! I can't get it to fit.**

A Farmer's Market license may be issued for the sale of alcoholic beverages manufactured by a Farmer-Series Licensee at approved agricultural events in Massachusetts such as the Chatham Farmer's Market.

Farmer's Market licenses are approved by the LLA on an annual basis. All applicants must submit a certification from the Department of Agricultural Resources that the Farmer's Market for which they are seeking a license is an "agricultural event."

These licenses are not subject to the quota or limit on the number of licenses that otherwise exist in Town.

These licenses cannot overlap any area or premise that is already covered by an existing license.

E. "Brown Bag" or Carry In

Patrons are not permitted to bring alcoholic beverages into any retail food service establishment for their own consumption.

VI. Application Procedure

All license applications must be submitted in complete form on applications provided by the ABCC, in order to be processed for consideration by the LLA and the ABCC. In most instances, a legal notice, paid for by the applicant, and notification to direct abutters by the applicant will be required. While the Office of the

Selectboard will assist any individual with the filing of an application, it is not the responsibility of the office staff to prepare the application and other required forms; accordingly any deficiencies and/or omissions in an application shall be deemed the responsibility of the applicant.

New License: The applicant shall prepare and compile all documents required by General Law, the ABCC and the Town of Chatham, and submit them to the LLA. A public hearing will be scheduled and placed on an upcoming Selectboard meeting agenda, and notice will be published in a newspaper of local circulation at least 10 calendar days in advance of said hearing. Within three days of publication of the notice, the applicant shall send a copy of the notice, by certified mail, to all direct abutters. At the hearing, the LLA will consider input from the applicant and interested members of the public relative to the application. Should the LLA vote to approve the new license, the application will subsequently be forwarded to the ABCC for its consideration.

Amendments to Existing Licenses: Application must be made to the LLA prior to any of the below listed actions taking effect relative to an existing license and/or licensed premises. Upon receipt of application for any such change/transfer, and following any required public hearing, the LLA will vote on the matter and, if approved, the application will be forwarded to the ABCC for its approval. All required fees shall be paid in full prior to the issuance of any new or modified license.

- Transfer of License ^[1]_{SEP}
- Change of Manager ^[1]_{SEP}
- Alteration of Premises/Change of Location ^[1]_{SEP}

- Change of Beneficial Interest ^[L]_[SEP]
- Transfer or Issuance of Stock ^[L]_[SEP]
- Pledge of Collateral ^[L]_[SEP]
- Change of Legal Structure ^[L]_[SEP]
- Change of Corporate Name ^[L]_[SEP]
- Change of DBA ^[L]_[SEP]
- Change of License Class (Seasonal to Annual) ^[L]_[SEP]
- Change of License Category ^[L]_[SEP]
- Change of License Type ^[L]_[SEP]
- Change of Hours ^[L]_[SEP]
- *License Renewals*: The applicant shall be responsible for meeting all renewal requirements and deadlines established by General Law and the ABCC. In addition, the applicant shall provide to the LLA, annually, the address and phone number of the licensed premises; updated contact information for the Licensee and manager of record, to include personal address, phone and email, and the mailing address at which the Licensee wishes to receive correspondence related to the liquor license. The applicant shall submit a completed Liquor Liability Statement (Under Chapter 138, Section 15A), a completed Workers' Compensation Insurance Affidavit, and a Certificate of Insurance showing the policy number and expiration date. The applicant shall be responsible for ensuring the licensed premises has successfully passed all

building/fire inspections, and that all taxes are paid to date.



VII. Cessation of Operation

Any Licensee intending to close a licensed premises, whether on a temporary or permanent basis, must notify the LLA in writing at least 30 days prior to such closing, stating the reason for and length of said closing.

No Licensee may close for more than two (2) weeks annually without the express permission of the LLA. The LLA reserves the right to deny such requests. Except for emergencies, all requests for closings for more than two (2) weeks shall be submitted to the LLA before November 30 of each year for the following year. The LLA may approve requests based on the public need and individual Licensee's circumstances. Requests for temporary closings must be in writing and state the reason for and length of such closing including re-opening date. Failure to provide such notice and to obtain such permission may, in accordance with MGL Ch. 138 Sections 23 & 77, after hearing or reasonable opportunity therefor, result in cancellation of the license.

VIII. Enforcement

The LLA and any enforcement designees (the Police Department, Building Inspector, Fire Department, Board of Health, or other duly authorized Town agents, may at any time make an investigation on its own initiative as to compliance with license requirements.

IX. Disciplinary Sanctions for Violations

The purpose of imposing disciplinary sanctions is to improve the ability of the LLA to prevent alcohol abuse and violation of the

liquor laws of the Commonwealth. This section will help to achieve reasonable uniformity in the imposition of penalties and to avoid confusion in the minds of the public, patrons and Licensees.

A. Violations

All violations of the liquor laws and the terms of liquor licenses are to be reported to the LLA by the Town Manager, Police Department, or any Licensee or manager who becomes aware of an offense involving the licensed premises, as soon as reasonably possible or upon notice of request by the LLA.

Penalties for offenses will be imposed so as to promote the Town's objective of preventing future offenses and imposing appropriate penalties for offenses that have occurred.

The nature and severity of the penalties will be decided according to the severity of the offense, and the presence of mitigating or aggravating circumstances as determined by the LLA. Examples of offenses are as follows:

- . a) Sale outside of permitted hours [L] [SEP]
- . b) Purchase by person under age 21 [L] [SEP]
- . c) Employment of person under age 18 for direct handling/selling of alcohol [L] [SEP]
- . d) Sale or delivery to a person under age 21 for own use or for use by another [L] [SEP]
- . e) Sale to an intoxicated person [L] [SEP]
- . f) Hindering or delaying investigation [L] [SEP]

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- . g) Failure to post notice of penalty for driving under the influence and driving while drinking from open container of alcoholic beverage [L] [SEP]
- . h) Failure to comply with Chapter 204 CMR [L] [SEP]
- . i) Failure to obtain a Special One-Day license when required [L] [SEP]

In accordance with MGL Chapter 138, Section 64 and/or any other enabling authority, the LLA, after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the Commonwealth, or any provision of these Regulations.

Penalties may consist of any one or more of the following, as deemed appropriate: revocation of license; suspension of license; criminal prosecution, as deemed appropriate by the Police Department; and/or mandatory participation in alcohol abuse and offense prevention programs.

The Town Administrator is authorized to negotiate with any Licensee, or his/her representative, the terms upon which resolution of any offense will be recommended to the LLA. Any such negotiated recommended resolution must be in writing, [signed and approved by the Town Administrator and the license holder charged with the offense](#). The recommendation must include a statement detailing the facts determined in the report of the Police Department. A copy of said report will be provided to the Administrator and/or Licensee upon request. The recommended resolution is not binding unless and until approved by the LLA.

The Town Administrator and the LLA will maintain a public record

of offenses and their disposition.

B. Determination of Penalties

The following criteria will be taken into account in assessing penalties:

1. Whether the Licensee handled the situation in a manner which would tend to mitigate or aggravate the violation. [L] [SEP]
2. The severity of the offense, including aggravating or mitigating factors, is to be determined by the LLA. [L] [SEP]
3. The number and nature of previous violations at the licensed premises or by the Licensee shall be determined. Only violations that have occurred in the previous 5 years shall be counted. [L] [SEP]
4. The nature and extent of any threat to public safety and to the public good. [L] [SEP]
5. Any steps taken by the Licensee to remedy the violation and to prevent a [L] [SEP] reoccurrence. [L] [SEP]
6. Any other factors which the LLA shall find relevant and material. [L] [SEP]

Approved Dec. 12, 2017 15

C. Imposition of Penalties or Other Outcomes

The LLA will impose penalties for offenses consistent with these Regulations. Offenders may expect one or more of the following consequences as deemed appropriate in the judgment of the LLA:

1. Suspension of license for a stated number of days and specified dates. [L][SEP]
2. Suspension of license for a stated number of days and specified dates with a portion of the suspension held in abeyance upon condition that no further offenses occur within a specified period of time and that Licensee waives right to hearing upon such [L][SEP] further offense. [L][SEP]
3. Mandatory participation in prevention/training programs by Licensee/manager and [L][SEP] server(s) as appropriate. [L][SEP]
4. Revocation of license. [L][SEP]

Licensees are advised that the following penalties only represent guidelines for use by the LLA when making their decision in response to a liquor license violation. The LLA, after considering any mitigating or aggravating factors, retains the authority to deviate from these penalty guidelines should it deem the established circumstances to warrant such deviation. While the LLA will endeavor to impose penalties upon Licensees in a manner consistent with these Regulations, where exigent or special circumstances warrant, such as a violation resulting in serious personal injury or death, the LLA retains the authority to immediately order a full hearing, provide a Licensee an opportunity to present evidence, and to revoke a license where the evidence warrants a revocation.

- *First violation:* 1-3 day suspension, regardless of the amount of penalty held in abeyance, if any; [L][SEP]
- *Second violation:* 4-6 day suspension, regardless of amount of penalty suspended, if any; [L][SEP]

- *Third violation:* 7-15 day suspension, regardless of amount of penalty suspended, if any; [SEP]
- *Fourth violation:* 16-30 day suspension, regardless of amount of penalty suspended, if any; [SEP]
- *Fifth violation:* 31 days to one-year suspension, or revocation, regardless of amount of penalty suspended, if any: [SEP]
- *Sixth violation:* Revocation of license for remaining period of current license and one year beyond. [SEP]

D. Reporting of Violations and Penalties Imposed

Approved Dec. 12, 2017 16

The LLA shall receive annual reports from the Police Department and/or Town Administrator detailing violations of these Regulations from the end date of the previous reporting period, and any penalties imposed by the LLA for said violations. These reports will allow the LLA to periodically review these Regulations and recommend areas that need to be amended/revised.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

VI

BUSINESS – D

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Review and possible vote on Wellfleet Marijuana policy.
PROPOSED MOTION:	I move to adopt the Wellfleet Marijuana policy as printed/amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Note:

Policy is not available as of posting. If received on a timely basis it will be distributed to Selectboard and public.

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

VIII

TOWN ADMINISTRATOR'S REPORT

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: March 20, 2020

This report is for the period March 7, 2020 through March 20, 2020.

1. General

- Town buildings have been closed as precaution to the COVID-19 virus. Police station remains open.
- Staff has been directed to work from home whenever possible.
- Staff members sharing an office alternate their time in the office
- Primary focus is on completing the ATM warrant.
- Working on daycare and hearing assisted devices for town meeting.

2. Fiscal Matters

- Secondary focus is getting free cash certified by Dept. of Revenue.

3. Meetings

- March 9 – Cape Cod Commission public hearing on Herring River DRI application
- March 10 – Selectboard meeting
- March 10 – Public meeting with DCR/DOT
- March 12 – Dredging Task Force meeting with Army Corps of Engineers
- March 17 – Selectboard meeting
- All other meetings postponed

4. Complaints.

- None, other than usual

5. Personnel Matters:

- Community Paradigm Associates has completed the position statement for the Town Administrator search.

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

XI

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of February 28, 2020 as printed/as amended. I move to approve the minutes of March 10, 2020 as printed/as amended. I move to approve the minutes of March 17, 2020 as printed/as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

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Wellfleet Selectboard Meeting Friday, February 28, 2020 at 1pm Wellfleet Senior Center

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Assistant Town Administrator Mike Trovato; Community Services Director Suzanne Grout Thomas; Harbormaster Mike Flanagan

Chair Reinhart called the meeting to order at 1:00 p.m.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

- Bacon shared the news of the passing of Helen Purcell, a longtime resident and active community member.
- Audience member Denny O'Connell, from the Wellfleet Conservation Trust, announced that the Trust will be holding a concert on April 22 at 530 at Preservation Hall to celebrate the 50th anniversary of Earth Day. The event is free.
- Audience member David Agger asked the Board to reconsider offering health insurance benefits for Selectboard members.
- Chief Hurley reminded the audience about the new Hands-Free law that is in effect.
- Chief Hurley announced that the department will be participating in a Polar Plunge on March 14 at Red River Beach in Harwich and more information can be found on the Department Facebook page.
- Wilson announced that early voting is available at the Town Clerk's office until 4PM today.

PUBLIC HEARINGS

Two-day beer and wine license for Wellfleet SPAT on October 17 & 18, 2020

SPAT members Michele Insley, Gisele Gauthier, Nancy O'Connell, and Lisa Brown were present. Carlson asked if SPAT was working closely with the Police and Fire Departments, as they stated they would be at a previous meeting. Chief Hurley said that SPAT public safety team has been doing great work to improve upon last year's Fest. Bacon asked who the new security firm is; Chief Hurley said it is Green Mountain Concert Services, who he has vetted them through other Chiefs. Bacon asked how many personnel they could provide; Chief Hurley said 20-25.

DeVasto asked if there was going to be an additional beer tent, beside the one in the Town Hall parking lot. Insley said yes, they are proposing to rearrange the Fest and have a second beer tent across from Preservation Hall. DeVasto said he would be in favor of this, having been in the crowded beer area in previous years. Chief Hurley said this second area would provide a less chaotic space, compared to the larger event area behind Town Hall.

Complete plans are available in the packet for this meeting on the Town website as part of the application.

- Wilson moved to approve a two-day beer and wine license for Wellfleet SPAT in a secure and contained area located in the Town Hall parking lot on October 17 & 18, 2020 from 10

am to 5 pm each day, with a condition that alcohol will not be served after 4:30pm and alcohol will not be drunk after 5pm.

- Carlson seconded, and the motion carried 5-0.
- Wilson moved to approve a two-day beer and wine license for Wellfleet SPAT in a secure and contained area located in the parking lot, owned by the Town, across street from Preservation Hall on October 17 & 18, 2020 from 10 am to 5 pm each day, with a condition that alcohol will not be served after 4:30pm and alcohol will not be drunk after 5pm.
- Bacon seconded, and the motion carried 5-0.

Use of Town Owned Property – Town-wide, October 17 & 18, 2020 – SPAT

- Bacon moved to approve the use of Town-owned property for Wellfleet OysterFest on October 17th and 18th, 2020 subject to the conditions, if any, as listed on the application form for a fee of \$3,000.
- Wilson seconded, and the motion carried 5-0.
- Bacon moved to approve the use of Town-owned property for Wellfleet OysterFest on October 13^h through 19th, 2020 subject to the conditions, if any, as listed on the application form for a fee of \$3,000.
- Wilson seconded, and the motion carried 5-0.

DISCUSSION OF SEARCH FIRM FOR TOWN ADMINISTRATOR

Tom Groux and Rick White, of Groux-White Consulting presented first. White said that he and Groux both have extensive experience in municipal government, working as Town Administrators of Dennis and Chatham respectively. Reinhart noted that the Board had a chance to read their proposal.

Wilson, noted that she worked with Groux during a previous Town Administrator search. She asked how many times he has served with Wellfleet in this capacity; he said he has worked with the Town 4 times previously. Groux provided the Board with a study the Town asked him to conduct in 2004 that focused on administrative services. Reinhart thanked both gentlemen for coming. Bacon noted the use of the word “rolodex” in their proposal and commented on the term being antiquated. Carlson asked Groux and White to summarize their proposal, what they see as the top 3 challenges for Wellfleet, and what it would take for the Town to recruit and retain a Town Administrator who will stay for a long time. White said the Cape communities have a unique character that requires something from a Town Administrator that a lot of people don’t have including affability, relatability, and being able to produce a product. He noted this was a difficult mix and noted the demands of the 2 seasons – summer and winter – and that an Administrator needs to be inventive and adaptable to survive on the Cape for a long time. White said he and Groux would do a “deep dive” into the Town to determine the characteristics of the Town and the demands of the Town. White also said they meet with staff, the community, and the Selectboard to gather information on how to recruit and who they recruit. White said they also provide a guarantee of 18 months, saying that if the selected candidate does not work out, the next search is free. White discussed how his and Groux’s previous managerial roles helps them in their search and they keep candidate names held closely, without releasing names to the press until appropriate.

Wilson asked the cost; White noted the proposal price is in the proposal and it is \$8,920.

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Bernard Lynch and Sharon Flaherty, from Community Paradigm, presented second. Lynch handed out two documents to the Board – a timeline and a page reflecting what sets Community Paradigm apart. Lynch described his background, noting that he has been a Town and City Manager in Massachusetts previously, and that Flaherty has a background in journalism.

Lynch listed the other Cape towns with which he has worked, including Provincetown, Bourne, Brewster and currently Truro. He also noted that they will prepare a detailed position statement, conduct stakeholder engagement, and advise beyond recruitment. Lynch discussed the current market challenges in hiring Town Administrators across the State, and on the Cape, that his firm has the ability to work with and will work to sell the community to the candidates.

Bacon asked where their office was; Lynch said Plymouth. Bacon asked Lynch if they were currently under contract with Truro; Lynch said yes and that he thought this could benefit Wellfleet; Bacon disagreed. Bacon said she wanted a candidate who would be here for at least a dozen years, and asked Lynch his thoughts on the market in regard to that. Lynch said most candidates most candidates indicate they hope to stay in the position for 5-10 years, and that most Town Administrators last for 5-7 years. In regard to Truro, Lynch said that the Wellfleet is behind Truro in regard to timing, but that candidates who applied for Provincetown and will apply for Truro, they will talk to those candidates as well for Wellfleet. Bacon asked that Lynch and his team talk with the current Town Administrator during their work; Lynch said that would be an absolute.

Carlson asked how many people are in the firm; Lynch said there are 9, but Wellfleet will work with 3-4 people from Community Paradigm. Carlson asked who the Town would get attention from; Lynch said himself and Flaherty for sure. Wilson asked if 1 person from the firm would be showing up for each pre-screening committee meeting, and if it would be the same person; Lynch said both he and Flaherty would show up at every meeting, but it could possibly only be one of them, but one of them will always be there for each meeting. Wilson asked the price; Lynch said the proposal is \$9,500 plus advertising which is generally done through Mass Municipal Association and the International City Managers Association as well as free resources, which would cost about \$700. Wilson asked Lynch if his team would interview the Selectboard; Lynch said yes, as well as Department Heads. DeVasto noted that he felt good with both proposals and that he called for references and does not have any questions at this time.

Lynch addressed the Town's desire to use a screening committee, noting that he watched the last meeting where that was discussed, and said 5-7 members was a good number.

- DeVasto moved to hire Community Paradigm Associates, LLC as the recruitment agency.
- Bacon seconded, and the motion carried 5-0.

BOARD/COMMITTEE AND OTHER APPOINTMENTS

Approval of employment contract for Police Lieutenant

Chief Hurley presented Sergeant LaRocco as his nomination for Lieutenant. He noted that LaRocco has served in Wellfleet for 12 years. Chief Hurley noted there were two other Sergeants in the interview process for Lieutenant and read a letter from one of those two who thanked the Department for their consideration and conducting of the process.

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Wilson thanked LaRocco for staying with the Town. DeVasto asked LaRocco why he changed his career, from Dispatch, to Police Officer. LaRocco noted he did not have children and a family at that time.

- Bacon moved to approve the promotion of Sergeant Kevin LaRocco to Lieutenant and authorize the Town Administrator to sign the employment contract.
- Wilson seconded, and the motion carried 5-0.

Appointment of Special Police Officer – Alex Flaxman

Chief Hurley noted that Flaxman was not present as he was attending the Academy.

Carlson said she thought Flaxman would be a great addition after reading his resume.

- Wilson moved to appoint Alex Flaxman as a Special Police Officer for the term beginning May 11, 2020 and ending June 30, 2021.
- Bacon seconded, and the motion carried 5-0.

Planning Board (alternate) – Olga Kahn

Reinhart asked Kahn if she was applying as an alternate or a regular member, noting that member Beth Singer did not intend to vacate her position but did miss 4 consecutive meetings. Kahn said she has been on the Planning Board previously and has also served on the

Gerry Parent, Chair of the Planning Board, noted that the Planning Board will be back to a full board, with 7 members upon the return of Singer. He noted the addition of 2 alternates during the 2018 Charter change at the Annual Town Meeting that year. Parent said that he and the Planning Board does not need an alternate member, or two for that matter. Parent also questioned the role of an alternate on a committee.

Wilson noted that alternates have the same set of requirements as regular members: they must attend meetings and can only be used under certain circumstances. She noted the concern and reason for updating the Charter was because the Planning Board did not always have quorum. Wilson said the Board is obligated to provide alternates if someone offers. Wilson noted that Singer vacated her position by missing 4 meetings over a period of more than 30 days; she said this was not the same thing as David Mead-Fox. Both Singer and Mead-Fox missed 4 meetings, and the Planning Board sent the Selectboard a letter after Mead-Fox missed his 4th meeting and was then reappointed to his position. There was further discussion of the matter.

Bacon asked Parent how many meetings they had to cancel due to lack of quorum over the winter months; Parent said he did not believe any but was not sure and would have to ask the Secretary. Bacon said she was in favor of Kahn and appreciated her stepping forward.

Carlson noted that when she served as Chair of the Water Commissioners, they decided having alternates would be advantageous. There was further discussion.

- Bacon moved to appoint Olga B. Kahn as an alternate member to the Planning Board for a term ending June 30, 2023.
- DeVasto seconded, and the motion carried 4-1, with Carlson opposed.

Appointment of Jennifer Congel as Town Clerk and approval of contract

Hoort noted that he is the appointing authority, not the Board, and so he is only requesting that the

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Board approves Congel's employment contract. Carlson asked if Congel would still be able to attend the trainings she has been attending.

DeVasto asked if the position was open to all applicants or if the position was promoted from within; Hoort said Congel was promoted from within because she was serving as the interim after Joe Powers left. DeVasto said he felt that this position, and all others, should be open to the public. Bacon asked if there was an Assistant Town Clerk; Hoort noted that Rebekah Eldridge was serving as part-time Assistant Town Clerk. There was further discussion.

- Bacon moved to appoint Jennifer Congel as the Town Clerk, to approve the employment contract, and authorize the Town Administrator to sign the contract.
- Wilson seconded, and the motion carried 5-0.

USE OF TOWN PROPERTY

Mayo Beach, May-October 2020 – John Kondratowicz

Kondratowicz asked for the use of town property for a kayak rack, similar to the current rack, at Mayo Beach, but placed further down Kendrick Avenue. There was discussion of the location of the potential rack. Community Services Director Thomas said she was aware of this request

Bacon asked to clarify that this would privatize the use of the rack; Kondratowicz said yes. DeVasto said he does not have a problem with the rack but does have an issue with them not being managed by the Town or opened to the public. Wilson opposed the proposal, noting that the resource should be protected.

Carlson asked Thomas if she supported the rack in this location and the proposal; Thomas said yes and she met with Kondratowicz and the Health and Conservation Agent who said there would need to be environmental approval if this was approved, as with all the other racks. Harbormaster Flanagan supported the proposal, saying it would enhance the public access to the waterways. There was further discussion of the proposed use, location, and openness of the rack to the public.

- Bacon moved to approve the use of Mayo Beach by John Kondratowicz from May through October 2020 subject to the conditions, if any, as listed on the application form for a fee of \$110.
- Carlson seconded, and the motion failed 5-0.

Town Hall, May 25, 2020 – Lewis Anujar/American Legion

Lewis Anujar and Steven Puffer, from the American Legion, were present. This is an annual event.

- Wilson moved to approve the use of Town Hall Lawn by Lewis Anujar, of the American Legion, on May 25th, 2020 subject to the conditions, if any, as listed on the application form.
- Carlson seconded, and the motion carried 5-0.

Town Hall Driveway, May 23, 2020 – Karen Kaminski/Wellfleet Gardeners

Karen Kaminski, of the Wellfleet Gardeners, presented the request. The Plant Sale is an annual event.

- Bacon moved to approve the use of Town Hall Driveway by Karen Kaminski/Wellfleet Gardeners on May 23, 2020 subject to the conditions, if any, as listed on the application form.

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- DeVasto seconded, and the motion carried 5-0.

Baker Field, August 17-21, 2020 – Mo Abarak/Challenger Sports

Mo Abarak, from Challenger Sports was present. He has held his summer camp at Baker Field for many years.

- Bacon moved to approve the use of Baker Field by Mo Abarak/Challenger Sports during the period of August 17-21, 2020 subject to the conditions, if any, as listed on the application form for a fee of \$525.
- Carlson seconded, and the motion carried 5-0.

Grass Strip at Mayo Beach, Thursdays, July & August – Deirdre Oringer/Wellfleet Artist Market

Deirdre Oringer and Lisa Brown, of the Wellfleet Artist Market, presented their request. In the past, this event was held at the Congregational Church, but that location is no longer ideal. The Board was in favor of the Artist Market itself, but not in favor of the location. The application was withdrawn, no action taken.

LICENSES

Common Victualler: Bookstore & Restaurant, Bob's Sub & Cone, JB's Pizza Bar & Grill

- Bacon moved to renew the Common Victualler Licenses for the Bookstore & Restaurant, Bob's Sub & Cone, and JB's Pizza Bar & Grill.
- Carlson seconded, and the motion carried 5-0.

Weekly Entertainment: Bookstore & Restaurant, The Wicked Oyster

- Bacon moved to renew the Weekly Entertainment Licenses for the Bookstore & Restaurant and the Wicked Oyster.
- DeVasto seconded, and the motion carried 5-0.

Automatic Amusement: Bob's Sub & Cone

- Bacon moved to renew the Automatic Amusement License for Bob's Sub & Cone.
- Wilson seconded, and the motion carried 5-0.

BUSINESS

Presentation by Parking Task Force

Denny O'Connell and Joe Aberdale, of the Task Force, made the presentation. Their presentation materials can be accessed online in the meeting packet on the Selectboard page. In summary, they went over the results from their survey conducted this past fall. O'Connell also discussed goals, which can also be found in the packet online.

Spring Tax Bill Insert – Department of Public Works

Bacon explained the insert, which is for the Notice of Re-inspection of Private Paved Roads for Winter of 2020-2021 by the Department of Public Works. Re-inspection will begin in April 2020. Deficiencies, if any, will be posted on the Town website by June 5, 2020 and residents will have until October 2, 2020 to address and correct the issues. This insert will be in the 2020 Spring Tax Bill, which will be issued April 1st.

- Bacon moved to approve the spring tax bill insert for the Department of Public Works.
- Carlson seconded, and the motion carried 5-0.

New Selectboard Policy – Local Access Television

Deborah Magee, member of the Cable Advisory Committee, cited the work of the group and asked for a vote from the Board today. Wilson said she loved it and suggested the Board vote; she asked for a change, under II: Content, A. to remove “current” and change “is as follows” to “includes”. Reinhart asked to add “political” to be added to the list of prohibited advertisements. Reinhart said she still disagrees to enforce all committees and boards to be videotaped. Magee said Executive Session would not be taped, but that if not in Executive Session it is an open meeting, and anyone can show up to them. Carlson said that a lot is asked of volunteers already and that it is reasonable to ask for a grace period of 3 to 5 years for a transition into taping meetings. Carlson said she would like to see Town program include things beyond board and committee meetings.

DeVasto said he was all for transparency but that he airs on the side of caution with Carlson. He said he would not mind a policy that asks the committees to vote each year to decide if they would like to be taped or not. Audience member Fred Magee said that the Finance Committee had these same concerns and they turned out to not be an issue in the end, he said the recording of the meetings has not affected the Finance Committee adversely.

Bacon said she was in favor of this and that any regulatory board that is doing the Town’s business should be taped. She said there are a fair number of residents who cannot get out and attend meetings. Wilson said that in her opinion, there has been a grace period. Carlson said if the technology leads to better meetings and outcomes then leave it up to the committees to decide.

- Bacon moved that the Board vote that the policy recommended by the Cable Advisory Committee, is worthy of formulation as a policy as presented and amended.
- Wilson seconded, and the motion carried 2-3, with Reinhart, Carlson, and DeVasto opposed.

Discussion of Meeting Start Time [Chair]

- Carlson moved to start the meetings at 6PM until May 1, 2020.
- DeVasto seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

- Carlson: has enjoyed serving as the Board liaison to SPAT

TOWN ADMINISTRATOR’S REPORT

This report is for the period February 8, 2020 through February 21, 2020.

1. General
 - Primary focus is on completing the ATM warrant.
 - Working on daycare and hearing assisted devices for town meeting.
2. Fiscal Matters
 - Secondary focus is getting free cash certified by Dept. of Revenue.
3. Meetings
 - February 10 – Discussion about property ownership with resident
 - February 11 – Selectboard meeting
 - February 12 – Dredging Task Force meeting
 - February 13 – Comcast contract renewal meeting

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- February 17 – Holiday
- February 19 – Department Head staff meeting
- 4. Complaints.
 - None, other than usual
- 5. Personnel Matters:
 - Received two proposals for Town Administrator consultant search.

TOPICS FOR FUTURE DISCUSSION

- Bacon: Town Administrator Search Committee – David Mead-Fox and David Agger
- Wilson: Appoint Town Administrator Search Committee
- Wilson: fuel tanks at the Marina
- Wilson: Marijuana policy
- DeVasto: derelict buildings in the commercial zone
- Reinhart: Chatham liquor license regulations
- Hoort: March 9, Cape Cod Commission Herring River hearing
- Hoort: March 10, DCR/DOT bike path
- Hoort: Executive Session from 2/25 rescheduled to 3/10

CORRESPONDENCE AND VACANCY REPORTS

- Wilson noted an email from Beth Singer that came into the Board on February 28 and said that she replied independently and included language from the Charter.

MINUTES

Wilson provided amendments to the minutes for the record.

- Bacon moved to approve the minutes of February 11, 2020 as amended.
- Wilson seconded, and the motion carried 5-0.

ADJOURNMENT

- Bacon moved to adjourn
- Wilson seconded, and the meeting adjourned at 5:15pm.

Respectfully submitted,

Courtney Butler
Secretary

Public Records Material as of 2/28/2020

1. 2004 Study prepared by Tom Groux for the Town of Wellfleet;
2. Community Paradigm presentation materials – updated proposal timeline and Community Paradigm Difference sheet;
3. Public Hearing Papers for Wellfleet SPAT;
4. Proposals from Groux-White and Community Paradigm for Town Administrator search;
5. Employment Contract for Lt. LaRocco;
6. Appointment Papers for Special Police Officer Alex Flaxman;
7. Appointment Papers for Olga Kahn;
8. Employment Contract for Jennifer Congel;

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9. Use of Town Property Applications from SPAT, John Kondratowicz, Mo Abarak, Karen Kaminski, Deirdre Oringer, and Lewis Anujar;
10. License renewal information from Principal Clerk;
11. Presentation materials from the Parking Task Force;
12. Spring Tax Bill insert from the Department of Public Works;
13. Draft Local Access Television Policy;
14. Email from Courtney Butler to Janet Reinhart, re: Meeting Start Time and 2020 meeting schedule;
15. Correspondence and Vacancy Reports;
16. Draft and amended minutes of February 11, 2020 meeting.

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**Wellfleet Selectboard Meeting
Tuesday, March 10, 2020 at 7pm
Wellfleet Senior Center**

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

Also Present: Town Administrator Dan Hoort; Assistant Town Administrator Mike Trovato; Executive Assistant Courtney Butler; Police Chief Michael Hurley; Police Lieutenant Kevin LaRocco; Director of the Department of Public Works Mike Vincent; Shellfish Constable Nancy Civetta

MA Department of Conservation and Recreation (DCR) staff present: Commissioner Jim Montgomery; Deputy Commissioner of Operations Nick Gove; Chief of Design and Engineering Patrice Kish

MA Department of Transportation (DOT) staff present: Supervising Project Manager Tom Currier; State Highway Design Engineer Andrew Paul

Stantec staff present: Project Manager Jill McLaughlin

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

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENTS

- Wilson asked the audience to pick up after their dogs, citing there has been a lot of messes in Town.
- Reinhart said that if one needs financial help paying their tax bills or would like to donate to the Taxation Aid Committee, one may do so even though there is no Tax Bill Insert indicating such. Information is available from Manny Smith of the Taxation Aid Committee.
- Bacon shared that the Town Clerk is seeking Registrars for the Board of Registrars and to work at the Annual Town Meeting, there are two vacancies. Information can be obtained from Congel on the first floor of Town Hall.

MEETING WITH MASSACHUSETTS DOT AND DCR TO DISCUSS THE REDESIGN OF THE MAIN ST AND ROUTE 6 INTERSECTION AND THE CAPE COD RAIL TRAIL EXTENSION

State Representative Sarah Peake and State Senator Julian Cyr were present for the meeting. Rep. Peake gave an update as to where the State is with regard to COVID-19 and said that the Governor declared a State of Emergency today. She noted that Governor Baker asked his staff to work remotely as much as possible and not attend large gatherings, she said it was unclear as to what will happen with regard to Town Meetings. More information will be coming from the State and Rep. Peake was asked to head a MA House Task Force related to these matters.

Senator Cyr said the Senate would be caucusing on the COVID-19 issue and notes the importance of transparency of communications related to the matter. Sen. Cyr said there are 3 projects coming up in the future for Wellfleet: resurfacing of Route 6; Complete Streets project from the Fire Station to Cove Road; and the continuation of the Rail Trail project. He said he has worked with his colleagues to align these projects as best as possible to maximize resources used and safety.

The group, MA DOT, DCR, and Stantec, gave their presentation, "Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination by Stantec, MA DOT, and MA DCR" which will be available as a public record for this meeting and on the Town website.

Public Comments:

- Michael Fisher asked about the closure to pedestrians on the trail while construction is going on; Gove said they can configure this in a way to allow pedestrian access
- Steve Oliver asked about the widening of Main Street; Gove said no, there is a proposal to formalize the two lanes exiting Main Street and to add a sidewalk on one side of Main Street. Oliver was not in favor of the terminus at Route 6.
- Wilson, speaking as a citizen, asked if either agency has spoken with the National Park Service about providing a trail through the Seashore. Senator Cyr responded by saying that he spoke with the Park Service and that they very much support the Outer Cape Bike and Pedestrian Master Plan (the Plan) from 2017, which includes a number of alternate plans. He noted that the document consists of largely a Route 6-based spine. Sen. Cyr also noted the Plan was an effort led by the Towns, State, and Cape Cod Commission.
 - Wilson asked if the Plan had a Route 6 terminus; Sen. Cyr noted that the proposal before the group tonight is not consistent with the Plan as it had many split paths, which the community was against previously.
 - Wilson was not in favor of the grass buffers.
- Ryan Curley was not in favor of the terminus at Route 6.
- DeVasto was not in favor of the terminus at Route 6.
- Sheila Lyons was in favor of the project and the terminus at Route 6.
- Barbara Boone was in favor of the phasing of the project and collaboration with the DCR and DOT. Boone was not in favor of the pedestrian work along Route 6.
- Ken Kozak was concerned with the sidewalks being installed on Main Street in front of his business, the Wicked Oyster.
- Peter Cook expressed concerns with the project and asked for a revised traffic-flow study and to readdress safety measures.
- Carlson said she was concerned that the audience was assuming that parents were going to be comfortable taking their children out on the highway and other assumptions around the project.
- Dana Franchitto was not in favor of the project.
- Sharon Rule Agger suggested other options for the project.
- Gerry Parent, speaking as a Planning Board member, said this has not come before the Planning Board. He discussed the construction of the new Cumberland Farms and asked if the curb cuts will change; Paul (DOT) said they will not change. Parent was not in favor of the terminus at Route 6 and suggested alternatives for the project. Paul said there will be a light and crosswalk across Route 6.
- Barb Taylor asked about the sidewalks and the crossings. Taylor asked about the time limit for comments; Paul said the DOT will have a future public hearing around the design and that period is typically is for 30 minutes after the hearing.
- David Agger was not in favor of the terminus at Route 6. He asked if there was any chance this terminus location would change and asked if the group present tonight have been in Town during the summer months; Paul said he has stayed in Wellfleet each summer and has two siblings who live here year-round, he said he was personally invested in the project and its outcomes.
 - Sen. Cyr affirmed his confidence in the project and said it has increased dramatically. He thanked the staff from both departments for being here and for hearing the public. Sen. Cyr noted the difficulty of processing all the information presented tonight and

gave the audience his commitment to see this project through while hearing all of the public concerns.

BUSINESS

Opening of Herring River to Shellfishing

- Wilson moved to open the Herring River area as of sunrise on Tuesday, March 16, 2020, and to close it at sunset on Monday, August 31, 2020, as directed by the Mass. Division of Marine Fisheries.

Bacon asked where this location was; Civetta said it was from the flagpole at the Yacht Club across to the candy stripe pole and includes the Gut, before the Dike. Bacon asked if this was for wild fishing; Civetta said yes for commercial only and the water quality tests came back perfect.

- Bacon seconded, and the motion carried 5-0.

Discuss, deliberate, and take appropriate action against the Open Meeting Law Complaint filed by Jude Ahern on February 19, 2020 regarding Selectboard Executive Session Minutes from April 2019 to current.

DeVasto abstained from the discussion and left the room. Reinhart noted that the Board will be directing Town Counsel to respond on the Board's behalf. Wilson said that, for the time in question, she was recused for most of it; Wilson abstained and left the room.

Jude Ahern, the complainant, thanked Reinhart for recognizing her. Ahern said that the minutes of Executive Session must reflect public documents referenced or used at a meeting. Hoort noted that the minutes have been amended to reflect such documents. Ahern asked questions regarding the already completed HDYLTA Appraisal.

- Carlson moved to approve the Selectboard's response to the open meeting law complaint filed by Jude Ahern and direct Town Counsel to respond on the Board's behalf.
- Bacon seconded, and the motion carried 3-0, with Wilson and DeVasto abstained.

ADJOURNMENT

- Reinhart moved to adjourn
- Carlson seconded, and the meeting adjourned at 9:36pm.

Respectfully submitted,

Courtney Butler
Secretary

Public Records Material as of 3/10/2020

1. Presentation materials: Cape Cod Rail Trail & Route 6 Corridor Improvements Project Coordination by Stantec, MA DOT, and MA DCR;
2. Outer Cape Bike and Pedestrian Master Plan;
3. Open Meeting Law Complaint filed by Jude Ahern on February 19, 2020 regarding Selectboard Executive Session Minutes from April 2019 to current;
4. Correspondence Report;

**Wellfleet Selectboard Meeting
Tuesday, March 17, 2020 at 6pm
Wellfleet Senior Center – via Zoom**

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler

Chair Reinhart called the meeting to order at 6:00 p.m. This meeting was held via Zoom and the recording is available on the Town website.

ANNOUNCEMENTS, OPEN SESSION AND PUBLIC COMMENT

- There were no announcements.

DISCUSSION OF HOW WELLFLEET RESPONDS TO THE COVID-19 VIRUS

- Wilson proposed that the Board adopt the Declaration of Emergency, provided to the Town by KP Law, with amended language to reflect that it is being declared by the Selectboard and not the Board of Health. It was moved by Wilson, seconded by Bacon, and passed 5-0.
- DeVasto presented a COVID-19 Community Action Plan which the Board agreed to implement via directing the Town Administrator and Staff to begin taking action.

2020 ANNUAL TOWN MEETING WARRANT

The Board discussed the proposed Budget Articles 1-15. Hoort noted that the Operating Budget should reflect a total of \$20,146,490. He also noted that the Finance Committee recommends articles 1, 8, and 9 by a vote of 8-0. Hoort said there was no Finance Committee recommendations for Article 10, but that the Housing Authority voted to recommend 3-0 and the Housing Partnership voted to recommend 6-0.

- Bacon moved to recommend Budget Articles 1, 2, 4, 5, 6, 7, 8, 9, 10, postponing recommendations for Article 3, and insert them into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Article 16. Article 16 is the Water System Upgrade.

- Bacon moved to recommend Article 16, Water System Upgrade, and insert it into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Articles 17-22. Articles 17-22 are related to Community Preservation.

- Bacon moved to recommend Articles 17-22 and insert them into the Warrant.
- DeVasto seconded, and the motion carried 5-0.

The Board discussed the proposed Article 23. Article 23 is related to Climate Change Grant Funding. This Article was requested by the Energy and Climate Action Committee. Hoort said the Finance Committee recommends this by a vote of 7-1.

- Bacon moved to recommend Article 23 and insert it into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Articles 24-29. Articles 24-29 are on the Finance Consent Agenda.

- Bacon moved to recommend Articles 24-29 and insert them into the Warrant.
- DeVasto seconded, and the motion carried 5-0.

The Board discussed the proposed Article 30, a Petitioned Article. Article 30 is a General Bylaw change to adopt a Commercial Single-Use Plastic Water Bottle Ban. Hoort noted that the Bylaw Committee recommends this by a vote of 2-0 with the following amendment: “Change Section 4 to replace Town Manager with Town Administrator in the three places it is listed.”

- Bacon moved to insert Article 30 into the Warrant, and reserve recommendations.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Article 31. Article 31 seeks a General Bylaw change to adopt an Annual Town Meeting start time of 6PM. Hoort noted that the Bylaw Committee recommends this by a vote of 2-0.

- Bacon moved to recommend Article 31 and insert it into the Warrant.
- Wilson seconded, and the motion carried 5-0.

There was discussion regarding the potential postponement of Town Meeting. Hoort said that this decision would have to be made at the March 24 Selectboard meeting. Town Moderator Dan Silverman said the Town does have this option under M.G.L.c39§10A. He sent a memo to the Board regarding the matter on March 13, 2020.

The Board discussed the proposed Article 32, a Petitioned Article. Article 32 seeks a General Bylaw change to adopt a Climate Policy.

- Bacon moved to insert Article 32 into the Warrant, and reserve recommendations.
- DeVasto seconded, and the motion carried 4-0-1, with Wilson abstained.

Hoort noted that the Bylaw Review Committee voted not to recommend this by a vote of 2-0 because they felt that it should be a Selectboard Policy rather than a Town Bylaw.

The Board discussed the proposed Article 33. Article 33 is a Disposition of Town Owned Property Article and seeks to “transfer care, custody, management and control of Assessors Map 14, Parcel 30 Town owned property from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to Kate Clemens-Nowack and Jim Nowack, or to do or act anything thereon.”

Hoort said the Planning Board voted to recommend selling the land to the Nowacks by a vote of 3-2-1; the Open Space Committee voted not to recommend by a vote of 4-0. The Board agreed that it should be determined by the Selectboard to sell or not sell the land.

- Bacon moved to recommend Article 33, with amended language as provided by Town Counsel, and insert it into the Warrant.
- DeVasto seconded, and the motion carried 4-0-1, with Carlson abstained.

The Board discussed the proposed Articles 34 and 35. Articles 34 and 35 are Disposition of Town Owned Property Articles and seek to transfer care, custody, management and control of land to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

The Planning Board recommends these articles by a vote of 5-0.

DRAFT

- Bacon moved to recommend Articles 34 and 35 and insert them into the Warrant.
- Wilson seconded, and the motion carried 4-0-1, with DeVasto abstaining from recommendations but agreeing to insert the Articles.

The Board discussed the proposed Article 36. Article 36 is a Disposition of Town Owned Property Article and seeks to Authorize the Water Line Easement for 925 Chequessett Neck Road.

- Bacon moved to insert Article 36 into the Warrant, and reserve recommendations.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Article 37. Article 37 is an Unclassified Article and seeks to secure title to High Toss Road between Pole Dike Road and Rainbow Lane, also known as Way 672.

- Bacon moved to recommend Article 37 and insert it into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Article 38. Article 38 is a Petitioned Article and proposes a Resolution in Support of Changing the State Flag & Seal of Massachusetts.

- Bacon moved to recommend Article 38 and insert it into the Warrant.
- Wilson seconded, and the motion carried 4-0-1, with Carlson abstained.

The Board discussed the proposed Article 39-42. Articles 39-42 are Standard Annual Articles.

- Bacon moved to recommend Articles 39-42 and insert them into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board discussed the proposed Article 43-44. Articles 43-44 are Standard Closing Articles.

- Bacon moved to recommend Articles 39-42 and insert it into the Warrant.
- Wilson seconded, and the motion carried 5-0.

The Board's next meeting will be held on March 24, 2020 at 6PM, also virtually through Zoom.

ADJOURNMENT

- Bacon moved to adjourn.
- Wilson seconded, and the motion carried 5-0.

The meeting adjourned at 7:41pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Documents available as of 3/17/2020:

1. 2020 Town Meeting Warrant draft as of March 9, 2020;
2. Declaration of Emergency, enacted on March 17, 2020 at 6:10PM;
3. DeVasto's Community Action Plan;
4. Memo from Town Moderator to Selectboard re: Town Meeting Scheduling dated March 13, 2020



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: March 24, 2020

X

CORRESPONDENCE AND VACANCY REPORTS

Wednesday, March 4, 2020 to Friday, March 20, 2020

Letters (emails):

3/4	Courtney Butler	3/10 Packets
3/5	Dan Hoort	Agenda for 3/10 Meeting – OML Complaint
3/5	Manny Smith	Important Note to Janet Reinhart: PLEASE call Me ASAP
3/5	Courtney Butler	RE: Important Note to Janet Reinhart: PLEASE call Me ASAP
3/5	Jude Ahern	please re-read before you next meeting about my OML complaint #6
3/6	Nancy Civetta	disposition of Chuck Reaves Grants #861, 861-A
3/8	Don Thimas	BOS Meeting of 2/28/2020
3/9	Steve Wenner	Proposed alteration of Main St. and Rte. 6 intersection
3/9	Richard Galvin	Bicycle trail
3/9	Robert Angelli	Proposed bike trail
3/9	Richard Mains	Bikeway
3/9	Paul Lindberg	bike way
3/9	Geoffrey Palmer	Bike Trail
3/9	Luke Jorgensen	RE: Wellfleet Proposed Bike Trail
3/9	Allison Paine	Bike path extension
3/9	Helen Risch	Bikeway
3/9	Carol Murray	Bike path
3/9	Ingrid Scheibler	Proposed Rt. 6 Bikeway
3/9	Laurie Lovely	Fwd: Bikeway construction
3/9	Betty Eipper	Bikepath
3/9	Peter Haaland	Please constrain the DOT effort to build parking and bikeway on US 6 in Wellfleet
3/9	Richard Levitan	Route 6
3/9	Beth Jorgensen	Bike Path – Avoid Rt 6
3/9	Elizabeth Nickerson	Bike Path Avoid Route 6
3/9	Dan Murphy	Bike Path
3/9	Jon Paynter	Bike path – not Route 6
3/9	Ted Wilson	Bikeway
3/9	Tom and Debby Kilday	Please keep the bike path off Rt 6
3/9	Robin Keller	Wellfleet Bike Path
3/9	Vivek Chander	Bike Path
3/9	Eleanor Weinstein	Bikeway
3/9	Janice Gallivan	Bike parking lot
3/9	Patti Pierce	Bikeway
3/9	Dan Hoort	BCC: Warrant draft
3/9	Daniel Murphy	Wellfleet Bike Path
3/9	Aren Stone	Bikeway
3/9	Bernard Cohen	Safe Biking in Wellfleet
3/9	Cabby Hirst	Wellfleet Bikeway
3/9	Nan LeClaire Hirst	BIKEWAY
3/10	Dan Hoort	FW: Selectboard health insurance
3/10	Dan Hoort	FW: Wellfleet: Draft OML Response



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: March 24, 2020

3/10	John Morrissey	Recommendation for Covid-19 Written Action Plan
3/10	Dan Hoort	Re: Town meeting-COVID 19 virus
3/10	Jennifer Congel	Board of Registrars vacancies
3/11	Tom Banisch	Town Administrator
3/11	Dan Hoort	FW: EDITED: A few thought about the bike trail extension (Gail Ferguson)
3/11	Simone Wright (EWF)	Shellfish notice for Wellfleet
3/11	Michael Flanagan	Vacation Days
3/12	Courtney Butler	ZBA Hearing This Evening
3/12	Jude Ahern	Conservation Commission in violation of Selectboard Policy
3/12	MA Division of Marine Fisheries	Tonight's (March 12th) Public Hearing to Continue as Scheduled
3/12	Jude Ahern	Fwd: Town counsel
3/12	Jude Ahern	Fwd: my unreturned voice messages
3/12	MA Division of Marine Fisheries	CANCELLED: Tonight's (March 12, 2020) Public Hearing at MA Maritime Academy
3/12	Dan Hoort	Recycling Reminder
3/12	Helen Miranda Wilson	Agenda item
3/13	Nancy Civetta	Shellfish Advisory Board meeting cancelled
3/13	Dan Hoort	Fwd: Signed Open Meeting Law Order 3.12.20
3/13	Dan Hoort	Update
3/13	Courtney Butler	TA Search Committee
3/13	Janet Reinhart	Screening Committee
3/13	Ryan Curley	Open Meeting Law Order 3.12.20 & Ban on public gatherings.
3/13	Janice O'Connell	Barnstable County Assembly of Delegates Meetings Scheduled for Wednesday, March 18, 2020
3/13	Jude Ahern	Fwd: new public records request: emails between Reinhart and Hoort and Town Counsel
3/13	Jude Ahern	Fwd: Coastlines from Alaska to Florida
3/13	Carolyn Murray	RE: Town Meeting scheduling
3/13	Nancy Civetta	Recreational Shellfishing Crier: Burton Baker Closed and Measuring Oysters
3/13	Dan Hoort	Town buildings
3/14	Dan Hoort	Wellfleet Response
3/14	Dan Hoort	Re: I recommend that we close the Wellfleet Library immediately
3/15	Helen Miranda Wilson	Contacting Helen.
3/15	Courtney Butler	Meeting Capabilities
3/16	Dan Hoort	Tuesday night meeting still on schedule
3/16	Ryan Curley	Guidance requested on Selectboard nomination papers
3/16	Kelly Medeiros	Holbrook Ave resident impacted by new layout of OysterFest
3/16	Courtney Butler	FW: From Bruce Drucker
3/16	Dan Hoort	Proposed Municipal Legislation Announced this Afternoon
3/16	Courtney Butler	Tomorrow's Meeting
3/16	Janet Reinhart	March 17 Meeting-6:00 pm



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: March 24, 2020

3/16	Michael DeVasto	Community action plan covid-19
3/16	Judith Blau	computer and online connection
3/17	Mike Rice	Fwd: My "Public Comment" for the March 17 Selectboard meeting under: "Announcements, Open Session and Public Comments"
3/17	Nancy Civetta	IMPT: Protocols for Herring River opening AND State allows resubmergence of shellfish from primary dealers to licensed sites (grants)
3/17	Nancy Civetta	Shellfish Department Practicing Social Distancing and Free Oyster Rings
3/17	Nancy Civetta	Map attached for Burton Baker Beach closed area
3/17	Judith Cumbler	Fwd: Wellfleet petition
3/17	Helen Miranda Wilson	Motion to declare a State of Emergency.
3/17	Helen Miranda Wilson	Also, this one.
3/17	Helen Miranda Wilson	DRAFT KP Law declaration text with Wellfleet specific language.
3/17	Janet Reinhart	Another Group to add -Fwd: The CDP is here to help our community
3/18	Dan Hoort	Task Force
3/18	Courtney Butler	Declaration of Emergency
3/19	Dan Hoort	TA Position Statement
3/19	Ryan Curley	WES Student in need of Covid-19 Screening

Legal:

3/4/20

KP Law

Order: 1972CV00053



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: March 24, 2020

XII

ADJOURNMENT

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

