



## Wellfleet Selectboard

### **Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, August 15, 2023, at 7:00 p.m.** The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

### **Joining the Meeting:**

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

### **Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing \*9 to raise their hand.

### **To Participate during public comment:**

- Zoom: Raise hand to be called on to speak.
- Phone: dial \*9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at [wellfleet-ma.gov](http://wellfleet-ma.gov)

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### **I. *Announcements and Public Comments***

**Note** **Public comments are limited to no more than two minutes per speaker.** The Board will not deliberate or cote on any matter raised solely during Announcements & Public Comments.

### **II. *Consent Agenda***

- A. Final agreement for Mayo Creek grant acceptance ~ Jay Norton

### **III. *Board/Committee Appointments and Updates***

- A. Commission on Disabilities, presentation to the board ~ Applications for ADA Planning and Project Grants Awarded by the MOD.

### **IV. *Business***

- A. Outer Cape Wellness Happenings ~ Regional Public Health Efforts from Eastham to Provincetown ~ Meredith Ballinger, Hillary Lemos, Alex Nelson

- B. Letter from Selfish Constable addressing licensing of grants to corporations or other business entities.
  - C. Shellfish Grant Lottery – Constable Civetta
  - D. Special Town Meeting Warrant ~ vote to insert and recommend any outstanding articles and to close the Special Town Meeting Warrant.
  - E. Dredge Mitigation Plan – Status update on submission  
Public comments on alternative plans instead of mitigation.
  - F. Funding Operating Expenses associate with Dredging Mitigation Plan ~ Ryan Curley
  - G. Regional Dispatch Study – Request for support of grant submission, with Eastham, Provincetown, and Truro to fund a regional feasibility study.
- V. ***Selectboard Reports***
- A. Prior Affiliations ~ Chair Barbara Carboni
  - B. Selectboard Goals FY2024 – Review and prioritize Town-wide goals.
- VI. ***Topics for Future Discussion***
- VII. ***Minutes***
- A. July 11, 2023
  - B. July 13, 2023
  - C. July 18, 2023
  - D. July 25, 2023
  - E. August 8, 2023
- VIII. ***Adjournment of open Session to move into Executive Session: M.GL. c.30A, Sec. 21***
- ***Purpose 1:*** *To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.*
  - ***Purpose 7:*** *To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.*
- Executive Session Meeting Minutes ~ June 27, 2023**
- IX. ***Adjournment of Executive Session not to Reopen in Open Session***



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

I

### ANNOUNCEMENTS AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	<b>Wellfleet Selectboard</b>
<b>DESIRED ACTION:</b>	<b>Announcements to the board and public</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b><u>NOTE:</u> <i>Public comments are limited to no more than two minutes per speaker.</i></b> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: August 15, 2023

II

### CONSENT AGENDA

<b>REQUESTED BY:</b>	<b>Various Parties</b>
<b>DESIRED ACTION:</b>	<b>To approve the following without objection</b>
<b>SUMMARY:</b>	<p><b>I move to approve the following items with no objection:</b></p> <ul style="list-style-type: none"><li><b>To authorize the Town Administrator to accept a NRCS grant of \$100,000.</b></li></ul> <p><b>The objective of the grant is to determine feasibility, conduct an alternatives analysis, and develop a conceptual design for culvert replacement of an undersized structure at Commercial Street to improve tidal flows to the Mayo Creek estuary and marsh system.</b></p>



U.S. Department of Agriculture  
Natural Resources Conservation Service

NRCS-ADS-093

**NOTICE OF GRANT AND AGREEMENT AWARD**

1. Award Identifying Number NR231320XXXXC021	2. Amendment Number	3. Award /Project Period Date of Last Signature -12/30/2025	4. Type of award instrument: Cooperative Agreement
5. Agency (Name and Address)  Natural Resources Conservation Service 451 West Street Amhers, MA 01002-2953		6. Recipient Organization (Name and Address)  TOWN OF WELLFLEET TOWN HALL 300 MAIN ST WELLFLEET MA 02667  UEI Number / DUNS Number: LN46CBCFEJY7 / 076598101 EIN:	
7. NRCS Program Contact  Name: Deron Davis Phone: (413) 253-4352 Email: deron.davis@ma.usda.gov	8. NRCS Administrative Contact  Name: JOCELYN PAGAN Phone: (202) 720-6959 Email: jocelyn.pagan@usda.gov	9. Recipient Program Contact  Name: Jay Norton Phone: (508) 349-0315 Email: jay.norton@wellfleet-ma.gov	10. Recipient Administrative Contact  Name: Jean Leidenfrost Phone: (508) 349-0315 Email: jean.leidenfrost@wellfleet-ma.gov
11. CFDA  10.904	12. Authority  16 U.S.C. 1001-1009 33 U.S.C. 701b-1 68 Stat. 666, as amended Public Law 83-566 Public Law 84-1018, 70 Stat. 1088 Public Law 85-865, 72 Stat. 1605 Public Law 86-468, 74 Stat. 131, 132 Public Law 86-545, 74 Stat. 254 Public Law 87-703, 76 Stat. 608 Public Law 90-361, 82 Stat. 250	13. Type of Action  New Agreement	14. Program Director  Name: Jay Norton Phone: (508) 349-0315 Email: jay.norton@wellfleet-ma.gov
15. Project Title/ Description: Initial design of the Commercial Street Mayo Creek Salt Marsh Restoration Project ID# WE-SM-5; to improve tidal flows, resiliency, & upstream habitat through culvert replacement. Under WFPO.			
16. Entity Type: C = City or township Government			
17. Select Funding Type			
Select funding type:	<input checked="" type="checkbox"/> Federal		<input type="checkbox"/> Non-Federal
Original funds total	\$100,000.00		\$0.00
Additional funds total	\$0.00		\$0.00

Grand total	\$100,000.00	\$0.00
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18. Approved Budget

Personnel	\$0.00	Fringe Benefits	\$0.00
Travel	\$0.00	Equipment	\$0.00
Supplies	\$0.00	Contractual	\$0.00
Construction	\$0.00	Other	\$100,000.00
Total Direct Cost	\$100,000.00	Total Indirect Cost	\$0.00
		Total Non-Federal Funds	\$0.00
		Total Federal Funds Awarded	\$100,000.00
		Total Approved Budget	\$100,000.00

This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.

Name and Title of Authorized Government Representative Daniel Wright State Conservationist	Signature	Date
Name and Title of Authorized Recipient Representative Richard Waldo Town Administrator	Signature	Date

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT**

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

## Statement of Work

### Purpose

The purpose of this agreement is for the United States Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as the "NRCS", to provide technical and financial assistance to Town of Wellfleet hereinafter referred to as the "Sponsor", for initial design of the Commercial Street/ Mayo Creek Salt Marsh Restoration Project (ID# WE-SM-5) to restore tidal flows to improve water quality, habitat for fish and wildlife, and coastal resiliency of upstream salt marsh under the Watershed and Flood Prevention Operations (WFPO) Program's Cape Cod Water Resources Restoration Project.

### Objectives

To determine feasibility, conduct an alternatives analysis, and develop a conceptual design for culvert replacement of an undersized structure at Commercial Street in Wellfleet, MA to improve tidal flows to the marsh system upstream. Increased tidal flow will improve the habitat and water quality of the upstream marsh area.

### Budget Narrative

The official budget described in this Budget Narrative will be considered the total budget as last approved by the Federal awarding agency for this award.

Amounts included in this budget narrative are estimates. Reimbursement will be based on actual expenditures, not to exceed the amount obligated.

Total Estimated Project Budget: \$100,000

The budget includes:

1. Technical Assistance (TA) funds provided 100 percent by NRCS:

\$100,000 in Engineering Design

2. NRCS will provide TA up to the amount of \$100,000 not exceeding actual costs as reimbursement to the Sponsor for eligible engineering costs directly charged to the project. These costs include but are not limited to developing a conceptual project design that includes alternatives analysis, feasibility, and an engineer's estimate of the project installation costs.

3. NRCS pays 100 percent of eligible design costs, not to exceed \$100,000. Sponsor is responsible for paying all other design costs.

### Responsibilities of the Parties:

#### SPONSOR RESPONSIBILITIES

1. Perform the work and produce the deliverables as outlined in this Statement of Work.
2. Comply with the applicable version of the General Terms and Conditions.
3. Ensure the design follows the policy set forth in the NRCS National Engineering Manual Part 511 or other procedure and documentation policy accepted by NRCS. This includes obtaining all necessary permits, land rights, and easements in accordance with the policy directive section 505.36.
4. Obtain the services of a professional registered engineer, with the concurrence of NRCS, to prepare the conceptual design, specifications, and drawings for the construction of the project. The Sponsor must obtain NRCS review and concurrence on the conceptual design package (~30% design completion)
5. Obtain NRCS acceptance of the conceptual design package prepared by a Massachusetts licensed professional engineer prior to proceeding to further design or installation. The design package will include drawings, specifications, alternatives analysis, and an engineer's cost estimate at a minimum. The review of the submittals (drawings, specifications, etc.) by NRCS will be general only, and nothing contained in the NRCS acceptance shall relieve, diminish,

or alter in any respect the responsibilities of the Sponsor or approving Licensed Professional Engineer in achieving the results and performance specified in this Agreement. The Sponsor and the Licensed Professional Engineer are responsible for the soundness and adequacy of the designs, drawings, specifications, and other services performed under this Agreement.

- a. The design shall include an assessment of sea level rise and ensure the stormwater treatment measures will function to meet the design objectives for a 50-year design life.
- b. The feasibility and alternatives analysis shall consider an operation and maintenance and shall identify any individual components that may require replacement during the 50-year design life. Estimated replacement costs shall be included in the estimated annual operation and maintenance costs.

6. Ensure the design of the project shall meet and conform to all applicable NRCS Conservation Practice Standards (CPS), including CPS MA 657, Wetland Restoration and CPS MA 659, Wetland Enhancement. In addition, the design of the project shall meet and conform to all applicable local and state requirements.

7. Be responsible for all ineligible project costs. Ineligible costs are costs not referenced in this agreement. The Sponsor is also responsible for all costs in excess of the federal cost-share in this agreement.

8. The Sponsor must secure at its own expense all Federal, State, and local permits and licenses necessary for completion of the work described in the budget narrative as well as any necessary natural resource rights or land rights, and provide copies of all permits and licenses obtained to NRCS. The cost of obtaining permits is not an eligible expense for the sponsor non-Federal match.

9. The contracts for services described in this Agreement shall not be awarded to the Sponsor or to any firm in which any Sponsor's official or any member of such official's immediate family has direct or indirect interest in the pecuniary profits or contracts of such firms. Reference 2 CFR § 200.318 regarding standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts.

10. Notify NRCS of environmental clearance, modification of construction plans, and any unresolved concerns and issues prior to award of any contracts for installation of the work for the project specified in this agreement. Modifications to the final approved design drawings or construction specifications must have NRCS concurrence.

11. Accept all financial and other responsibility for any excess costs resulting from its failure to obtain, or delay in obtaining adequate land and water rights; natural resource rights; or Federal, State, and local permits and licenses needed for the work described in this agreement for the Project.

12. Take reasonable and necessary action of all contractual and administrative issues arising out of contracts awarded under this agreement.

13. Ensure the information in the System for Award Management (SAM) is current and accurate until the final financial report (SF 425) under this award or final payment is received, whichever is later.

14. Dispose of all claims resulting from the contract; secure prior written concurrence of the State Conservationist if NRCS funds are involved.

15. Take reasonable and necessary actions to dispose of all contractual and administrative issues arising out of the contract awarded under this agreement. This includes, but is not limited to disputes, claims, protests of award, source evaluation, and litigation that may result from the project. Such actions will be at the expense of the Sponsor, including any legal expenses. The Sponsor will advise, consult with, and obtain prior written concurrence of NRCS on any litigation matters in which NRCS could have a financial interest.

16. Sponsor must indemnify and hold NRCS harmless to the extent permitted by State law for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the Sponsor in connection with its acquisition and management of the Watershed Flood Prevention Operations Program pursuant to this project agreement. Further, the Sponsor agrees that NRCS will have no responsibility for acts and omissions of the Sponsor, its agents, successors, assigns, employees, contractors, or lessees in connection with the acquisition and management of the Watershed Flood Prevention Operations Program pursuant to this project agreement that result in violation of any laws and regulations that are now or that may in the future become applicable.

17. Be liable to the NRCS for damages sustained by the NRCS as a result of the contractor failing to complete the work within the specified time. The damages will be based upon the additional costs incurred by the NRCS resulting from the contractor not completing the work within the allowable performance period. These costs include but are not limited to personnel costs, travel, etc. The NRCS will have the right to withhold such amount out of any monies that may be then due or that may become due and payable to the Sponsor. This liability is not applicable to the extent that the contract

performance time is extended by court judgment unless such judgment results from actions of the Sponsor not concurred in by NRCS.

18. Submit reports and payment requests to the ezFedGrants system or the Farm Production and Conservation (FPAC) Grants and Agreements Division via email to FPAC.BC.GAD@usda.gov as outlined in the applicable version of the General Terms and Conditions. For payments ezFedGrants does not have a process for construction line items. Reporting frequency is as follows:

a. Performance reports: Semi-annual. Each report shall include a statement of progress, including the results to date and a comparison of actual accomplishments with proposed goals for the period; any current problems or unusual developments or delays; and work to be performed during the succeeding period if applicable.

b. SF425 Financial Reports: Semi-annual.

#### NRCS RESPONSIBILITIES

1. Review and concur with the conceptual design, alternatives analysis, and all other contract documents developed for or by the sponsor.
2. Provide authorized assistance such as, but not limited to, estimates of contract costs, length of contract period, results of tests and studies as available, site investigations, design and layout, drawings and specifications, and quality assurance, as requested by the Sponsor and as its resources permit.
3. Provide the services of Government Representative.
4. Make payment to the Sponsor covering the NRCS's share of the cost upon receipt and approval of SF-270, withholding the amount of damages sustained by NRCS as provided for in this agreement.

#### SPECIAL PROVISIONS

1. The furnishing of financial, administrative, and/or technical assistance above the original funding amount by NRCS is contingent on there being sufficient unobligated and uncommitted funding in the Watershed Flood Prevention Operations Program that is available for obligation in the year in which the assistance will be provided. NRCS may not make commitments in excess of funds authorized by law or made administratively available. Congress may impose obligational limits on program funding that constrains NRCS's ability to provide such assistance.
2. Additional funds, including interest properly allocable as design costs as determined by NRCS, required as a result of decision of the sponsor contracting officer or a court judgment in favor of a claimant will be provided in the same ratio as design funds are contributed under the terms of this agreement. NRCS will not be obligated to contribute funds under any agreement or commitment made by the Sponsor without prior concurrence of NRCS.
3. The State Conservationist may make adjustments in the estimated cost to NRCS for constructing the works of improvement. Such adjustments may increase or decrease the amount of estimated funds that are related to differences between such estimated cost and the amount of the awarded contract or to changes, differing site conditions, quantity variations, or other actions taken under the provisions of the contract.
4. NRCS, at its sole discretion, may refuse to cost share should the Sponsor, in administering the contract, elect to proceed without obtaining concurrences described in this agreement.

#### **Expected Accomplishments and Deliverables**

1. Schedule and facilitate a pre-design meeting with the professional registered project engineer and representatives of the Sponsor and NRCS.
2. Prepare a design, construction specifications, and drawings in accordance with standard engineering principles that comply with NRCS programmatic requirements. Submit feasibility/site investigation information, alternatives analysis, and conceptual design (~30% design) . The Sponsor must ensure each description of the work described in this agreement is reviewed, concurred, and approved by NRCS. Sponsor must not move to the next project work description in this agreement until the prior work is completed and approved by NRCS.
3. The sponsor must provide NRCS with documentation of the actual cost incurred for the services acquired.

4. Contract for services as appropriate, award and administer any contracts for the work for the project specified in this agreement in accordance with the Code of Federal Regulations (CFR), 2 CFR § 200.317 through 200.327, applicable state requirements, and the Sponsors' procurement regulations, as appropriate. See general terms and conditions attached to this agreement for a link to the CFR. In accordance with 2 CFR § 200.327 contracts must contain the applicable provisions described in Appendix II to Part 200. Davis-Bacon Act would not apply under this Federal program legislation.

5. Provide copies of site maps to appropriate Federal and State agencies for environmental review. Notify NRCS of environmental clearance, modification of construction plans, or any unresolved concerns prior to award of the contracts for construction of the works of improvement.

6. Provide to NRCS, as a minimum, the following data to support the Sponsor's request for reimbursement for design of the project:

a. Copies of the basis for design including, but not limited to, design report(s), data collected for design (surveys, geotechnical investigations, etc.), design computations, and design assumptions.

b. Copies of the conceptual AutoCAD drawing files, specifications, and design sheets in PDF format.

c. Certification from a Professional Engineer registered in the State of Massachusetts that all works meets construction standards and specifications. Sponsors will prepare design and record drawings, stamped by a MA licensed Professional Engineer (PE) certifying that the "To the best of my professional knowledge, judgment and belief, this practice is designed in accordance with the plans and specifications and meets NRCS standards."

#### **Resources Required**

See the Responsibilities of the Parties section for required resources, if applicable.

#### **Milestones**

Pre-design Meeting - May 2024  
Completion of site investigation and alternatives analysis - July 2025  
Completion of 30% Conceptual Design - September 2025  
NRCS acceptance of Conceptual Design - November 2025

## **GENERAL TERMS AND CONDITIONS**

Please reference the below link(s) for the General Terms and Conditions pertaining to this award:  
<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

III

### BOARD/COMMITTEE APPOINTMENTS AND UPDATES

~ A ~

<b>REQUESTED BY:</b>	<b>Commission on Disabilities ~ George Harris</b>
<b>DESIRED ACTION:</b>	<b>To hear a presentation from the board regarding applications for ADA planning and project grants awarded by the MOD.</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed for this agenda item one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## MEMORANDUM

TO: Wellfleet Selectboard  
FROM: Wellfleet Commission on Disabilities (WCOD)  
RE: Applications for ADA Planning and Project Grants Awarded by the MOD

The WCOD wishes to advise the Selectboard of the opportunity to apply for American Disability Act (ADA) planning and project grants administered by the Massachusetts Office on Disability (MOD). Additional information follows under the topical headings below.

### **Intent of the ADA**

The Americans with Disabilities Act (ADA) of 1991 ensures that individuals with disabilities have equal opportunity to participate in and benefit from municipal programs, services, and activities.

### **ADA Self- Evaluation and Transition Plan Requirements and Benefits**

Title II of the ADA, requires municipalities to conduct a self-evaluation of their practices, programs, procedures, services, facilities, including recreational facilities, and communication methods to determine compliance with the ADA. The self-evaluation culminates in a prioritized corrective action plan, known as a transition plan which establishes a “roadmap” and capital plan for municipal improvements and positions the Town to apply for state and federal funding for architectural barrier removal. Proper implementation of the plan ensures equal access to programs and facilities for all members of our community.

### **Need to update Wellfleet’s 1994 Self-Evaluation and Transition Plan**

The Town of Wellfleet completed a self-evaluation and transition plan in 1994, but this document is now nearly 30 years old, lacks relevancy, and needs updating. For example, Town facilities have evolved since 1994: a new building was constructed at 220 West Main Street to house the DPW and some other Town departments in 1999; Town Hall was renovated in 2001; the Council on Aging moved from a double-wide trailer to a new facility in 2003; a new Fire Station was constructed in 2006; and a new Police station was constructed in 2018. Although renovations and new construction completed since 1991 should be ADA compliant, based on the experience of other municipalities, deficiencies are frequently found upon review.

### **Planning and Project Grants from the MOD**

The MOD awards grants to underwrite the full costs associated with conducting an ADA Self-Evaluation culminating in a prioritized Transition Plan. Based on its size, Wellfleet would likely qualify for funding within the range of \$25,000 to \$30,000.

In 2023, the grant cycle opens on *August 1 and closes on September 15, 2023*. Successful applicants must engage a qualified vendor to conduct the process by December 31, 2023.

The grant process is competitive, and not all requests are funded; however, we have been told that a record amount of funding will be made available this year, significantly increasing the odds for approval.

Jeff Dougan, Assistant Director for Community Services for the MOD coordinates the grant application and approval process. At a recent WCOD meeting he attended at our invitation, he encouraged Wellfleet

to apply for a planning grant to update its self-evaluation and transition plan. He explained that because Wellfleet has a self-evaluation and transition plan on file it is eligible to apply for a project grant as well.

Interim ADA Coordinator Suzanne Grout Thomas informed the Commission that a ramp for handicapped access to the bandstand at the pier has already been designed and cost estimates have been invited. This will expedite preparation of a project grant should the Selectboard approve. The WCOD enthusiastically supports this initiative expected to be in the range of \$18,000 to \$20,000.

The WCOD stands ready to assist the Town Administrator and ADA Coordinator in preparing these grant applications, if the Selectboard decides to proceed.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

IV

### BUSINESS

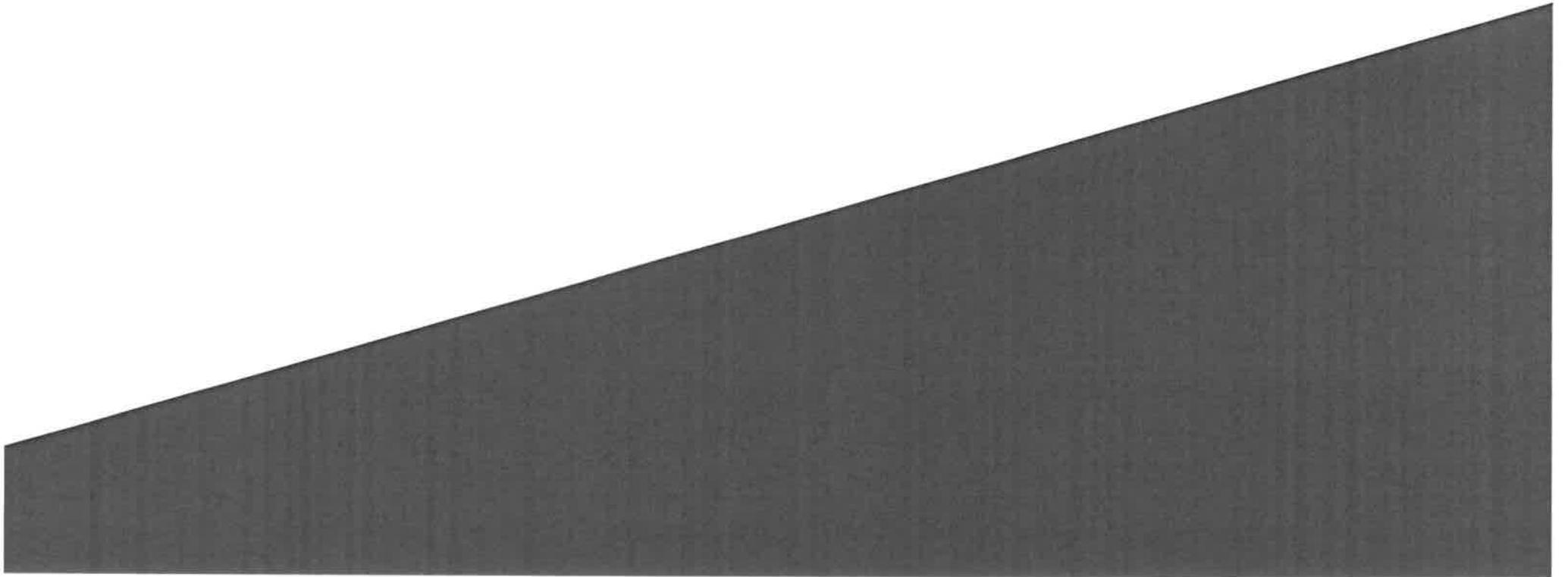
~ A ~

<b>REQUESTED BY:</b>	<b>Outer Cape Wellness Happenings</b>
<b>DESIRED ACTION:</b>	<b>A presentation to the board and public about outer cape wellness, regional public health efforts from Eastham to Provincetown</b>
<b>PROPOSED MOTION:</b>	<b>There is no motion needed for this agenda item.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	

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# Outer Cape Wellness Happenings

Regional Public Health Efforts from Eastham to Provincetown



# Introductions

**Hillary Greenberg-Lemos** - Eastham  
Health Director

**Meredith Ballinger** - Wellfleet Health &  
Conservation Agent (interim)

**Emily Beebe** - Truro Health & Conservation  
Agent

**Lezli Rowell** - Provincetown Health  
Director

**Alex Nelson** - Outer Cape Community  
Solutions' Network Coordinator



**Towns are “responsible for assuring access to a comprehensive set of public health services defined by state law and regulations. Massachusetts local boards of health are charged with a complex set of responsibilities including enforcement of state sanitary, environmental, housing, and health codes” - including:**

**Business Licensing:** Food service (10), wastewater (3), refuse haulers, tanning/body art, tobacco, pools

**Septic Inspections & Sewer Planning:** Review septic inspection reports and review letters, sewer upgrades/repairs

**Permitting:** Flow review, deed restrictions, temporary food operations, etc - working with other departments (DPW, Building)

**Food service operations and trainings:** Guidance and inspections, farmers markets, provide classes like ServSafe, Choke Saver, FOG class

**Pools/Hot Tubs:** Pre-operational inspection and monthly sampling

**Public outreach (esp. on infectious diseases/pandemics):** informational web pages, press releases, public communications, writing guidance/FAQs, public hearings

**Weekly wastewater testing:** sampling, shipping, posting analysis

**Respond to complaints:** housing, hoarding, foodborne illness tracing; investigations of nuisance, dog bites, barn inspections

**Supporting other departments:** Code Compliance Officer, Harbormaster’s Dep’t, DPW, COA, FD, PD, Building, Rec, Admin

**Board of Health Meetings:** creating agendas, writing action requests, collecting updates, post-meeting follow ups, meeting posting requirements (an important conduit for the public)

Boards of Health

*Outer Cape Community Solutions is an independent coalition of non-profit, municipal, and healthcare agencies that each contribute to improved health and wellbeing across the Outer Cape.*

## Rural Health Network

- *Funded by a HRSA (federal) grant for Rural Health Network development*
- *Funded by State Office of Rural Health (Mass DPH) focused on health equity*
- *Collaboration with other Rural Health Networks across the state*

Partners include but are not limited to:

Helping Our Women

Outer Cape Health Services

Barnstable Co. Dept Human Serv.

Lower Cape Outreach Council

ASGCC

Bay Cove

Cape Cod Children's Place

Sharing Kindness

Police Depts

Lower Cape Ambulance

Homeless Prevention Council

Cape Cod Community College



*"Build collaborative solutions that increase health equity and improve the health and wellbeing of all Outer Cape residents through **education, advocacy, and collective action**"*

Outer Cape Community Solutions

# Network Structure



## Core Team

The Core Team is charged with coordinating network's work and development, thinking strategically, and making major network decisions.



## Open Membership

Members provide feedback on network direction and actions.



## Work Groups

Work Groups are comprised of active Network Members that come together to work on designated, issue-based objectives.



**OUTER CAPE  
Community  
Solutions**

*"Build collaborative solutions that increase health equity and improve the health and wellbeing of all Outer Cape residents through **education, advocacy, and collective action**"*

Outer Cape Community Solutions

# Public Health

*"the science and art of preventing disease, prolonging life and promoting health through the organized efforts and informed choices of society, organizations, public and private, communities and individuals"*

Health isn't just based on what happens at the doctor's office. It's also **everything that affects wellness, outside of clinical systems** - like whether you have a job, the safety and quality of housing or school, how easy it is for you to get around town, if you have enough food, if you feel socially connected



*Safe environment, economic stability, educational access*

# Spectrum of Health

*What it means to look “upstream”*

Health Maintenance

**Crisis Response**



# Spectrum of Health

*What it means to look “upstream”*

*Safe environment, economic stability, educational access*

## **PROACTIVE**

Social connection

Health clinics

Wellness visits

## Health Maintenance



In-home health aide

1:1 Outpatient Therapy



Resource Navigation

SNAP Benefits

Emergency Funds

Access to specialists



## **Crisis Response**

## **REACTIVE**

EMS/Police Intervention

Legal counsel



# Spectrum of Resources

**Healthcare providers:** Medical appointments, chronic illness, clinical care

**EMS:** Emergency medical care, acute illness

**Police Departments:** Safety and wellness (including domestic calls, substance use)

**Boards of Health:** “Public Health” (including education, clinics, restaurants), Environmental Health

**Councils on Aging:** Resources (financial, health, social) for 60+ residents

**Libraries:** Connection, education, resources (including accessible internet, security, warmth)

**Recreation Departments:** Free & Accessible, physical activities, social connections, childcare

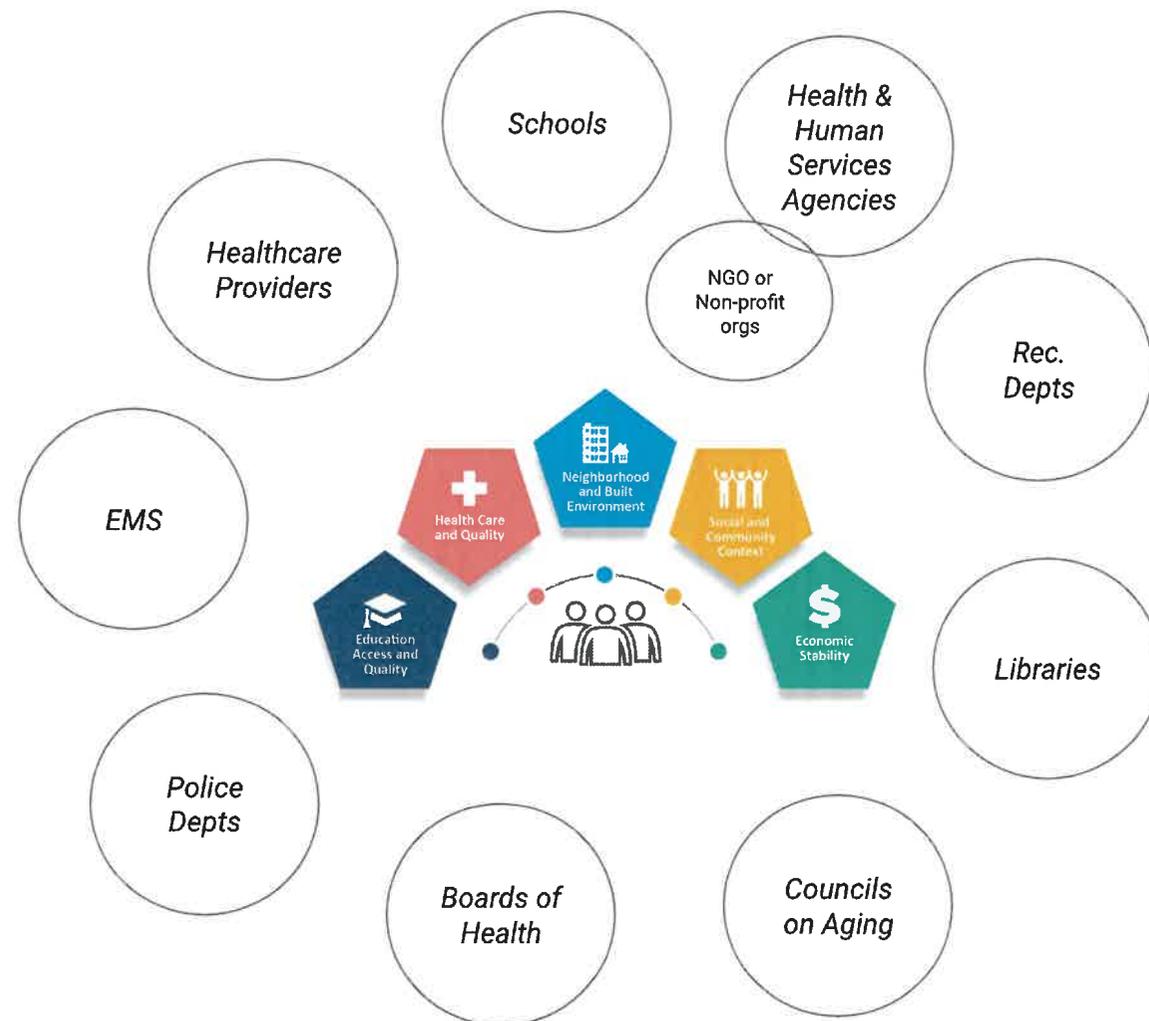
**Schools:** Free & accessible education, community, social connections

**Health and Human Services Agencies:**

- Food pantries, SNAP enrollment
- Free rides to medical appointments
- Financial resources
- Social support and connection
- Case management or resource navigation

# 360 Degrees of Public Health

We all have a part to play in public health across the Outer Cape



# Why this partnership matters

The goal of our work together is to ***break down silos and increase communication and collaboration to more effectively address the public health challenges*** experienced by residents from across the Outer Cape

OCCS has been doing this work independently with the dozens of network partners through work groups, monthly networking meetings, and coordinated programs.

**In October, OCCS & all 4 Town Health Departments signed an agreement (MOU) to officially partner on joint public health efforts.**

Through coordinating with the Town Health Agents, the goal is to create cohesive relationships **among each of the town departments** and partner on systemic solutions **across municipal and NGO agencies.**

*While it may look different from where each of us is standing, we are doing complementary work.*

***We just need to talk to each other.***

# Why Regional Outer Cape Approach Makes Sense

Barnstable County? -

15 towns, challenge of equitable distribution of resources to most rural communities (lower populations often mean less funding, distanced from resources)

Lower & Outer Cape? -

8 towns, still - the challenge of equitable distribution of resources to most rural communities (LC is still substantially closer to resources than OC)

## **Outer Cape**

Designated highest qualification of "rural" federally; similar challenges with transportation, food access, social connection, etc

*Why not each town for themselves?*

# Why Regional Outer Cape Approach Makes Sense

***We can't do it alone.***

***"A rising tide lifts all boats"***

The challenges experienced in Eastham are similar to challenges in Provincetown (rural identities)

***"Work smarter, not harder"***

*Combined resources =*

*Increased capacity =*

*Improved sustainability =*

*Increased accessibility*

***Why not each town for themselves?***

# What we've been able to accomplish together

- **Memorandum of Understanding**
  - Shared Services & Collaboration
- **ARPA Award**
  - Multidisciplinary healthcare team: Town Nurse & LMHC
  - Strengthening Municipal Partnerships Across Departments
  - Health & Wellness Screenings
- **Winter Wednesdays Expansion**
- **COVID-19 Vaccines (Mass DPH)**
- **"Ask-A-Nurse" & Nutrition Program**
- **Mobile Unit for MAT (SUD) through CTC**
- **Regional Public Health Needs Survey**
  - Eastham's survey - *coming soon!*
- **Building partnerships between OCCS partners and the towns**

# Upcoming Projects

- **Opioid Remediation Funds Work Group**
  - Creating proposals to submit to the Selectboards for regional efforts to combat Substance Use Disorder in our communities
- **Ongoing guidance from Mass DPH:**
  - PHE grant prioritizes regional efforts and shared services (*Barnstable County*)
  - Piloting resources from a new branch of Mass DPH focused on health equity & racism
- **Transportation Work Group & Advocacy**
- **Strategizing on Food Access**

# Thank you!



**Alex Nelson** - [info@outercapecs.org](mailto:info@outercapecs.org)

**Lezli Rowell** - [LRowell@provincetown-ma.gov](mailto:LRowell@provincetown-ma.gov)

**Emily Beebe** - [EBeeBe@truro-ma.gov](mailto:EBeeBe@truro-ma.gov)

**Meredith Ballinger** - [Meredith.Ballinger@wellfleet-ma.gov](mailto:Meredith.Ballinger@wellfleet-ma.gov)

**Hillary Greenberg-Lemos** - [HGreenberg-Lemos@eastham-ma.gov](mailto:HGreenberg-Lemos@eastham-ma.gov)

[outercapecommunitysolutions.org](http://outercapecommunitysolutions.org)



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

IV

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>Nancy Civetta ~ Shellfish Constable</b>
<b>DESIRED ACTION:</b>	<b>Submitting a letter to address licensing of grants to corporations or other business entities.</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>There is no motion needed for this agenda item.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: August 10, 2023

TO: Selectboard Chair Carboni, Vice Chair Wolf and members Bacon, Curley and DeVasto

FROM: Nancy Civetta, Shellfish Constable

RE: Licensing of grants to corporations or other business entities

Dear Selectboard members:

At your meeting on April 18, 2023, you voted to apply a moratorium on grant transfers to non-natural persons until September 30, 2023. Your conversations that evening indicated that you wanted to make sure that the shellfishing community could consider the current regulations, which allow business entities to be named to shellfish grant licenses, and then discuss whether this is something that should be changed in the regulations. Here are the minutes from this agenda item:

P. Moratorium on Aquaculture Licenses ~ Section 7.7 Chair Curley Opened Public Hearing P Chair Curley explained his intentions with this agenda item. Discussing aquaculture licenses and addressing issues that have been raised regarding LLC's. Bacon Agreed with this moratorium and stated it could be 90 days so that they can focus. They discussed the moratorium and who it would affect. DeVasto stated he was against this moratorium and gave his reasons why. Chair Curley stated he wanted longer than 90 days as the summer is approaching. Corbo stated the board does have the ability to put a moratorium on licenses, he stated the board has some discretion with this moratorium. Chair Curley Moved; Board Member Bacon Seconded; and it was voted to establish a moratorium on the transfer of shellfish licenses as stated in Section 7.7 relative to one of the transferees is a non-natural person until September 30, 2023, including a finding that this action is appropriate in the best interest for the fishery and the environment. Chair Curley closed Public Hearing P.

The Shellfish Department has been intently listening to the shellfishing community discussions about the licensing of corporations and other business entities to Wellfleet grants. It has become abundantly clear to us that the shellfishing community believes that the privilege and benefits of running a shellfish business on Wellfleet's tidal flats should be reserved for domiciled natural person residents of the Town only.

We agree with this and reference this paragraph in the Wellfleet Shellfishing Policy and Regulations, Section 2. Shellfishing Policy for the Town of Wellfleet, Purpose of Regulations:

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

Phone (508) 349-0325



[shellfish@wellfleet-ma.gov](mailto:shellfish@wellfleet-ma.gov)

Because much of the area that is used for shellfishing and shellfish aquaculture is a precious natural resource that is owned by the Town, and because best use of such intertidal land is made by those who are geographically present and personally accountable to the community, the granting of commercial permits and licenses for aquaculture is restricted to domiciled residents of Wellfleet.

Furthermore, we agree that intertidal lands suitable for aquaculture are a limited resource. There is not much space available, and the Town has the obligation to determine how to best allocate this resource amongst the many people who would want access to it.

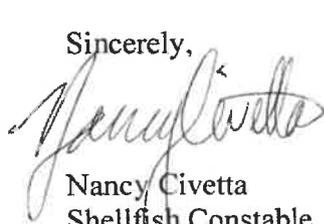
In addition, while we never really got to learn other ways that businesses could shield themselves from liability and litigation, in the end, we believe that it is not the role of the Town to provide a way for businesses to protect themselves. Each business is different, each family situation is different, and therefore, shellfishermen business owners should be seeking legal and financial counsel to understand how to best protect themselves. This is not the Town's responsibility.

Finally, the easiest and least ambiguous way for the Town to issue grant licenses is to allow them to be issued only to natural persons who are domiciled in Wellfleet. Allowing corporations, LLCs, trusts and other legal entities and institutions to hold grant licenses would add layers of complexity to the department's discovery and enforcement that are beyond our means. We believe that it would put an undue administrative and enforcement burden on the department, which is not in the public interest.

In 2022, Wellfleet was number one in the state for the value of its town-managed shellfish landings at \$9.5M.

It is a privilege not a right to hold an aquaculture license and a shellfishing permit, and it is up to the Town to define how it wishes to issue these. We agree with the Selectboard's plan to hold a public hearing on Sept. 5 to read through and discuss the necessary revisions to our regulations in order to prohibit corporations and business entities from holding shellfish grant licenses in Wellfleet. This will help ensure that monies generated from shellfishing businesses in Wellfleet are going into the pockets of Wellfleet residents and keeping the Town economically viable year-round.

Sincerely,



Nancy Civetta  
Shellfish Constable  
Town of Wellfleet



John Mankevetch  
Assistant Shellfish Constable  
for Propagation  
Town of Wellfleet



Chris Manulla  
Deputy Shellfish Constable  
Town of Wellfleet



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

IV

### BUSINESS

~ C ~

<b>REQUESTED BY:</b>	<b>Nancy Civetta ~ Shellfish Constable</b>
<b>DESIRED ACTION:</b>	<b>To review and discuss shellfish grant lotteries</b>
<b>PROPOSED MOTION:</b>	<b>IF a motion is needed for this item, one will be decided at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: August 9, 2023

TO: Selectboard Chair Carboni, Vice Chair Wolf and members Bacon, Curley and DeVasto

FROM: Nancy Civetta, Shellfish Constable

RE: Grant lotteries

---

Dear Selectboard members:

I understand that Shellfish Advisory Board (SAB) would like the Shellfish Department to prioritize the lottery of four 1.5-acre deep water grants on Indian Neck. We had initially wanted to conduct the lottery for all of the available grants at one time in December of 2022. However, SAB wanted to subdivide the two deep water Indian Neck grants into four grants, and the Selectboard approved this at its January 31, 2023, meeting, which set the schedule back.

At your meeting on January 31, 2023, you voted to subdivide two three-acre, deep-water Indian Neck grants into four 1.5-acre grants. Here are the minutes:

Chair Curley opened this public hearing.

F. Subdividing two three-acre grants (currently license #s 01-06 and 792) in the deep-water area of Indian Neck into four 1.5-acre parcels to then be put up for lottery. Civetta spoke to the board about subdividing the grants. The board discussed this further.

Chair Curley moved; Board Member Bacon Seconded; and it was voted to approve the subdivision of two 3-acre deep Indian Neck grants that are moving to be within the HDYLTA boundary into four 1.5 acre grants and put them up for lottery.

Although we had planned to do the lottery for these in March (see green highlighting in email with proposed schedule attached), we were not able to prioritize this as planned this spring due to the amount of work involved with the dredging mitigation planning. It was also an extremely busy wild harvest season this spring with 20-30 commercial harvesters getting their limits every day in the Herring River and many getting their limits in more than one area during each low tide. It was all hands on deck for the Shellfish Department during extended low tide patrols through the end of April when our propagation work then took precedence in May and June. After that, we did not feel it was fair to do it in the midst of the busy summer season. We have also been short staffed as no one has applied for our full-time, year-round position, which should have started in mid-May. See green highlighting in attached update email sent to SAB and the Selectboard in late June.

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

Phone (508) 349-0325



[shellfish@wellfleet-ma.gov](mailto:shellfish@wellfleet-ma.gov)

Here are the relevant sections of our regulations:

7.2. Previously Established Grants that Become Available

In the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable (see Section 3; Informing the Public of Meetings Concerning the Fishery) for a period of 30 calendar days. If more than one qualified person (as described in Section 1 under Domiciled Resident, and Section 7.8.1 Eligibility Requirements) whose name does not appear on another license applies to hold the license, the Selectboard shall hold a public lottery within 14 days to impartially determine who shall be granted the right to use such available acreage for aquaculture. No shareholder, officer, director or other individual holding a similar position having a different title but exercising a similar role, of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants.

3.2. Posting of Hearings about Aquaculture Licenses, Held by the Selectboard

As required by MGL Chapter 130: Section 60, all hearings held by the Selectboard for the granting, transferring or renewal of aquaculture licenses must be posted in three public places, and advertised in a local newspaper at least ten (10) days before that hearing is to take place, as well as the Town's web site as soon as the date of the hearing has been determined by the Board. The posting must provide the name of the applicant(s), their residence, and the date of the filing of the application, and the specific location and description of the acreage to be licensed.

Following is our proposed schedule for this grant lottery, which is the earliest we would be able to do it.

August 23: Submit ad announcement to The Provincetown Independent

August 31: 30-day application period commences; advertisement runs; commercial shellfishing community is notified via a Shellfish Department Crier; posting of public hearing inside and outside Town Hall and at the Shellfish Department office.

September 29 at 4:00 p.m.: application period closes, no exceptions

October 12: Shellfish Department submits names for the Selectboard packet

October 17: Selectboard conducts the lottery for the grants

Attached you will find the five maps of the grants for the lotteries as part of this process.

Thank you for understanding our workload and limitations. We are committed to serving the industry with compassion and forward thinking.

Sincerely,



Nancy Civetta  
Shellfish Constable  
Town of Wellfleet

## Nancy Civetta

---

**From:** Nancy Civetta  
**Sent:** Thursday, January 19, 2023 12:53 PM  
**To:** Ryan Curley; Richard Waldo  
**Cc:** Rebekah Eldridge; Chris Manulla  
**Subject:** Lottery for sub-divided deep water Indian Neck grants

Dear Ryan and Rich,

I am trying to work ahead, so if the Selectboard approves subdividing the two three-acre deep water Indian Neck grants into four 1.5-acre grants at its meeting on January 31, here is my proposal for the lottery timeline. Since these grants are moving inshore, they are considered new grants, and therefore, must go through all of the permitting with the state, the Army Corps and the Conservation Commission. This process can take many months, so there is no way that they will be able to get these grants running for the 2023 growing season. Therefore, my choice of timeline reflects that, as well as the constraints of the Selectboard meetings on the second and fourth Tuesdays of each month – and the time needed to prepare the maps and application package materials for the four grants.

Ad deadline with The Provincetown Independent: Wed., March 22

Ad runs: Thurs., March 30, which starts the 30-day clock for applications

Application deadline: Friday, April 28 at 4 p.m., which starts the 14-day deadline for the Selectboard to hold the lottery  
Lottery to take place at the May 9 BOS meeting

I would like to propose that we accept the back-up application materials submitted previously to establish eligibility from anyone who participated in the Egg Island lotteries and would like to submit an application for one of these. Therefore, previous applicants would need only resubmit the application itself and a revised business plan if given the different location they believe their methods/investments would change. First-time applicants would need to submit all requirements per regulation section 7.8.1 highlighted below:

7.8.1. **Eligibility Requirements:** Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and 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 a license. Applicant shall submit copies of state-filed catch reports. OR, provided 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. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

Let me know your thoughts.

Thank you,  
Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
O: 508-349-0325

## Nancy Civetta

---

**From:** Nancy Civetta  
**Sent:** Tuesday, June 20, 2023 1:38 PM  
**To:** Shellfish Advisory Board  
**Cc:** Board of Selectmen  
**Subject:** WSD updates from your last meeting (6/8/2023)

Dear SAB members (and FYI to Selectboard members and Town Administration copied here):

I heard some concern about the Shellfish Department's time when I watched your last meeting this weekend, and I wanted to provide you with some information so you can better understand our current operations. I also wanted to give you an update on other agenda items you discussed regarding our work.

There has been no Principal Clerk in the Town since Jeanne MacLauchlan retired in March of 2022. The Principal Clerk is responsible for selling shellfish permits, drawing up grant licenses for renewals, transfers, extensions, etc., advertising all grant-related public hearings, and processing annual grant reports and all payments for grant fees, among other shellfish-related tasks. The Shellfish Department has taken this on as best we can, but it is stretching us thin, and required us to reprioritize our work this winter. Since the spring, the Principal Clerk duties were put aside to accommodate our large propagation efforts, such as the quahog relay (more than two weeks every day to Fall River and back and then planting them) and cultching (again more than two weeks daily for 4-6 hours/day), plus getting our farm together, etc.

Also, this is the first year since 2018 that we do not have spring help in the form of a full-time seasonal deputy (first Drew, then Jordan). We also are short a part-time seasonal deputy (Anna), which we had for 2021 and 2022. These positions started in mid-May and really contributed to dividing up the propagation and admin work load, in addition to allowing us to have dedicated coverage of recreational shellfishing. Unfortunately this year, we have not had any applicants until this past week, so Johnny and Chris and I have been doing it on our own. And although Johnny and Chris have been incurring overtime, we have not had to tap into our seasonal budget since we had no applicants, and therefore, I am making sure that we will not go overbudget for our total budget line 179. I do not get overtime, but I have been working between 50-60 hours a week since the beginning of March.

RE our propagation budget

As Johnny mentioned, we did get grants from SPAT. The first was in 2018 for seed, and the second was in 2019 to bolster recreational shellfishing. During COVID, in 2020 and 2021, we received grants from Woods Hole Sea Grant and Mass Oyster Project to purchase 3+'' oysters from farmers to stock in recreational shellfishing areas. We have \$6,000 in our budget line 180, and we spend that each year. We also have the Shellfish Revolving Fund for Propagation, from which we have been authorized to spend \$40-\$60K a year (depending on the year) since July 1, 2019.

RE our time

The dredging mitigation work has taken up considerable time with research and planning, document review, working group and Army Corps meetings, Selectboard meetings, etc., plus we have had jam packed Selectboard public hearings for grant renewals, transfers and extensions, which all require research and verification, thoughtful discussions between us at the department, and then producing memos with our recommendations for the Selectboard to review.

To your request about an update on the lottery of the deep water Indian Neck grants, I can tell you that we simply have not had the time to set these up. Once we hit May, we decided that we would wait until the fall because shellfishermen are too busy in the summer, and we did not feel it was fair to do it now. Being new grants because they are moved into new locations will require a lot of paperwork, so any lottery winner would not have been able to farm them this season anyway, and doing it in the fall will allow lottery winners the winter to work on the necessary permits and certifications.

We have had only two inquiries about the lottery, and we explained the above reasoning to them, and they agreed with us.

I hear your desire for agenda item information to be delivered to you 48 hours prior to your meeting. I admit that this spring I have fallen behind on getting things to you in a timely way. It was not always like this in the past when we had help. I will work hard to respect your request for items with this lead time. Please know I am doing my best. I appreciate your patience with me and open discussions about this. We all want the best for our community decision-making.

As you make your decisions about the new SAB role to handle your communications, you should add to that person's responsibilities the need to assemble all of the documents that come from different individuals into a packet and forward it to Tomas, the media services person, to post on your SAB web page.

I thought Diane made a good suggestion about sending a survey out to the WSD list I shared with SAB. Maybe one of you on SAB would know how to set this up, or SPAT has done this in the past and might be able to help you set it up to send from one of your email addresses. Perhaps at your next meeting we can discuss the questions to ask in the survey. It can be done anonymously as well.

I have found the discussions at your two recent meetings to be very enlightening as to the challenges with regards to regulating business entities being named to shellfish grant licenses. I am also curious about how license holders can protect themselves from liability. I agree that it would be a good idea to bring in a lawyer to speak with you about this. It is my intention to provide you with a memo from the Shellfish Department's perspective by your meeting at the end of the month given what we have learned to date. Please advise when that meeting date has been confirmed, so I can work toward the 48-hour in advance deadline.

I look forward to continuing to work together as a team to make the best recommendations for the overall well-being and continued success of Wellfleet's vital shellfishing industry. Preliminary numbers from the state for 2022 again show Wellfleet as first in the state for town-managed shellfish landings with an incredible \$9.5M in value.

Thank you for reading this.

Sincerely,  
Nancy

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

July 31, 2023

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

From: The Wellfleet Shellfish Advisory Board

Dear Selectboard:

On Friday July 28th the Shellfish Advisory Board voted to respectfully request the Selectboard prioritize the town lottery for the four available deep water shellfish grants on Indian Neck.

According to our current shellfish regulations, **7.2 Previously Established Grants that Become Available**, in the event that a licensed aquaculture area previously certified by the DMF becomes available, its status shall be posted by the Shellfish Constable for a period of 30 days. Should there be more than one qualified interested person a public lottery will follow within 14 days.

These four grants were the result of two established grants which the selectboard previously split into four equal 1.5 acre grants back in January. These grants have yet to be posted as we move into August. We find the delay in posting these areas to be unreasonable at this point and request immediate action.

Awarding a shellfish grant to a Wellfleet family can be a life changing experience for these prospective aquaculturists and deserves an appreciation of all that will go into making these new businesses a reality. Fall is a time when town grant holders look to get on seed lists, purchase gear, etc., putting off the lottery again means they will start already behind.

We ask that you consider the urgency of making these areas available for use by our town's prospective grant holders and direct the Shellfish Department to post notice for these areas as soon as possible. If the board can provide any assistance in making this happen we will be happy to do so in any way that we can.

Sincerely,

Karen D. Johnson on behalf of:

The Wellfleet Shellfish Advisory Board:

*Karen Johnson - Chair, Ethan Estey - vice chair, John Duane, Becca Taylor, Nick Sirucek, Stephen Pickard, Adrien Kmiec, Damian Parkington (alternate), Brad Morse (alternate)*

# Field Point Grant #851 – Wellfleet, MA

## LEGEND

-  Grant #851
-  Other grant boundaries
-  Grant corners

NAME	LAT	LON
S103	41.905543	-70.012141
S104	41.904972	-70.011901
S107	41.905136	-70.0112
S108	41.905707	-70.01144



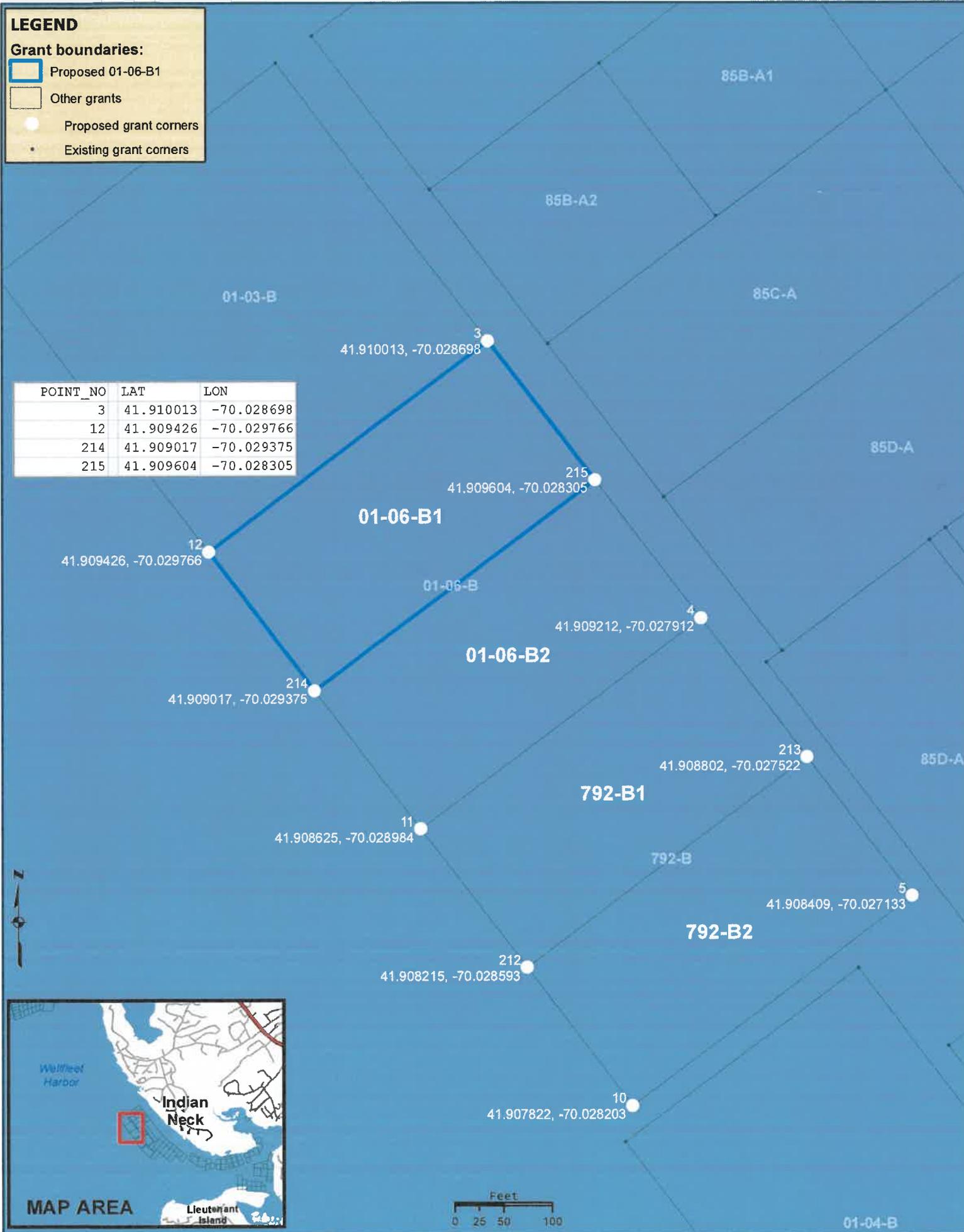
# Proposed subdivision: Grant 01-06-B1 – Indian Neck, Wellfleet

## LEGEND

### Grant boundaries:

- Proposed 01-06-B1
- Other grants
- Proposed grant corners
- Existing grant corners

POINT_NO	LAT	LON
3	41.910013	-70.028698
12	41.909426	-70.029766
214	41.909017	-70.029375
215	41.909604	-70.028305



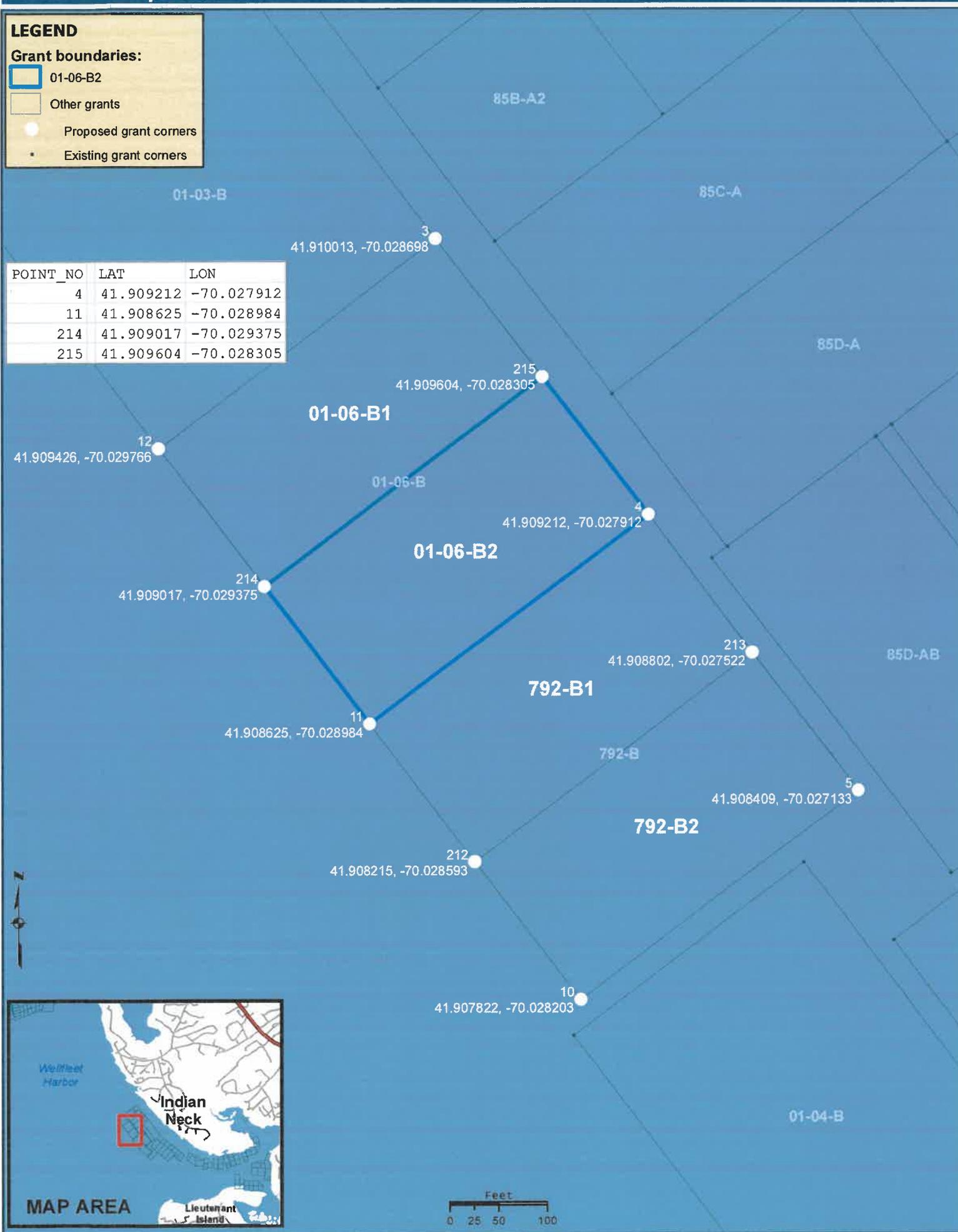
# Proposed subdivision: Grant 01-06-B2 – Indian Neck, Wellfleet

## LEGEND

### Grant boundaries:

- 01-06-B2
- Other grants
- Proposed grant corners
- Existing grant corners

POINT_NO	LAT	LON
4	41.909212	-70.027912
11	41.908625	-70.028984
214	41.909017	-70.029375
215	41.909604	-70.028305



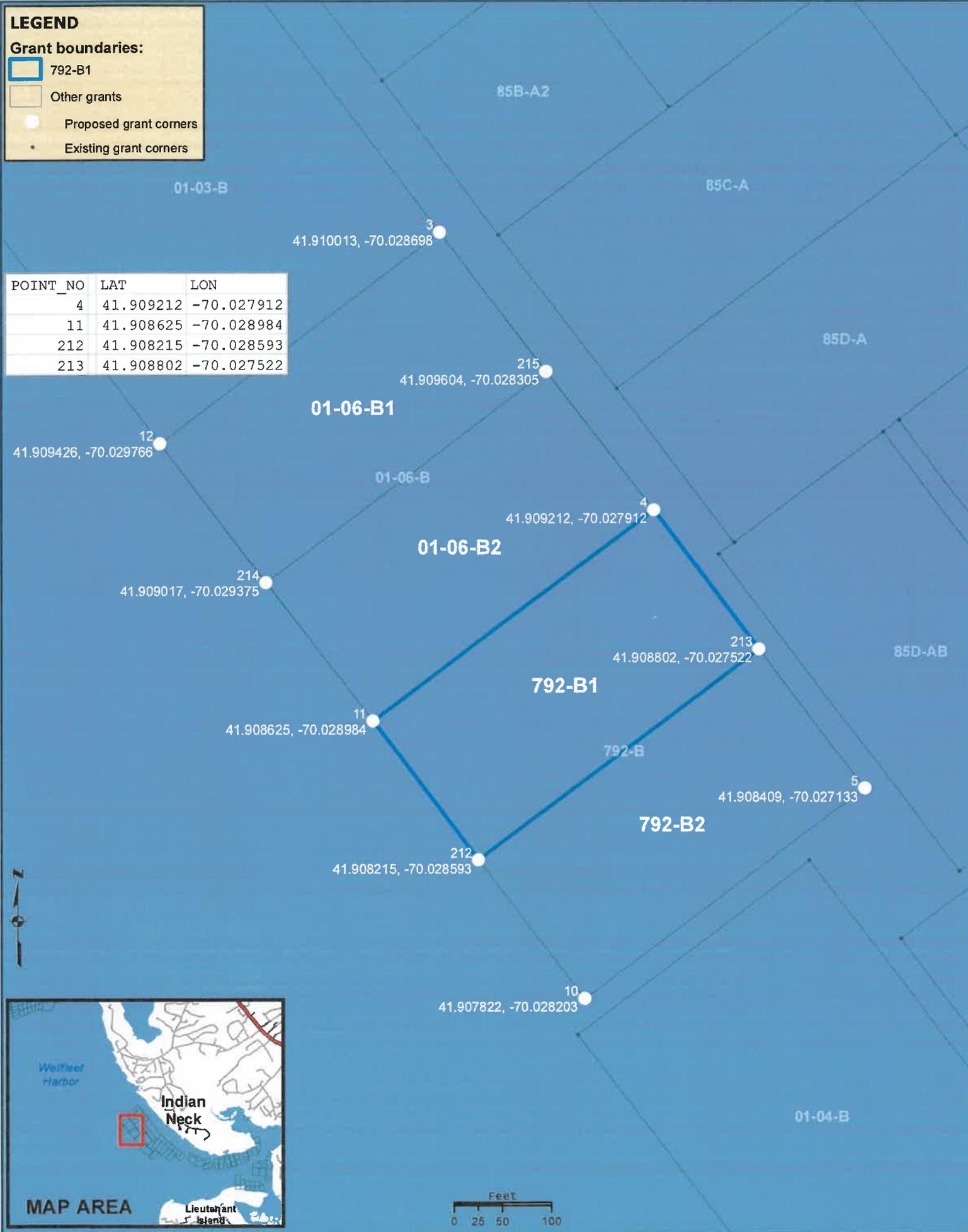
# Proposed subdivision: Grant 792-B1 – Indian Neck, Wellfleet

## LEGEND

### Grant boundaries:

- 792-B1
- Other grants
- Proposed grant corners
- Existing grant corners

POINT_NO	LAT	LON
4	41.909212	-70.027912
11	41.908625	-70.028984
212	41.908215	-70.028593
213	41.908802	-70.027522



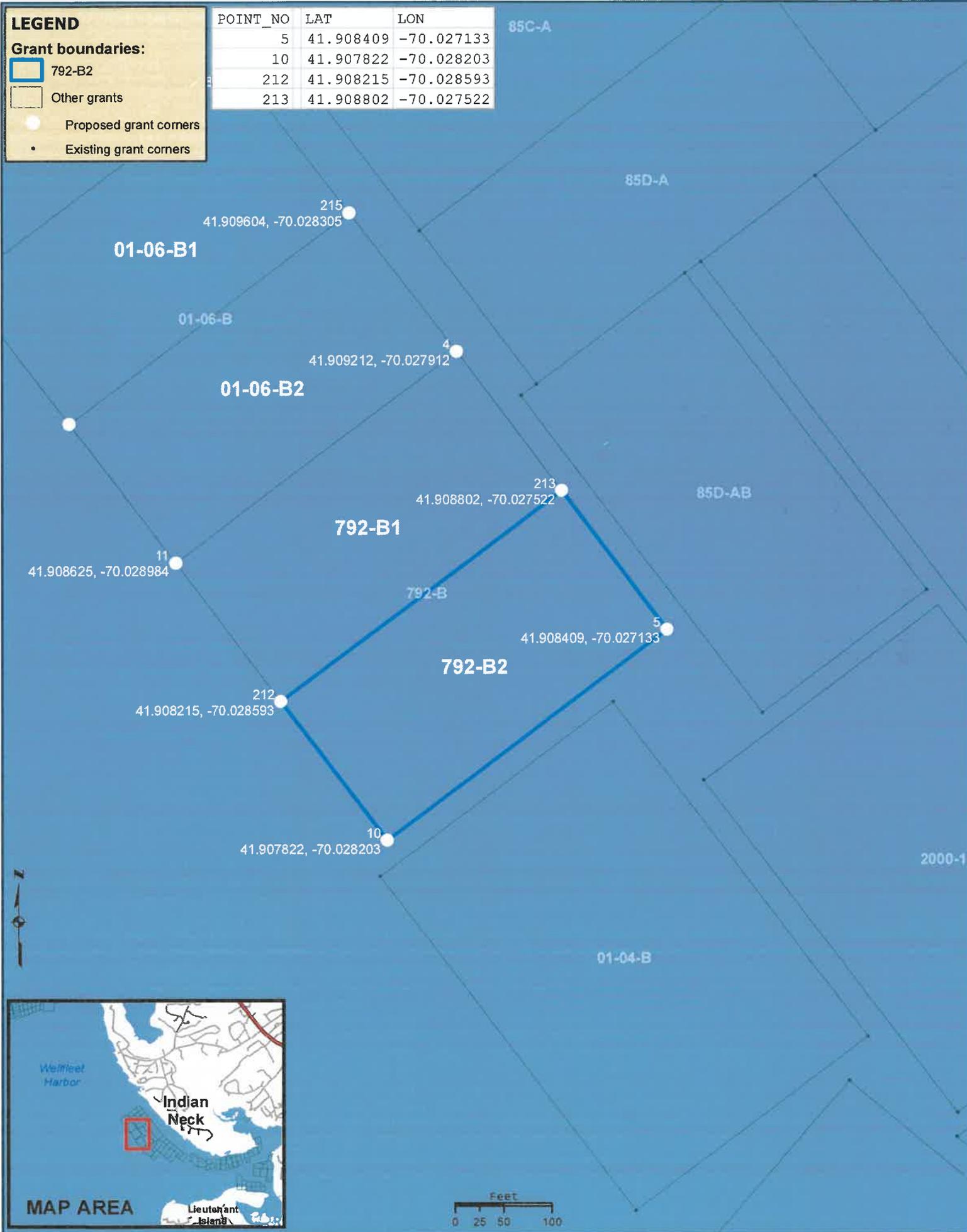
# Proposed subdivision: Grant 792-B2 – Indian Neck, Wellfleet

## LEGEND

### Grant boundaries:

- 792-B2
- Other grants
- Proposed grant corners
- Existing grant corners

POINT_NO	LAT	LON
5	41.908409	-70.027133
10	41.907822	-70.028203
212	41.908215	-70.028593
213	41.908802	-70.027522





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

# IV

### BUSINESS

~ D ~

<b>REQUESTED BY:</b>	Town Administrator ~ Rich Waldo
<b>DESIRED ACTION:</b>	To finalize and close the special town meeting warrant.
<b>PROPOSED MOTION:</b>	I move to approve and close the fall Special Town Meeting Warrant and direct Administration to send to the printer.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**SPECIAL TOWN MEETING**

**Monday September 18, 2023**

**6:00 PM**

**at**

**Wellfleet Elementary School**

**100 Lawrence Road, Wellfleet, MA**

**&**

**SPECIAL TOWN ELECTION**

**Wednesday September 27, 2023**

**at**

**12:00 Noon to 7:00 PM**

**Wellfleet Senior Center**

**715 Old King's Highway**

**v.4**

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<b>SECTION III: STANDARD CLOSING ARTICLES</b>			
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### **FINANCIAL & PROPOSITION 2½ TERMS**

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

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

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

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

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

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

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

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

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

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

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

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

## TOWN MEETING PROCEDURES

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

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

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

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

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

Voters and others recognized to address Town Meeting may only speak twice to any motion or amendment unless authorized by the Moderator (Charter: Sect. 2-7-8).

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

The order of consideration of the Articles as printed in the Warrant may be changed only by a 2/3 majority vote (Charter: Sect. 2-7-4).

A motion for indefinite postponement, if passed, ends any action on the motion currently being debated. It may only be made after a voter has been recognized and may not come at the end of a speaker's remarks. It is fully debatable to the same extent as the main motion under consideration.

A motion to end debate (known as a "motion for the previous question") may only be made by a voter who has been recognized. Anonymous calls from voters to "call the question" are out of order and will be ignored by the Moderator. A motion to end debate requires a separate 2/3 majority vote, so it may be more efficient to hear from one or two more speakers and then proceed to a vote on the main motion itself.

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business and must be made within one hour of the vote to be reconsidered (Charter: Sect. 2-7-9). It is debatable to the same extent as the motion it seeks to reconsider and requires a majority vote. A motion to reconsider will only be allowed if there is new information that was not available at the time of the original debate. A motion to reconsider will be ruled out of order if, in the judgment of the Moderator, it is simply an attempt at "another bite at the apple."

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

<b>Zoning bylaws</b>	<b>2/3 majority (with some statutory exceptions)</b>
<b>Zoning bylaws subject to Housing Choice Act</b>	<b>majority</b>
<b>To authorize borrowing or incur debt</b>	<b>2/3 majority</b>
<b>To transfer or sell Town land</b>	<b>2/3 majority</b>
<b>To approve proposed Charter amendments</b>	<b>2/3 majority</b>
<b>To pay unpaid bills of a prior fiscal year</b>	<b>4/5 majority at an Annual Town Meeting</b>
	<b>9/10 majority at a Special Town meeting</b>

**SPECIAL TOWN MEETING WARRANT**

Monday, September 18, 2023

The Commonwealth of Massachusetts

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the Wellfleet Elementary School, 100 Lawrence Road in Wellfleet on the 18<sup>th</sup> day of September 2023, at six o'clock in the evening, then and there to vote upon the following Articles:

**SECTION I: BUDGET ARTICLES**

**ARTICLE NO. 1 – FY 2024 BUDGETARY TRANSFERS:**

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY 2024 appropriations such sums of money necessary to supplement the operating budgets of the various Town Departments as follows:

	From (Decrease)	Line Item	To (Increase)	Line Item	Amount
a.	Beach Fund	FND	Beach Expenses	699	\$ 23,070
	<b>Grand-Total</b>				<b>\$ 23,070</b>

or to do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

Insert Yes- 4, No – 0, Abstain – 0.

**Recommend Yes – 0, No – 0, Abstain – 0.**

**Finance Committee: Recommendation deferred until Town Meeting**

**SUMMARY:** This article is seeking permission to transfer funding within the FY 2024 operating budget ending June 30, 2024. We have shortfalls in various departmental budgets that will be remedied by transferring monies from those areas within the budget that have surpluses.

**ARTICLE NO. 2 – 95 LAWRENCE HILL ROAD – WASTEWATER TREATMENT FACILITY – PHASE I:**

To see if the Town will vote to modify the vote taken under Article 21 of the June 2021 Annual Town Meeting for the 95 Lawrence Road Cluster Wastewater Treatment Facility, which authorized borrowing the sum of \$1,931,886 for this purpose, by amending the source of borrowing from General Laws Chapter 44, Section 8, or any other enabling legislation, including the Massachusetts Water Pollution Abatement Trust, to the Massachusetts Clean Water Trust, or otherwise, under and pursuant to General Laws Chapter 111, §121B½, and further, to see if the Town will vote to appropriate a sum of money, not to exceed \$2,668,114 for the purpose of, designing, permitting, and constructing wastewater facilities in conjunction with an affordable housing project at 95 Lawrence Road, including connecting nearby Town buildings in Phase I, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard be and hereby is authorized to borrow said amount under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Clean Water Trust or otherwise, under and pursuant to General Laws Chapter 111, §121B½ or pursuant to any other enabling authority including the Massachusetts

Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½) or take any other action in relation thereto.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Finance Committee: Recommendation deferred until Town Meeting**

**Wellfleet Housing Authority: Votes to recommend 5-0**

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**SUMMARY:** The Town is contractually obligated as part of the 95 Lawrence Rd Housing Project's Request For Proposals to provide for advanced wastewater treatment facilities located at this site. The plan is to install a cluster system servicing both the housing project and the Wellfleet Elementary School, the Police Station, and Fire Station in Phase I. Connecting these town-owned buildings will result in a net improvement of water quality in the neighborhood even after accounting for the housing project. Phase II is planned to connect a number of the surrounding properties to this system which will cost significantly less money than individual septic system upgrades, a centralized sewer system, or any other means evaluated.

The Town has submitted a grant application to the MassWorks Infrastructure Program to fully fund the construction of the wastewater treatment facility and connection of nearby municipal buildings. It is expected that the Town will receive notice of an award around October/November 2023. If the Town is awarded grant funds then it will not be necessary to borrow funding through the Clean Water Trust (CWT) program. If we only receive a portion of the funding from MassWorks then the remaining balance will be borrowed from the CWT program.

Per the Land Development Agreement, the developer of housing at 95 Lawrence Road is required to enter into a reasonable cost-sharing agreement to support a percentage of the cost of designing and constructing such wastewater infrastructure. Should the Town obtain a grant to fund construction of the centralized treatment facility the developer will not be required to pay a portion of the project. If the Town needs to borrow to fund the construction then a portion of the construction cost will be the responsibility of the developer. However, the Town may waive that contribution if it is determined that an overall benefit to the projects success will result.

This borrowing request will amend and supplement a previous borrowing authorization allowing the Town to seek competitive borrowing from the State Revolving Fund which will open the door for grant subsidies from the Cape and Island Water Protection Fund (CIWPF). The CIWPF allows for grant subsidies up to 25% of the project cost.

Assuming a 20-year note, the additional borrowing authorization would impact the average home valued at \$789,700 approximately \$29/year.

**ARTICLE NO. 3 – ENHANCED INNOVATIVE & ALTERNATIVE SEPTIC PROGRAM:**

To see if the Town will vote to modify the vote taken under Article 4 of the April 2023 Annual Town Meeting relative to Item 7B, which authorized borrowing the sum of \$200, 000 for Enhanced Innovative & Alternative Septic Systems by amending the source of borrowing from General Laws Chapter 44, Section 7, or any other enabling legislation, to the Massachusetts Clean Water Trust, or otherwise, under and pursuant to General Laws Chapter 111, §121B½ or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, or take any other action in relation thereto.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Finance Committee: Recommendation deferred until Town Meeting**

**SUMMARY:** This would allow the Board Health to provide assistance to homeowners who need to replace their septic systems. This assistance corresponds with the incremental cost of enhancement to upgrade to an “enhanced” IA system. Upgrading these systems to high performance I&A systems can reduce nitrogen similar to the levels obtained with a wastewater treatment plant, thereby improving the groundwater quality and reducing the nutrient loading of Wellfleet Harbor at a significantly reduced cost compared with sewer connection. The funding sought is a \$12,500 grant to property owners to pay for the additional costs to upgrade to one of these “enhanced” IA systems when their pre-existing system is required to be upgraded. This grant would keep the cost of the septic the same as what is already required under title 5 and will encourage the use of an enhanced IA system. Upgrading septic systems will be a critical element in addressing the Town’s wastewater needs.

There is already a total borrowing authorization of \$250,000 from Annual Town Meeting in June of 2021 for I/A septic enhancements that meets the requirements of the Clean Water Trust Program. This article will amend borrowing authorization approved at April of 2023 Annual Town Meeting to include language sufficient for the Clean Water Trust Program that will allow borrowing through the State Revolving Fund and open the door for grant subsidies from the Cape and Island Water Protection Fund (CIWPF). The CIWPF allows for grant subsidies up to 50% for projects costing less than \$1 million dollars.

**ARTICLE NO. 4 – TOWN PLANNER – NEW STAFF:**

To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds the sum of \$145,000.00, or any other sum for the purpose of funding a Town Planner position; provided, however, that no sums shall be expended hereunder unless and until the Town has voted to assess an additional \$145,000.00 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Finance Committee: Recommendation deferred until Town Meeting**

Wellfleet Housing Authority: Votes to recommend 5-0

**SUMMARY:** This article would fund the cost of hiring a Town Planner, including salary and benefits. The lack of a dedicated Town Planner is severely impacting the town’s ability to address land use and long-range planning. Planning is one of the tasks assigned to the Assistant Town Administrator. The Assistant Town Administrator position is overburdened regardless of who the Assistant Town Administrator and that results in initiatives and committees not receiving the support they need. A Town Planner is essential for Wellfleet to form a functional administration. The lack of dedicated Town Planner results in the burnout of staff. Wellfleet needs to address its underinvestment in the professional positions that are essential to governing. A dedicated Planner would support the Building Commissioner and the ZBA in zoning enforcement, assist in developing bylaws, the development of housing initiatives and programs.

The annual tax impact on the average home valued at \$789,700 is approximately \$32/year.

**ARTICLE NO. 5 — MAURICE’S CAMPGROUND — HOUSING PLANNING FUNDS:**

~~To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$150,000.00, or any other sum, for the purpose of hiring a consultant to assist the Maurice Planning Committee in planning the housing development of the Campground, including preparing a scope of work, bid documentation, preliminary hydrogeological assessments, and an estimated project cost associated with the development of Maurice’s Campground/80 State Highway, or to do or act on anything thereon.~~

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

~~Insert Yes – 0, No – 0, Abstain – 0.~~

~~Recommend: Yes – 0, No – 0, Abstain – 0.~~

~~Finance Committee: Recommendation deferred until Town Meeting~~

**SUMMARY:**

~~This article would transfer from available funds the sum of \$150,000 from existing unused appropriations transferred to fund the planning necessary to meet the goals and objectives of developing the housing needed to meet the pressing needs of Wellfleet. The Town has applied to the County for assistance through ARPA funds, but there remains uncertainty about when and if the application will be approved. By law, a municipality can only enter into a contract with a prior appropriation of funds sufficient to fund the entire contract cost. The amounts requested and approved in the Capital budget at the Annual Town Meeting were based on the premise of a successful and timely ARPA application. The Maurice's Campground Planning Committee has drafted and approved an RFP for planning services that was issued in the Spring; however, the ARPA has not been approved to date, and the Town cannot issue a contract, and RFP was~~

~~retracted. This transfer is essential in for the Planning necessary to meet the community needs occurs in a timely fashion. If funding is approved through the County, these funds would revert to Free Cash and would be available at the 2024 Annual Town Meeting.~~

## SECTION II: BYLAWS, INITIATIVE PETITIONS

### **ARTICLE NO. 5 – ZONING BYLAW AMENDMENT – INCLUSIONARY ZONING:**

To see if the Town will vote to amend Chapter 235, Article II DEFINITIONS by inserting the following new definitions in alphabetical order and to amend Chapter 235, Article VI by adding a new Section 6.28 Inclusionary Zoning Bylaw as follows:

#### §235 - 2.1 Definitions

Affordability Gap – the difference between the appraised value of a market-rate dwelling units within the proposed development and the appraised value of an affordable housing unit in Wellfleet comparable to the market-rate unit in terms of type, size, and number of bedrooms and calculated at the time of sale or issuance of a certificate of occupancy, whichever occurs sooner, for any market-rate unit in the proposed development. The applicant shall submit an appraisal of the development in question that was prepared by a licensed appraiser approved by the Town using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Town may obtain an expert peer review of the appraisal at the applicant's expense.

Affordable Housing Unit - a dwelling unit that is affordable to and occupied by a Low- or Moderate- Income Household and meets the requirements for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development.

Affordable Housing Restriction – A deed restriction entered into and enforceable under G.L. c. 184, §§31-33 in a form acceptable to the Town that restricts occupancy of an affordable housing unit to a low- or moderate-income-eligible purchaser or renter and which provides for the administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law.

#### **§235 – 6.28 INCLUSIONARY ZONING BYLAW**

##### **§235 – 6.28.1 Purpose and Intent**

The purpose of this bylaw is to encourage the development of housing that is affordable to persons of various ages and income levels in accordance with Massachusetts General Law, Chapter 40A, Section 9, which allows municipalities to adopt “incentive” bylaws for the creation of affordable year-round housing, and for the purposes of:

- A. Helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price; and,
- B. Encouraging the creation of a range of housing opportunities for households of all incomes, ages, and sizes in order to support a strong, stable, and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Wellfleet residents;
- C. Mitigating the negative impact of residential development on the availability and cost of housing;
- D. Protecting the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land; and
- E. Creating dwelling units eligible for inclusion on the Town's Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

**§235 6.28.2 Applicability**

In the CD, R1, R2, C, and C2 zoning districts, the inclusionary zoning provisions of this section shall apply to any project that results in a net increase of three or more dwelling units as part of a single application, whether by new construction, a change in use, or by the alteration or rehabilitation of existing structures, provided, however, this bylaw shall not apply to nursing homes

**§235 6.28.3 Mandatory Provision of Affordable Housing for Development of New Residential Units**

In order to contribute to the local stock of Affordable Housing, any residential project that results in a net increase of three or more dwelling units as part of a single application as described in Section 6.28.2 shall provide a percentage of the dwelling units as deed restricted Affordable Housing units. This Affordable Housing requirement shall be one-sixth (1/6) of the number of new dwelling units to be developed rounded up to the nearest whole number and shall be made a condition of a Special Permit, or the applicant shall meet the requirement in accordance with the following:

- A. Development of 3 to 6 new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals per §235 8.4.2 and a Payment in Lieu of providing the required number of affordable units to be made to the Wellfleet Affordable Housing Trust Fund to fulfill the Affordable Housing requirement.
  - (1) Payment shall be made in accordance with the following formula:
    - For 3-4 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(1/9)x(affordability gap)
    - For 4-6 new dwelling units, the Payment in Lieu= (total # of new dwelling units)x(1/6)x(affordability gap)
  - (2) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
  - (3) The Payment in Lieu shall be due:
    - a. upon the issuance of a certificate of occupancy of any market-rate unit in the development; or,
    - b. The total Payment in Lieu shall be divided by the total number of market rate units in the development, and the resulting quotient shall be payable upon the closing of each market rate unit

B. Development of 7 or more new dwelling units shall require the granting of a Special Permit by the Zoning Board of Appeals per §235 8.4.2 and at least one-sixth (16.67%) of the new units created shall be established as Affordable Housing units, which shall be rounded up to the nearest whole number and shall be made a condition of a Special Permit, in any one or combination of methods provided for below:

- (1) The Affordable Housing units shall be constructed or rehabilitated on the site subject to the Special Permit, in accordance with §235 6.28.4; or
- (2) The Affordable Housing units shall be constructed or rehabilitated on a site other than the one subject to the Special Permit, in accordance with §235 6.28.4, provided justification is provided that on-site development of said units is not feasible and off-site development of said units is beneficial to the Town, and applicable Building or Zoning Permits are granted contemporaneously for both developments; or
- (3) A Payment in Lieu of providing Affordable Housing units shall be made to the Wellfleet Affordable Housing Trust Fund. Payment shall be made in accordance with the following formula:
  - a) For 7 or more new dwelling units, the Payment in Lieu = (total # of new dwelling units)x(1/4)x(affordability gap)
  - b) The applicant shall pay for all appraisals, and the Town shall approve the applicant's chosen appraiser
  - c) The Payment in Lieu shall be made upon the sale or certificate of occupancy of each market-rate unit, whichever occurs sooner or
- (4) A Land Donation in Lieu of providing Affordable Housing units shall be provided to the Wellfleet Affordable Housing Trust, provided that:
  - a) The receiving organization agrees in writing to accept the land;
  - b) The applicant demonstrates to the Zoning Board of Appeals' satisfaction that the land may support the future development of Affordable Housing;
  - c) The value of donated land shall be equivalent to or greater than the value of the required Payment in Lieu. The Zoning Board of Appeals may require, prior to accepting the donations of land to the Wellfleet Affordable Housing Trust as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Zoning Board of Appeals may obtain expert peer review of the appraisal at the applicant's expense; and
  - d) Closing on the land donation shall occur before the issuance of the first building permit.

**§235 6.28.4 Provisions Applicable to Affordable Housing Units Located On-Site and/or Off-Site**

A. Affordable Housing units created in accordance with this bylaw shall have a deed restriction and Regulatory Agreement to regulate the future re-sale or rental of the unit and that requires the units to remain income restricted in perpetuity or the longest period allowed by law. Said deed

restriction and Regulatory Agreement shall be consistent with the forms used in the Local Initiative Program and Regulatory Agreement approved by DHCD. The Regulatory Agreement shall be prepared in a form acceptable to Town Counsel by the Applicant and submitted for review and approval. The Regulatory Agreement will be executed by the Applicant, the Town of Wellfleet and DHCD and shall be recorded with the Barnstable County Registry of Deeds or and

- B. The applicant shall be responsible for preparing and submitting any documentation that may be required to receive Local Action Unit approval from DHCD and to qualify the Affordable Housing Units for listing on the SHI. The applicant shall also be responsible for providing annual compliance monitoring and certification to the Town or its monitoring agent and to pay for the costs of the Town for providing such compliance monitoring.
- C. No Building Permit shall be issued for any units in the development until the Zoning Board of Appeals receives evidence that the Affordable Housing deed restriction has been approved by DHCD or by Town Counsel.
- D. No Certificate of Occupancy shall be issued for any units in the development until the Building Commissioner receives evidence that the Affordable Housing deed restriction has been executed and recorded at the Barnstable County Registry of Deeds or that the Payment in Lieu has been made in accordance with this bylaw or as modified by the Special Permit conditions.
- E. Affordable Housing units shall be integrated with the rest of the development or with the off-site location and shall be comparable to and indistinguishable from market rate units in exterior design, including appearance, construction and quality of materials, and in energy efficiency.
- F. The number of bedrooms in each Affordable Housing unit shall be made a part of the Special Permit and shall be based on local need as determined by the Zoning Board of Appeals in consultation with the Wellfleet Housing Authority.
- G. Owners and tenants of on-site Affordable Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- H. The development of Affordable Housing units shall take place at the same rate and timeframe as the development of market rate units.
  - 1) Building Permits for any phased development shall be issued at a ratio of no greater than five (5) market rate units to one (1) Affordable Housing unit. Building Permits for subsequent phases shall not be issued unless all the required Affordable Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
  - 2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of five (5) market rate units to one (1) Affordable Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless and until all Affordable Housing units are occupied.
- I. All Affordable Housing Units created under this bylaw shall be occupied by income-eligible purchasers or tenants. No Affordable Housing Unit created under this bylaw shall be used as a Short-Term Rental, as such term is defined by General Laws Chapter 64G.

#### **§235 6.28.6. Segmentation Prohibition**

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall be defined as dividing one parcel of land into two or more parcels of land in that cumulatively results in a net increase of three or more dwelling units above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section.

**§235 6.28.7 Conflict with Other Bylaws**

The provisions of this bylaw shall be considered supplemental to existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

**§235 6.28.8 Severability**

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Wellfleet's Zoning Bylaws.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 0, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to Not recommend 3-0**

**SUMMARY:** Inclusionary zoning leverages the private market to help in providing the affordable housing needed in the community. Wellfleet still has enough parcels where inclusionary zoning could result in small, but measurable positive impacts on affordable housing construction. This is an approach that is successfully being used in many other, municipalities. Inclusionary Zoning is one of the recommendations in Wellfleet's Housing Production Plan that was approved by the Selectboard and Planning Board in the Spring.

This bylaw allows for the creation of affordable housing as part of a development that resulting a net increase of three or more housing units. The affordable units created under this bylaw could be either onsite or in a separate location. The bylaw applies to new construction, a change of use, or rehabilitation of structures.

Developers would have the option of donating funds or a buildable parcel of land to the Wellfleet Affordable Housing Trust rather than building the affordable units on site. The payments to the Trust or value of donated land would be based on a formula ensuring the fee is equivalent to the value to the units that would otherwise have been created.

**ARTICLE NO. 6 – ZONING BYLAW AMENDMENT – COTTAGE COLONIES:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II DEFINITIONS by deleting text that is ~~struck through~~ and inserting text that is underlined as follows:

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§235 - 2.1 Definitions

Cottage Colony - A group of two or more detached dwellings located on the same lot not within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. Each unit shall contain not less than 550 300 sq. ft. of floor area and not more than 768 800 sq. ft.

Cottage Colony NSP - A group of two or more detached dwellings located on the same lot within the NSP, each containing one dwelling unit only which is designed for independent family living including cooking facilities. and occupied on a seasonal basis only. Seasonal shall be defined as a period commencing April 1 of each calendar year and terminating November 30 of the same calendar year. Each unit shall contain not less than 550 300 sq. ft. of floor area and not more than 768 800 sq. ft

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to Not recommend 3-0**

**SUMMARY:** The changes in floor area bring a number of the pre-existing cottage colonies into compliance with zoning. 250 sq ft of floor area is the minimum allowed for two people to reside in per state codes. Wellfleet has a number of cottages in colonies that are well below 550 sq. ft. An example is Brownies cabins out of a total of thirteen cottages, nine are below 550 sq. ft. This would also enable a property owner to build a cottage colony with modest structures that could serve as homes for those just starting on their own or are looking to downsize. The change from 768 sq ft to 800 sq ft is a reflection that there are cottage colonies where there are units that are slightly over 768 sq. ft. 800 sq ft also is a standardized size that is easy to measure. Cottage Colonies would remain permitted by special permit only in the districts they are currently allowed in.

**ARTICLE NO. 7 – ZONING BYLAW AMENDMENT – INTENSITY OF USE OF MULTI-FAMILY DWELLINGS:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws, Chapter 235, Article V – Uses, Section 235-5.4(F) by deleting the text that is ~~struck through~~ as follows, or to do or act on anything thereon:

**§235 - 5.4(F)**

~~Intensity of Use Application to Multiple Family Dwellings. The first unit of a multiple family dwelling or of an apartment building shall require a minimum land area equal to the lot requirements of the district in which located. Each additional unit will require 8,000 square feet of land area. Front, side and rear yard and maximum building coverage requirements of the district in which the structures are located shall apply. (Amended 4/30/85 ATM, Art. 64.)~~

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 4, No – 0, Abstain – 1.**

**Bylaw Committee: The Committee voted to recommend 3-0**

**SUMMARY:** Multifamily Dwellings are allowed by special permit in the Commercial District. The minimum lot size in the commercial district is 40,000 square feet. The requirement to have an additional 8,000 sq ft effectively prohibits multifamily housing on a significant proportion of lots in the Commercial District and limits the number of potential dwellings as well. This does not change the number of bedrooms allowed on a parcel, just how they are configured. The intent here is to provide a greater opportunity for diversity in Wellfleet’s housing stock to better suit the needs of our population.

**ARTICLE NO. 8 – ZONING BYLAW AMENDMENT – DEFINITION OF TREES:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article II – Definition §235 2.1 by inserting the following new definitions in alphabetical order or to do or act on anything thereon:

**Community Wildfire Protection Plan (“CWPP”):** A plan developed in the collaborative framework established by the Wildland Fire Leadership Council and agreed to by the local government, local fire department, federal land management agencies managing land in the vicinity of the planning area, and other stakeholders. A CWPP may address issues such as wildfire response, hazard mitigation, community preparedness, or structure protection - or all the above.

**Invasive Plants:** Plant species identified by the Massachusetts Invasive Plant Advisory Group as Invasive, Likely Invasive, or Potentially Invasive. [Link for reference](www.massrnc.org/mipag)

**Locally Notable Trees:** Native trees with a girth of 120 inches or greater measured at breast height (4.5’) or below the lowest branching trunk, whichever is less. Or tree species listed as Endangered, Threatened, or of Special Concern by MassWildlife’s Natural Heritage & Endangered Species Program Massachusetts

**Timber:** Woody plants and trees with a girth of sixteen (16) inches measured at breast height (4.5’) or below the lowest branching trunk, whichever is less.

**Tree Thinning:** Tree removal in an immature forest stand that reduces tree density and between-tree competition performed by a certified arborist.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to recommend 3-0**

**SUMMARY:** This adds definitions to the Zoning Bylaws in regards to trees and timber. This contains no applications of the definitions in and of themselves, but the definitions can be utilized by other bylaws.

**ARTICLE NO. 9 – ZONING BYLAW AMENDMENT – CUTTING OF TIMBER:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Regulations by amending §235 -6.9 by deleting text that is ~~struck through~~ and inserting text that is underlined as follows:

**§235 6.9.1 CUTTING OF TIMBER WITHIN NSP**

Within the National Seashore Park District, there shall be no cutting of timber except as permitted for the following reasons:

- (a) By an owner for the purpose of reasonably controlling brush or trees;
- (b) Maintenance cutting in pastures;
- (c) Cutting for clearance or maintenance on right-of-way including those pertaining to public utilities or public highways, provided said clearance or maintenance complies with Chapter 200, the Town’s Scenic Road bylaw, as applicable. .

(d) as specified in a **Community Wildfire Protection Plan** by the Wellfleet Fire Department or the National Park Service.

(e) the removal of Invasive Plants .

**Exemptions:**

This section shall not apply to federal, state or municipal projects.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 4, No – 0, Abstain – 1.**

**Recommend: Yes – 4, No – 0, Abstain – 1.**

**Bylaw Committee: The Committee voted to Not recommend 3-0**

**SUMMARY:** This updates the “Cutting of Timber”. The assumption is that the current bylaw dates to the 1960s, and there was not much of an awareness of the detrimental impacts of most invasive species, and fewer were considered invasive. A Community Wildfire Protection Plan [CWPP] is seeks to mitigate some of the risks of a wildfire to life and property and would be developed under the aegis of the Town

and the Park. As of now, there is not a CWPP but the park does issue fire safety recommendations to property owners, so this provision is future looking.

**ARTICLE NO. 10 – ZONING BYLAW AMENDMENT – LOCALLY NOTABLE TREES:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VI – General Provisions by inserting a new Section §235- 6.9.3 as follows:

**§235 6.9.3 Locally Notable Trees**

Recognizing the value large older trees provide to wildlife and the unique role they play in the ecosystem they should be preserved whenever possible. No removal of or trimming of Locally Notable Trees shall be permitted until all necessary permits and approvals have been obtained unless there is an immediate threat to public safety, structures, or utilities.

§235 6.9.3.1 Removal of Locally Notable Trees shall require a special permit from the Zoning Board of Appeals as the Special Permit Granting Authority, pursuant to §235-8.4B. Any application for the removal of a Locally Notable Trees shall be referred to the Conservation Commission for comment prior a hearing per Ch. 40A, Sec. 9 before the Special Permit Granting Authority. A priority shall be placed on retaining these trees during the course of any construction activities or site plan and or landscaping.

§235 6.9.3.2 Applications for the trimming of a Locally Notable Tree shall be made to the Tree Warden and must include a letter from a certified arborist that the trimming poses little risk to the health of the tree prior to any such work being performed and such applications are subject to the approval of the Tree Warden. Said trimming includes that of the Tree’s root system. If the Tree Warden or Arborist determines that the trimming of a Locally Notable Tree poses a threat to its health, they shall refer the matter to the Special Permitting Authority, who will refer it to the Conservation Commission for comment prior to the hearing.

**§235 6.9.3.3 EXEMPTIONS**

This section shall not apply to the removal of Invasive Plants, diseased trees, or those posing an imminent threat to people, structures, roadways, or utilities .

This section shall not apply to federal, state, or municipal projects.

**§235-6.9.3.4 Special Permits ~~Under §235-8.4.B-4~~**

The Board of Appeals acting as the SPGA, may grant a special permit for the removal of a Locally Notable Tree if it reaches a finding that there is no viable alternative to said removal.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:  
Selectboard:**

**Insert Yes – 0, No – 0, Abstain – 0.**

**Recommend: Yes – 0, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to Not recommend 3-0**

**SUMMARY:** It also requires a special permit for removal or for the trimming that may pose a risk to the health of very large trees. Very large trees provide extensive ecosystem benefits as well as often natural playgrounds. This also clarifies and strengthens the prohibition of the cutting of timber in the NSP.

**ARTICLE NO. 11 – ZONING BYLAW AMENDMENT – ZONING ENFORCEMENT PENALTY:**

To see if the Town will vote to amend the Wellfleet Zoning By-Laws by amending Chapter 235, Article VIII – Administration, Section 8.3 Penalty by deleting the ~~strike through~~ language and adding the underlined language as follows, or take any other action relative thereto.

[Amended 6-26-2021 ATM by Art. 45]8.3 PENALTY

~~8.3 Penalty Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.~~

§ 235-8.3 Penalty.

- A. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined \$300 for each offense. Each day that such a violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.
- B. Accessory Dwelling Units: Any person, association, firm or corporation violating § 235-6.21 Accessory dwelling units (ADU), may be fined \$300.00 for each offense. Each Accessory Dwelling Unit in violation shall be a separate violation. Each day that such violation continues shall constitute a separate offense. This bylaw may be enforced by noncriminal disposition pursuant to the provisions of General Laws Chapter 40, Section 21D.

(Requested by the Selectboard)

**2/3<sup>rd</sup> Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to recommend 3-0**

**SUMMARY:** The maximum allowed fine under MGL Ch 40a Section 7 for zoning infractions is \$300 dollars per violation. Most Massachusetts municipalities have adopted the maximum allowable fine. This does not mean that the fine is always \$300. With the exception of ADUs, the fine is at the discretion of the building commissioner. Enforcing zoning is expensive, and this provides both a means to recapture some of the costs based on the level of the infraction as well as providing the commissioner with additional leverage to address zoning infractions. ADUs are required to be occupied on a year-round basis, and clarifies that the fine is applied to each ADU out of compliance.

**ARTICLE NO. 12 – GENERAL BYLAW AMENDMENT – MINIATURE “NIPS” BOTTLE BAN:**

To see if the Town will vote to amend Chapter 187 (“Plastics and Other Environmental Hazards”) of the General Bylaw by inserting a new Article V – Prohibition on Sale of Alcoholic Beverages in Miniature or “Nip” Bottles as follows, , or take any other action relative thereto.

Article V Prohibition on Sale of Alcoholic Beverages in Miniature or “Nip” Bottles

§ 187-21 Ban on sale.

A. Effective on September 1, 2024, it shall be unlawful to sell or offer for sale alcoholic beverages in containers less than or equal to 100 milliliters in the Town of Wellfleet. Enforcement of this bylaw will begin September 1, 2024

§ 187-22 Enforcement.

A. Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee, and/or any police officer of the Town. The Town Administrator shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

B. Any individual and/or establishment conducting sales in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

C. Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet.

D. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to recommend 2-1**

**SUMMARY:** Nips are miniature single-serve liquor bottles made of plastic or glass. The plastic nip bottles are not recyclable, due to their small size, nor are nips bottles covered by the state bottle redemption law. Nips litter is a pervasive problem, dotting roadsides and beaches. A Falmouth group surveyed litter on that town's roadways in 2021 and found that nips made up 32% of roadside garbage. The reason nips end up on roadsides is a public health and safety concern. Nip bottles are a convenient way to consume alcohol while driving and dispose of the container out the window. In 2018, data showed Chelsea received 742 alcohol related emergency calls. Chelsea's ban passed that year and by August of 2019, that number had decreased to 128 calls of the same kind. Nips bans are now in effect in Chelsea, Falmouth, Mashpee, Newton, Wareham, and Nantucket. The two Martha's Vineyard towns that sell nip bottles, Oak Bluffs and Edgartown, passed nip bottle bans earlier this year.

**ARTICLE NO. 13 – GENERAL BYLAW AMENDMENT – ANIMAL CONTROL REGULATIONS:**

To see if the Town will amend the Wellfleet ~~Zoning-General~~ By-Laws by amending Chapter 111 by deleting the ~~strike through~~ language, and adding the underlined language as follows, or take any other action relative thereto.

Article I  
**Animal Control**

[Adopted 6-26-2021 ATM by Art. 47 (Art. XV of the General Bylaws)]

**§ 111-3 Definitions.**

For the purposes of this bylaw, the following terms shall have the following definitions:

**SUMMER SEASON**

The period between the third Saturday in June through Labor Day between the hours of 9:00 AM and 5:00 PM.

**DOMESTICATED ANIMAL**

Any of various animals that have been tamed and made fit for a human environment. Excludes service animals while they are providing a service as defined in M.G.L. Chapter 272, Section 98A.

**DANGEROUS DOG**

Any dog that attacks, bites or injures any human or domesticated animal without provocation or which, because of its temperament, conditioning or training, has a propensity to attack, bite or injure humans or

domesticated animals. Any dog that either: (1) without justification, attacks a person or domestic animal causing physical injury or death; or (2) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

#### **§ 111-4 Dog licensing.**

##### **Dogs must be leashed.**

All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to the property of their owners. Any dog found running at large will be removed and impounded. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Animal Control Officer, and any other officials whom the Selectboard may from time to time designate shall have the authority to enforce this section.

- A. Any person residing in the Town of Wellfleet, who at the beginning of the license period (January 1 to December 31), or who during the license period, becomes the owner or keeper of a dog six months old or over, shall cause the dog to be licensed within 30 days. The Town Clerk shall issue dog licenses and tags based on the completion and the approval of the dog license application form that is available on the Town's website. The completed form, along with the required additional documentation, can be brought to the Town Clerk's office or sent to the Town Clerk by mail.
- B. An applicant for a dog license will also bring to the Town Clerk's office or send to the Town Clerk by mail the following required additional documentation:
  - (1) Copy of current rabies certificate.
  - (2) Copy of spaying/neutering certificate (if not noted on rabies certificate).
  - (3) Self-addressed envelope with sufficient postage (license will be held in office if a completed return envelope is not enclosed).
  - (4) Check made payable to "Town of Wellfleet" for the total of the licensing fee.
- C. On the license form, the Town Clerk shall record the name, address, mailing address, email address, phone number and the date of birth of the owner or keeper of the dog, and the name, age, breed, sex, and description of each dog. Each tag shall include the license number, the name of the Town and the year of issue.
- D. The owner or keeper of the dog shall cause each dog to wear around its neck or body a collar or harness to which they shall securely attach the license tags. In the event that any license tag is lost, defaced or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk

at the cost of \$1. Such moneys shall be transmitted to the Town of Wellfleet in the same manner as license fees.

E. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies, a veterinarian's certification that such dog is exempt from the vaccination requirement, or a notarized letter from a veterinarian that either of these certification was issued relative to such dog.

F. The fee for each dog license shall be \$10 unless a certificate from a veterinarian stating that the dog has been spayed or neutered, or a statement from a veterinarian indicating that because of age, infirmity or other physical condition spaying or neutering is deemed inadvisable, is presented to the Clerk, in which case the fee for each dog license shall be \$5. No fee shall be charged for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, in accordance with G.L. c. 140, § 139(c).

F-G. The Clerk shall collect a late fee of \$5 for every dog license issued after the first thirty days into the licensing period, as defined in § 111-3 of this article.

G-H. Any owner or keeper of a dog who moves into the Town of Wellfleet and has a valid dog license for his/her dog from another city or town in the Commonwealth shall, within 30 days, obtain a dog license from the Town of Wellfleet.

H-I. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering, or removal from the Town of Wellfleet or any other disposal of said dog.

I-J. This section shall not apply to a person to whom a valid kennel license has been issued under § 111-10, or a dog housed in a research institution.

J-K. Penalties shall be imposed as per § 111-11B(1).

§ 111-6 **Barking and other noise caused by dogs.**

A. No person owning, keeping or otherwise responsible for a dog shall allow said animal to annoy another person's reasonable right to peace or privacy by making loud or other continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for 15 minutes. The fact that such noise is plainly audible at said distance or continuing in excess of 15 minutes on a daily basis shall be prima facie evidence of a violation.

B. Penalties shall be imposed as per § 111-11B(3).

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**§ 111-7 Animals in parked vehicles.**

~~A. No animal may be left unattended in a parked vehicle at any time of year.~~

A. Any person owning, keeping, or otherwise responsible for a companion animal or pet or farm animal or livestock who confines said animal in a parked vehicle or trailer where the vehicle confinement has the possibility to endanger or does in fact endanger the health or safety of the animal shall be subject to a fine.

**§ 111-8 Licensing and regulation of dangerous dogs.**

~~CB.~~ Upon determination by the Animal Control Officer that a dog is dangerous, the Animal Control Officer shall issue a written order to the owner or keeper of said dog concerning the restraint, remedial actions allowed under G.L. c. 140, § 157, or disposal humane euthanasia of such dog as they may deem necessary. At a minimum, said order shall state that the dog has been determined to be dangerous and shall require the owner or keeper of such dog to comply with the requirements of this bylaw.

~~DC.~~ Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be humanely euthanized in accordance with the provisions of MGL c. 140, § 151A, or that said dog be confined in accordance with such limitations as the Animal Control Officer deems appropriate. If an order to euthanize is issued, a certificate must be provided to the Animal Control Officer confirming the action was carried out. ~~If the Animal Control Officer determines that the dog is to be permanently given or sold to new owner, removed, the new owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper of the dog.~~

~~E.~~ ~~The owner or keeper of any dog determined to be dangerous by the Animal Control Officer may request a hearing before the Selectboard. Said request shall be in writing and received by the Selectboard within five business days of the owner's or keeper's receipt of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety pending disposition of the matter by the Selectboard. If the Selectboard determines that the measures described are inadequate, it may order that said dog be impounded, at the owner's or keeper's expense, until such time as the Selectboard rules otherwise.~~

**§ 111-9 Control of dangerous dogs.**

- C. No dangerous dog shall be licensed by the Town of Wellfleet for any licensing period unless the owner or keeper of such ~~viewous~~ dog displays a sign not to exceed one square foot on his or her premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from the public or private roadway.
- D. All dangerous dogs shall be confined in an enclosure approved in writing by the Animal Control Officer. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any such dog

to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or ~~to sell or give away the vicious dog or~~ to comply with the orders or directions of the Animal Control Officer and/or the Selectboard with respect to the vicious dog, or to comply with the provisions of these bylaws. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. Dangerous dogs shall not be permitted to run loose on any public or private way or any area within the Town of Wellfleet that is open to the general public, including but not limited to parks and beaches.

- E. ~~License revocation.~~ If the Animal Control Officer determines that a dangerous dog is being kept in the Town in violation of these bylaws or any order issued by the Animal Control Officer, or the Selectboard, or of any court, the Animal Control Officer shall so notify the Selectboard. After giving notice to the owner or keeper of the hearing, the Selectboard shall hold a public hearing on whether to ~~revoke the license of said dog or to~~ take further action as outlined in G.L. c. 140, § 157, including euthanizing the dog. If the Selectboard ~~revokes the license of~~ decides to take further action against said dog and does not order it to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within 10 days that said dog will be impounded and euthanized if it is found within the Town after the succeeding seven days. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any dangerous dog found outside of its enclosure in violation of this bylaw or any order issued by the Animal Control Officer, Selectboard or any court.

**§ 111-10 Kennel licenses, inspection and regulation.**

- B. Application and issuance of kennel license and fees.

- (1) A Residential or Commercial Kennel License shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination, made by the Animal Control Officer, that the basic standards of cleanliness, proper care, confinement, and adequate shelter of said dogs exist on the premises. The name and address of the owner or keeper of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog, ~~three~~ six months of age or older, is currently vaccinated against rabies and kennel cough, shall be kept on file on the premises and available for inspection by the Animal Control Officer or any authorized persons. Such license shall be in the form prescribed by the Town Clerk.

- G. Penalties shall be imposed as per § 111-11B(4).

**§ 111-11 Fines and penalties.**

- B. These penalties shall apply to all violations of Wellfleet's General Bylaws, Chapter 111, Article I, except that:

- (1) Any person who violates the provisions of § 111-4 shall be subject to a verbal or written warning for the first offense, a fine of \$50 for the second offense and a fine of \$100 for the third and any subsequent offenses.

- ~~(2) Section 111-4, Dogs must be leashed, and §~~

~~(2) Section 111-5, Dog waste removal. Owners or keepers of dogs found to be in violation shall be fined immediately as a first offense and subsequently as listed for the third, fourth and subsequent offenses, with no written warning;~~

(3) Section 111-6, Barking and other noise caused by dogs. Owners or keepers of dogs found in violation shall be fined \$50 for each offense;

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(4) Section 111-10, Kennel licenses, inspection and regulation. Kennel owners shall be subject to a penalty in the amount of \$50 per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

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## Article II Dogs at Large

[Adopted as Art. VII, Sec. 25, of the General Bylaws]

### ~~§ 111-12 Dogs in cemeteries.~~

~~No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet.~~

§ 111-12. (Reserved)

### § 111-13 Restraint requirements.

All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to the property of their owners. Any dog found running at large may be restrained and impounded. The owner of any dog so removed shall be liable for boarding expenses at the pound at the rate established by the Animal Control Officer. The Town of Wellfleet Police Department (including special officers) and the Animal Control Officer shall have the authority to enforce this section. The provisions of this section shall not apply to Seeing Eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under control for aiding the deaf, nor to any dogs qualified as a service animal under the Americans with Disabilities Act or regulations promulgated thereunder.

### § 111-14 Violations and penalties.

Any dog found running at large will be removed and impounded. If it is the first offense subject to this article committed by a person within a calendar year, the payment of a fine of \$50 or a warning charge shall be may operate as final disposition of the case dismissed without the payment of any fine; if it is the second offense so committed in the calendar year, the payment of a fine of ~~\$25~~ \$100 shall may operate as final disposition of the case; if it is the third offense so committed in a calendar year payment of a fine of ~~\$30~~ \$300 shall may operate as final disposition of the case; if it is the fourth or subsequent offense so committed the payment of a fine of ~~\$50~~ \$500 shall may operated as a final disposition of the case. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), and the Dog Officer Animal Control Officer, and any other officials whom the Selectboard may from time to time designate shall have the authority to enforce this article.

(Requested by the Animal Control Officer)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to recommend 3-0**

**SUMMARY:** The proposed changes that are before you are needed to amend and update the existing animal bylaws. Upon review of the bylaws, it was found that some of the language had been disapproved by the Office of the Attorney General in correspondence from November 23, 2021, and needed to be amended within the bylaws. There currently is a licensing period for dogs in the bylaws' definitions but there is not a bylaw section regarding the registration of dogs with the town. The town registration of dogs is required under Massachusetts General Law. The addition of a clear bylaw setting out the town's process of dog registration as well as clearly defined penalties for the failure to register are needed. It was observed that the leash bylaw was listed in two separate Articles within the bylaws and needed both consolidation and updating. The updates would allow for both discretion in extenuating circumstances and increase the fine schedule to gain compliance from repeat offenders. The current bylaw that doesn't allow animals to be left unattended in parked cars for any amount of time and does not take into consideration circumstances where there is no danger to the animal's health or safety would be updated to be more in line with current Massachusetts General Law and allow for circumstances where there is no threat of danger to the animal's health or safety. The prohibition of dogs in cemeteries through the town bylaws would be removed as previously voted on and approved and the bylaw mandating the removal of dog waste would remain in effect.

**ARTICLE NO. 14 – GENERAL BYLAW AMENDMENT – ANIMAL CONTROL REGULATIONS:**

To see if the Town will amend the Wellfleet General By-Laws by amending Chapter 111 by deleting the ~~strikethrough~~ language, and adding the underlined language as follows, or take any other action relative thereto.

Article IV

**Domesticated Animals on the Beach**

**§ 111-18 Domesticated Animals Prohibited From Beach Areas:**

- A. ~~For purposes of this Article, the definitions contained in § 111-3 are incorporated herein by reference. In addition, the definition of Beach (as defined in §111-3) shall also include areas below the high water mark where shellfishing could or does take place.~~
- B. ~~Domesticated Animals are prohibited from the life-guarded portions of Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing at LeCount Hollow between the hours of 9am and 5pm during the summer season (3<sup>rd</sup> Saturday in June – through Labor Day) except to walk from the parking lot to a point beyond the end of the guarded beach.~~

- C. Domesticated Animals are prohibited from the following saltwater beaches and landings: Burton Baker, Indian Neck and Nauset Road, Mayo Beach and Powers Landing.
- D. All owners and Keepers of any Domesticated Animal shall keep said Domesticated Animal under the owners and keepers' control so not to be a nuisance to bathers at all town landings and beaches at all times.
- E. Domesticated animals are prohibited in the following freshwater ponds and on the beaches of these ponds from May 15<sup>th</sup> through October 15<sup>th</sup>: Gull Pond, Long Pond, Great Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond.
- F. The provisions of this section shall not apply to any service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, and to any emotion support, therapy, comfort, or companion animals.

**§ 111-19 Enforcement.**

- A. The Officers of the Wellfleet Police Department, Animal Control Officers, Harbormaster, Assistant Harbormasters, Shellfish Constable, Deputy Shellfish Constables shall have the authority to enforce the provisions of this article.
- B. Violations of this article shall be enforceable under the noncriminal disposition procedures established by MGL c. 40, § 21D. The noncriminal disposition penalties for any person violating this article shall be a warning or \$50 for the first violation; \$100 for the second violation; \$300 for the third violation; and each subsequent violation. Each day of violation shall constitute a separate offense.

(Requested by the Animal Control Officer)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes – 5, No – 0, Abstain – 0.**

**Recommend: Yes – 5, No – 0, Abstain – 0.**

**Bylaw Committee: The Committee voted to recommend 3-0**

**SUMMARY:** The current regulations not already in the bylaws regarding animals from the Beach Rules and Regulations would be brought into the bylaws with the existing schedule of fines. The definition of “Beach” from the bylaws would be expanded within the singular bylaw for purposes of enforcing the beach restriction of animals in shellfishing areas and would allow for a warning for a first offense.

**SECTION III: STANDARD CLOSING ARTICLES**

**ARTICLE NO. 15 - REPORTS OF BOARDS AND COMMITTEES:**

To hear reports of the Selectboard, Town Officers, and all other Committees and to act thereon, or do or act on anything thereon.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes - 5, No - 0, Abstain - 0.**

**Recommend Yes - 5, No - 0, Abstain - 0.**

**ARTICLE NO. 16 - OTHER BUSINESS:**

To act on any other business that may legally come before the meeting.

(Requested by the Selectboard)

**Majority Vote Required**

**Recommendations:**

**Selectboard:**

**Insert Yes - 5, No - 0, Abstain - 0.**

**Recommend Yes - 5, No - 0, Abstain - 0.**

**SPECIAL TOWN ELECTION WARRANT**

Wednesday September 27, 2023

The Commonwealth of Massachusetts

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

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET ADULT COMMUNITY CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Wednesday September 27<sup>th</sup>, 2023**, between twelve o'clock noon and seven o'clock p.m., then and there to vote for the election of the following Town officer: One Selectboard to fill the remainder of a term. Also, to vote on the following questions:

**Question 1:** Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs associated with the design, permitting and construction of Phase I Wastewater Treatment System to serve 95 Lawrence Road and connect surrounding municipal buildings?

**Majority Vote Required**

**Question 2:** Shall the Town of Wellfleet be allowed to assess an additional \$145,000.00 in real and personal property taxes for the purpose of funding a new Town Planner position for the fiscal year beginning July 1st, two thousand and twenty-three?

**Majority Vote Required**

**2023 SPECIAL TOWN ELECTION WARRANT**

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

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

Given under our hands this 25th day of July 2023.

**Wellfleet Selectboard**

\_\_\_\_\_  
Barbara Carboni, Chair

\_\_\_\_\_  
John A. Wolf, Vice Chair, Clerk

\_\_\_\_\_  
Michael F. DeVasto, Member

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

\_\_\_\_\_  
Ryan Derek Curley, Member

**Constable's Return of Service**

I have served the foregoing warrant by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet in the Town on \_\_\_\_\_, which is at least seven (14) days before the date of said meeting, as within directed.

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

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



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

# IV

## BUSINESS

~ E ~

<b>REQUESTED BY:</b>	<b>Town Administration</b>
<b>DESIRED ACTION:</b>	<b>To review and receive a status update on submission; dredging mitigation</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed for this agenda item, one will be made at the time of the discussion.</b>
<b>Summary:</b>	<b>At this time the chair will allow public comments on alternative plans.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

# IV

### BUSINESS ~ F ~

<b>REQUESTED BY:</b>	Ryan Curley
<b>DESIRED ACTION:</b>	Discussion on determining how to fund the operating expenses with the Dredging Mitigation Plan.
<b>PROPOSED MOTION:</b>	If a motion is needed one will be made at the time of the meeting.
<b>SUMMARY:</b>	The mitigation plan requires an annual commitment of approximately \$51,000. Town Counsel has advised on the best course of action would be and recommended that an operating expense appropriation be made, and the plan should have been contingent upon such an appropriation being made by Town Meeting. In absence of such an appropriation the fund would need to come from the Shellfish department's line item, with the assumption that the department would also be conducting the monitoring. The mitigation agreement requires a third-party monitor, the town doesn't have an existing line item that could be used for this expense.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

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FY 2024				FY 2025		
Item	amount	price	total	amount	price	total
Racks	55	\$100.00	\$5,500.00			
4mm bags	100	\$7.75	\$775.00			
9mm bags	333	\$7.75	\$2,580.75			
Bag Assembly	433	\$2.00	\$866.00			
Zipties	1332	\$8.60	\$120.40			
Condos - 8 bay	13	\$240.00	\$3,120.00			
Candy Striped Poles	5	\$10.00	\$50.00			
Buoys	10	\$22.00	\$220.00			
Poly Line Roll	1	\$150.00	\$150.00			
Cultch	2.5	\$1,250.00	\$3,125.00	2.5	\$1,250.00	\$3,125.00
Fuel (cultching and relay)	96	\$5.29	\$507.84	96	\$5.29	\$507.84
Oil (cultching and relay)	4	\$30.00	\$120.00	4	\$30.00	\$120.00
Oyster Seed R6-8 Hatchery (100K/price is per 1,000)	100	\$37.85	\$3,785.00	100	\$37.85	\$3,785.00
Quahog Relay	0	0	0	70	\$27.25	\$1,907.50
JM OT (cultching/relay)	20	\$53.27	\$1,065.47	20	\$53.27	\$1,065.47
CM OT (cultching/relay)	20	\$47.69	\$953.75	20	\$47.69	\$953.75
WSD labor planting and farm ops	IN KIND			IN KIND		
Baseline Survey			\$4000			
Chapter 91 Permit Amendment			\$40,000			
Monitoring Survey(s)			\$20,000			\$20,000.00
			\$86,939.21			\$31,464.56
				<i>*same for five years but we need to expect increases in prices</i>		

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**Appendix D– Table of Potential Adaptive and Long Term  
Management Scenarios**

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MITIGATION PLAN SCENARIOS

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE		
Scenario	Applicable Document	Required Action
Year Seven - oyster population has not reached 25/square meter.	Adaptive Management Plan	<p>Continue the cultch and seed for additional years and/or implement additional actions to increase the population.</p> <p>However, if the oyster population has steadily increased in prior years (but not reached 25/square meter) and the other metrics (biodiversity and water quality) have improved, USACE may issue a Certificate of Compliance.</p>
Years One through Seven - severe weather event(s) destroys, or disease decimates the oyster population.	Adaptive Management Plan	<p>Year Two or similar effort, and continue with the Plan, thus adding additional years to the mitigation plan timeline. Jump start the enhancement by following Year Two cultch / seed protocol or similar actions as proposed by the Shellfish Department and reviewed with the USACE. (Year Two protocol includes 10 lines of cultch and 80,000 to 100,000 seed)</p>
During the Workplan period (i.e., after Year Seven but before a Certificate of Compliance has been issued) - severe weather or disease destroys the oyster population.	Adaptive Management Plan	<p>Viewed as if this event had occurred after having already received a Certificate of Compliance. Jumpstart by implementing the Year Two components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.</p> <p>The number of restarts or Year Two initiatives will not exceed five (5) attempts over the life of the Mitigation Plan, after which no further action is required.</p>

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MITIGATION PLAN SCENARIOS

AFTER ISSUANCE OF CERTIFICATE OF COMPLIANCE		
Scenario	Applicable Document	Required Action
Years 1 - 10, AFTER issuance of Certificate of Compliance - oyster population falls below 25 /square meter.	Long Term Management Plan	The Shellfish Department will close the area (consistent with MA DMF regulations) to allow the population to naturally increase.  If populations do not recover (after one year) or continue to fail, there would be a jump start by implementing the Year 2 components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.
Years 1- 10, AFTER issuance of Certificate of Compliance - severe weather event or disease destroys the oyster population	Long Term Management Plan	Jump start by implementing the Year 2 components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.
Years 10 and beyond, AFTER issuance of Certificate of Compliance - severe weather event or disease destroys the oyster population	Long Term Management Plan	Jump start by implementing the Year 2 components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.
Years 10 THROUGH 15 AFTER Issuance of Certificate of Compliance - oyster population falls below 25 /square meter.	Long Term Management Plan	Jump start by implementing the Year 2 components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.

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MITIGATION PLAN SCENARIOS

<p>Years 16 and beyond, AFTER Issuance of Certificate of Compliance - oyster population falls below 25 /square meter.</p>	<p>Long Term Management Plan</p>	<p>Jump start by implementing the Year 2 components outlined in the Mitigation Work Plan, Section F with respect to the placement of cultch and seed. Alternate actions proposed by the Shellfish Department may be substituted if approved by USACE.</p>
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**DRAFT**

**MITIGATION PLAN SCENARIOS**

<b>ANYTIME PRIOR TO OR AFTER ISSUANCE OF CERTIFICATE OF COMPLIANCE</b>		
<b>Scenario</b>	<b>Applicable Document</b>	<b>Required Action</b>
Town desires to opt out of the mitigation Plan	Opt Out Clause	The opt Out Clause can be invoked by the Town at any time throughout the life of the Mitigation Plan.  Pay a permit fee for the required 7.16 mitigation credits (or fewer credits if mitigation plan results at that time has resulted in a reduction to required credits). The amount of the Fee will be based on the MA In Lieu Fee (ILF) Program, then pertaining.

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MITIGATION PLAN SCENARIOS

REPORTING REQUIREMENTS		
<b>Self-Verification Definition</b>	Self-verification shall include information on oyster density in the reporting year; dates that the Blackfish Creek site has been opened for harvest, and the extent of harvest (commercial, recreational, etc.) for each year since the previous report.	
<b>Scenario</b>	<b>Applicable Document</b>	<b>Required Action</b>
Years 1 through 10 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every two years. With the first report being two years after issued certificate of compliance.	Continued reporting maintains the status of the self-reporting requirements and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.
Years 11 through 15 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every five years.	Continued reporting maintains the status of the mitigation plan and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.
Years 16 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every five years	<b>Continued reporting</b> maintains the status of the mitigation plan and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.

DRAFT

**MITIGATION PLAN SCENARIOS**

After Year15 following  
Issuance of Certificate  
of Compliance.

Permit Modification Request

The Town can request to modify the permit to submit self-verification every 10 years or so or relinquish monitoring reports at 15 years post certification.



Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

---

**FW: Wellfleet Harbor Dredge Mitigation Plan**

---

Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

Tue, Aug 8, 2023 at 3:12 PM

To: Helen Miranda Wilson &lt;helmirwil@c4.net&gt;, Shellfish Advisory Board &lt;SAB@wellfleet-ma.gov&gt;

At this point a funding article can not make the warrant. There is a possibility of doing it at the annual town meeting and funding year 1 via the current borrowing authorization (I need to note that the DOR objected to this approach with Maurices). If there isn't funding approved by the town meeting, it will come from the existing line items of the Shellfish Department. The current borrowing authorization will be expended either this fiscal year or next. I do not have an exact balance remaining but over \$5m has been expended for the dredging and associated costs to date.

----- Forwarded message -----

From: **Carolyn M. Murray** <CMurray@k-plaw.com>

Date: Thu, Jul 27, 2023 at 12:19 PM

Subject: Re: Wellfleet Harbor Dredge Mitigation Plan

To: Ryan Curley &lt;ryan.d.curley@gmail.com&gt;

Cc: Richard Waldo &lt;richard.waldo@wellfleet-ma.gov&gt;

Ryan,

It could be either. If Town employees place the cultch, inspect and monitor the sites, they do so as part of their regular duties and do not receive any additional compensation for inspecting a site subject to the Mitigation Agreement as opposed to inspecting other sites. In this instance, the costs of employee wages to inspect are simply part of the operating budget, with no additional cost to be incurred. This is no different than a road repavement project, for example, where a Highway Superintendent or DPW Director inspects the work performed by a third party.

It is my understanding that Town employees currently cultch certain areas now, not as part of the Mitigation Agreement, so there must be an existing line item in the operating budget from which cultch is purchased. If we needed additional funds to purchase cultch under the Mitigation Agreement, we could use these funds already in the operating budget or, if we want to track the costs associated with the dredging and Mitigation Agreement separately, **the better approach would be to seek funding under a separate article at Town Meeting.**

Sent from my iPhone

On Jul 27, 2023, at 12:02 PM, Ryan Curley &lt;ryan.d.curley@gmail.com&gt; wrote:

Thank you for the prompt response. Would it be funded via a separate article, or would it be in the annual budget at next year's town meeting?

I know staff was not expecting any of the costs associated with the Mitigation Agreement to come from their budgets, and the board was told it would not come out of their current budgets as well. The current borrowing authorization has been spent down, I do not have an exact number, but there is a high degree of probability that the current borrowing authorization will be entirely spent in FY24.

---

**From:** Carolyn M. Murray <CMurray@k-plaw.com>**Sent:** Thursday, July 27, 2023 11:45 AM**To:** Ryan Curley <ryan.d.curley@gmail.com>

Cc: Richard Waldo <[richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)>

Subject: Re: Wellfleet Harbor Dredge Mitigation Plan

Ryan,

I have reviewed the full Mitigation Agreement as it existed about a month ago. I have not seen a revised draft where Herring River was dropped as a mitigation site.

My understanding as to the approximately \$50,000/year cost to inspect, prepare reports and even to place cultch is that this will be done by Town employees in the course of their regular duties and so the costs associated with those tasks will be through the annual operating budget, not the dredging borrowing article. Even if a third party will impeccably and monitor, it is still my opinion that the \$7.5 million could be used to pay a third party for tasks required under the Mitigation Agreement.

I recognize that not having a definitive end date-although I understand this may continue for 5 or 10 years until a compliance certificate is achieved- make it difficult to estimate the total cost of the project. **This is one of the reasons I suggested inserting the language that the Town's duties and obligations under the Mitigation Agreement are subject to appropriation of funds.**

Sent from my iPhone

On Jul 27, 2023, at 10:54 AM, Ryan Curley <[ryan.d.curley@gmail.com](mailto:ryan.d.curley@gmail.com)> wrote:

Hi Carolyn,

There was never a question of whether the borrowing previously approved for dredging could be utilized for permitting expenses. The question I have been asking is not due to a cost associated with the initial implementation if there was a definitive end date that would represent the total expenditures. However, there is no such end date.

The question was about the operating costs associated with the agreement that would continue years into the future for an indeterminate period of time. In the mitigation agreement, there is an annual operating cost of around \$51,000 (table on page 11) with no definitive end date. Those costs include \$20,000 for a third-party monitor and \$30,000 in clutch seed and labor costs. While the town hopes to enter into the less intensive period of the monitoring plan after year 5, we can only do so if the performance metrics have been met. There is a significant degree of uncertainty if the metrics will be met by year 5 of the implementation phase because we are dealing with living animals subject to the vagaries of nature. At a minimum, this cost will go through year 5 of the agreement; however, this period could extend further into the future as specified in Appendix D, Table of Potential Adaptive and Long-Term Management Scenarios. Multiple scenarios would continue the implementation period further into the future. The first scenario is if the metric of 25 oysters per sq meter is not met by year 7 that the required action is to:

"continue the culch and seed for additional years and or implement additional actions to increase the population" see page 58 of the pdf.

In the case of weather or disease not reaching the metrics by year 7, the adaptive management plan calls for additional years to the implementation phase.

Additional factors could be weighed in favor of achieving compliance or against attaining compliance.

There is also a permanent long-term maintenance plan that the town is responsible for. This is the significantly less costly portion of the mitigation plan. Still, it is a permanent ongoing expense. In years 1-10, after receiving a Certificate of Compliance, the Long Term Management Plan, if the metrics then fall below the required metrics, including due to weather or disease or just that it drops below 25 oysters per square meter that the plan would then revert to the year two portion of the implementation phase. There is no cost estimate on the three different phases of the Long Term Management Plan after a certificate of compliance is issued, years 1-10, years 10-15, and years 16 and after

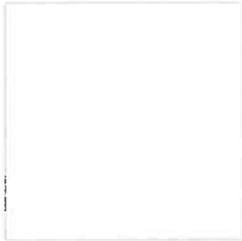
So, a **\$51,000** yearly cost will continue for a time to be determined. Hence, there is no definitive total cost associated with the implementation phase due to the uncertainty of its end date or the possible need to expand the efforts to meet the metrics.

Also, have you been able to review the mitigation agreement in full? The Herring River site was dropped a while ago.

On Thu, Jul 27, 2023, 8:33 AM Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)> wrote:

Please read below, it is our plan to move forward with submission of the mitigation plan to the ACOE.

**Richard J. Waldo**  
Town of Wellfleet - Town Administrator  
300 Main Street  
Wellfleet MA 02667  
Phone 508-349-0300 ext. 1115  
Fax 508-349-0305  
Email: [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)



**From:** Carolyn M. Murray <[CMurray@k-plaw.com](mailto:CMurray@k-plaw.com)>  
**Sent:** Wednesday, July 26, 2023 4:14 PM  
**To:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>  
**Subject:** Wellfleet Harbor Dredge Mitigation Plan

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rich,

You requested an opinion as to whether the Town Meeting vote authorizing \$7.5 million for the harbor dredging project can be applied towards certain costs associated with the proposed Harbor Dredge Mitigation Plan to be entered into between the Town and the Army Corps of Engineers. As you are aware, the April 2019 Annual Town Meeting approved the following motion under Article 12:

-

**ARTICLE 12: Wellfleet Harbor Dredging**

**MOTION:** I move that the sum of **\$7,500,000** is appropriated for the purpose of **paying the costs of dredging of the Wellfleet Harbor and for the payment of all other**

costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G. L. c. 59, §21C (Proposition 2½). Further, any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. (Emphasis added.)

The Town is in the process of negotiating a mitigation agreement with the Army Corps of Engineers, under which the Town agrees to cultch certain areas to promote oyster propagation and improve water quality with respect to two mitigation areas: one along Herring River and another along Blackfish Creek. The cultch would be purchased from a third-party and Town employees would place the cultch and inspect the propagation progress in the mitigation areas. Town employees would be paid their regular salaries through the annual operating budget. You have informed me that the Mitigation Plan (or alternatively, payment of a fee in lieu of mitigation) is a condition of the Town obtaining the necessary permits to conduct the harbor dredging. Since the Mitigation Plan is a condition of securing a permit to dredge the harbor, it is my opinion that the costs associated with implementing the Mitigation Plan constitute "costs incidental and related thereto" and, therefore, the above appropriation may be used to implement the Mitigation Plan.

Please contact me with any further questions.

Thank you,

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](mailto:cmurray@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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--  
Sincerely,  
Ryan Curley  
(508)-246-4718  
[Ryan.D.Curley@gmail.com](mailto:Ryan.D.Curley@gmail.com)

---

**2 attachments**



**image001.png**  
7K

 **mitigation 7.18.23.pdf**  
2873K



Ryan Curley <ryan.d.curley@gmail.com>

**Fwd: Wellfleet: Harbor Dredging Mitigation Plan**

**Richard Waldo** <Richard.Waldo@wellfleet-ma.gov>  
To: Ryan Curley <ryan.d.curley@gmail.com>  
Cc: Barbara Carboni <Barbara.Carboni@wellfleet-ma.gov>

Tue, Jul 18, 2023 at 3:40 PM

Please see below.

**Richard J. Waldo**  
Town of Wellfleet - Town Administrator  
300 Main Street  
Wellfleet MA 02667  
Phone 508-349-0300 ext. 1115  
Fax 508-349-0305  
Email: [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)



**From:** Carolyn M. Murray <CMurray@k-plaw.com>  
**Sent:** Tuesday, July 18, 2023 3:12 PM  
**To:** Richard Waldo <Richard.Waldo@wellfleet-ma.gov>  
**Subject:** RE: Wellfleet: Harbor Dredging Mitigation Plan

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rich,

The question raised by the Chair can be addressed by adding the following provision to the mitigation plan:

**AVAILABILITY OF FUNDS:** It is expressly understood that any duties to be performed by the Town hereunder or any supplies or services to be procured to carry out the Town's obligations under this Mitigation Plan are subject to the appropriation of funds by the Wellfleet Town Meeting.

8/9/23, 1:36 PM

Gmail - Fwd: Wellfleet: Harbor Dredging Mitigation Plan

Let me know if you have any further questions.

Thank you,

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](mailto:cmurray@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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**From:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>  
**Sent:** Tuesday, July 18, 2023 2:05 PM  
**To:** Carolyn M. Murray <[CMurray@k-plaw.com](mailto:CMurray@k-plaw.com)>  
**Subject:** FW: Wellfleet: Harbor Dredging Mitigation Plan

FYI in yellow.

**Richard J. Waldo**  
Town of Wellfleet - Town Administrator  
300 Main Street  
Wellfleet MA 02667  
Phone 508-349-0300 ext. 1115  
Fax 508-349-0305  
Email: [richard.waldo@wellfleet-ma.gov](mailto:richard.waldo@wellfleet-ma.gov)



**From:** Ryan Curley <[ryan.d.curley@gmail.com](mailto:ryan.d.curley@gmail.com)>  
**Sent:** Tuesday, July 18, 2023 1:54 PM  
**To:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>; Barbara Carboni <[Barbara.Carboni@wellfleet-ma.gov](mailto:Barbara.Carboni@wellfleet-ma.gov)>  
**Subject:** Re: Wellfleet: Harbor Dredging Mitigation Plan

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That was not my question, but it is helpful non the less. My question is that the Mitigation agreement commits the Town to assume certain costs that are not capital costs and instead are operating expenses. However, there has been no appropriation approved by the town meeting to fund these operating costs, and thus absent the approval of the town meeting, the town can not enter into a contract for these expenses. Specifically, the third-party monitoring is a requirement in the Mitigation agreement and would be a contracted service, but we have no funding for such a service. The propagation could be funded by the shellfish propagation fund, but that will be an issue, and it would be better to have an appropriation made for shellfish propagation related to the mitigation agreement.

On Mon, Jul 17, 2023 at 1:28 PM Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)> wrote:

Please see opinion from counsel below on financial considerations with entering into a long term commitment with the Army Corp of Engineers.

I have another question into them regarding the necessity of an easement on Audubon property for clutching and monitoring activities. They have assured me I'll have an opinion before tomorrow nights meeting.

Richard J. Waldo, P.E.

Town Administrator

Town of Wellfleet

Office: (508) 349-0349

Cell: (508) 424-8940

[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)

Begin forwarded message:

**From:** "Carolyn M. Murray" <[CMurray@k-plaw.com](mailto:CMurray@k-plaw.com)>  
**Date:** July 12, 2023 at 7:53:03 AM EDT  
**To:** Richard Waldo <[Richard.Waldo@wellfleet-ma.gov](mailto:Richard.Waldo@wellfleet-ma.gov)>  
**Cc:** "Katharine L. Klein" <[KKlein@k-plaw.com](mailto:KKlein@k-plaw.com)>  
**Subject:** Wellfleet: Harbor Dredging Mitigation Plan

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rich,

You have asked whether the Harbor Mitigation Plan to be entered into between the Army Corps of Engineers and the Town, and which may extend for 5-10 years, is subject to the 3-year limit on contracts found in G.L. Chapter 30B. In my opinion, this is not a contract subject to Chapter 30B, and therefore, the 3-year limit on contracts is not applicable.

As you are aware, G.L. Chapter 30B, §12(b) states: "(b) Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option. Such authorization may apply to a single contract or to any number or types of contracts, and may specify a uniform limit or different limits on the duration of any such contracts." However, this limitation only applies to contracts subject to this statute. Chapter 30B, §1 outlines the types of contracts the statute governs, namely the procurement of supplies and services or the acquisition and disposition of real estate. Under the Mitigation Plan, the Town is not procuring supplies or services of a third party; rather, the Town is committing that the Town, through its employees and agents will undertake certain obligations, such as the inspection, monitoring and reporting on the mitigation areas. Where the Town is committing to perform certain tasks under the Mitigation Plan, Chapter 30B and its 3-year limit on the term of a contract do not apply. This is not to suggest, however, that no work to be performed under the Mitigation Plan will be subject to Chapter 30B. For example, if the Town purchases cultch from a third-party or hires a contractor to place the cultch in the designated mitigation areas, that purchase of supplies or procurement of services would be subject to Chapter 30B. Also, as we have discussed previously, if easements are required on Town or private property to carry out the Mitigation Plan, the acquisition or disposition of such easements would be subject to Chapter 30B, §16.

Further, it is my understanding that the Town is receiving some financial assistance from either the state or federal government for the harbor dredging project. Chapter 30B, §12 (34) (d) provides: "Where a procurement involves the expenditure of federal assistance or contract funds, the provisions of this chapter shall not apply to the extent that such provisions prevent compliance with mandatory provisions of federal law and regulations." Although I am not aware of any specific provisions of federal law that would impact compliance with Chapter 30B, it is possible that this provision could be applicable to certain tasks under the Mitigation Plan.

Let me know if you have any further questions.

Thank you,

Carolyn M. Murray, Esq.

KP Law, P.C.

--

Sincerely,

Ryan Curley

(508)-246-4718

[Ryan.D.Curley@gmail.com](mailto:Ryan.D.Curley@gmail.com)

8/9/23, 1:36 PM

Gmail - Fwd: Wellfleet: Harbor Dredging Mitigation Plan



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

IV

### BUSINESS

~ G ~

<b>REQUESTED BY:</b>	<b>Fire Chief Rich Pauley, Town Administrator Rich Waldo</b>
<b>DESIRED ACTION:</b>	<b>Review Draft ATTESTATION LETTER FOR PARTNERING MUNICIPALITIES</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the draft attestation letter for partnering municipalities and direct the appropriate staff to fill out and send the letter to the State 911 department.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



The Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY  
**STATE 911 DEPARTMENT**

151 Campanelli Drive, Suite A ~ Middleborough, MA 02346

Tel: 508-828-2911 ~ TTY: 508-947-1455

[www.mass.gov/e911](http://www.mass.gov/e911)



**MAURA T. HEALEY**  
Governor

**TERRENCE M. REIDY**  
Secretary

**KIMBERLEY DRISCOLL**  
Lieutenant Governor

**FRANK POZNIAK**  
Executive Director

**ATTESTATION LETTER FOR PARTNERING MUNICIPALITIES - DRAFT**

Official Agency Letterhead (required)

Date

Frank Pozniak  
Executive Director  
State 911 Department  
151 Campanelli Drive, Suite A  
Middleborough, MA 02346

Dear Executive Director Pozniak,

I am the (municipal manager) of the city/town of \_\_\_\_\_.

I am sending you this letter in my official capacity and in such capacity I attest to the fact that (city/town) has agreed to participate with (applicant city/town department) as a partner in (studying the planning or forming) a (regional PSAP or regional secondary PSAP or regional emergency communication center) as set forth in the application for State 911 Department Development Grant funding submitted by (applicant city/town department). I further attest to the fact that I have full authority to commit the participation of my (city/town) in this regional project and that I have communicated to the (police chief or fire chief) of (city/town) that I am sending this letter attesting that (city/town) is participating in this regional project.

If you have any questions or concerns, please feel free to contact me at (phone #, e-mail).

Sincerely,

Signature (original copy required)



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023



## SELECTBOARD REPORTS:

Reported by:	Topic:
<b>Chair Carboni</b>	<b>Prior Affiliations</b>
<b>Selectboard</b>	<b>FY 2024 Goals – review and prioritize</b>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

V

### Selectboard Reports

~ A ~

<b>REQUESTED BY:</b>	Chair, Barbara Carboni
<b>DESIRED ACTION:</b>	To discuss her previous affiliations with the board and public
<b>PROPOSED MOTION:</b>	There is no motion needed for this agenda item
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

Barbara Carboni 23 (b) (3)

Jude Ahern <[REDACTED]>

Tue 8/8/2023 5:17 PM

To: Board of Selectmen <BoS@wellfleet-ma.gov>; Richard Waldo <Richard.Waldo@wellfleet-ma.gov>; Shellfish Advisory Board <SAB@wellfleet-ma.gov>

📎 1 attachments (32 KB)

HRP and Witten-040822.pdf;

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I emailed Barbara Carboni a couple months ago on May 31, 2023 advising her to either take down one of her LinkedIn profiles and/or update them. She didn't. She's a "land use practitioner" who tells the People of Wellfleet that our 28 acres of land is not land but a "resource". She's not the Chair.

Barbara Huggins is a shareholder in KP Law. She sold her law firm she founded with Jon Witten (founder of Horsley-Witten our Wastewater consultants) to KP Law in 2019 and worked there until March 2021. She CLEARLY has a perceived Conflict of Interest that the People of Wellfleet deserve to know about.

I attach an email I sent to her while she was running for office on April 8, 2022. She called Ethics and has to rescue herself from HRP but she also should have filed a 23 (b) 3 before she took the Oath of office.

Again, Barbara what is the problem with this simple request?

Jude

I am cc'ing the SAB because they were asking why we are spending so much money on KP Law



LinkedIn

<https://www.linkedin.com> > ... ⋮

**Barbara Carboni - Lawyer - Huggins and Witten, LLC**

Greater Boston · Lawyer · Huggins and Witten, LLC

**Shareholder** at **KP Law, P.C.** · Boston, MA · Andrew McIntire CFA. Managing Partner Baldwin Brothers LLC. Mattapoisett Center, MA ...

## Barbara Carboni

---

**From:** Jude <jude@judeahern.com>  
**Sent:** Friday, April 8, 2022 5:12 AM  
**To:** Barbara Carboni  
**Subject:** HRP and Witten

Dear Ms. Huggins-Carboni:

If elected, I trust you will be recusing yourself from any discussions about the Herring River Project. You cannot work for Truro and represent the best interests of the Town of Wellfleet without bias. That is obvious but please confirm that you will publicly state this during your campaign.

As a candidate, please confirm that you will disclose your longstanding business relationship/law firm partnership with Mr. Witten who founded and I believe still owns Horseley Witten, the company that has spent over \$800,000 of our taxpayers dollars and not delivered the deliverable, a viable 208 plan. While you are at it, please ask Curt Felix the Chair of our wastewater committee to share with the public what they have been discussing with Horseley Witten for OVER A YEAR with no meeting minutes. Try to find out why the Selectboard's 11/2/21 minutes are (the only one) missing wherein Horseley Witten presented their plan that includes 4 million oysters a year that the shellfishing community is vehemently opposed to yet doesn't even know it's still in the plan! Isn't Horsley Witten also doing 95 Lawrence Road and the Cloverleaf project too? No wonder your single issue is affordable "housing". With housing projects come massive septic systems that benefit your business contacts. I assume you've already filed a 23(b)3 in Truro for that relationship before you were hired. Please confirm so I don't have to make a public records request for it.

Lastly, please explain your history with bully Attorney Ben Zehnder. He seemed very casual with the way he addressed you in the last Truro zoning board meeting. How many times have you interacted with him as opposing attorneys? Who normally wins? You owe it to the people of Wellfleet to explain the situation at Ballston Beach and how it relates to the similar situation off Ocean View Drive for which our Planning Board Chair refuses to discuss in a meeting or public hearing. We want to know if you are going to let Attorney Zehnder walk all over the Town or if you intend to fiercely protect the Town's interests.

Frankly, I don't see how you can do both jobs well. You have serious perceived conflicts of interest that you must disclose. Your friend [REDACTED] has made a real mess for you to clean up at the worst possible time. Why are you bailing her out? Perhaps you share her "appetite" for....public service.

I look forward to hearing you speak to these issues this coming month so you reveal to the People of Wellfleet who you really are. If you want to meet me, come to the Selectboard meeting on April 12, I'm on the agenda. Maybe you can help clear up some questions I have as to the chain of events between March 8-29 and Helen's tampering with our election.

Until then,

Jude Ahern

Sent from my iPhone

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## All Requests • MuckRock

Jude · 

Tue 8/8/2023 12:57 AM

To: Board of Selectmen <BoS@wellfleet-ma.gov>

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<https://www.muckrock.com/foi/list/?q=Wellfleet>

Barbara, your name will be all over Muck Rock unless you simply do the right thing and really tell the People who you are: a land use lawyer who screws the people of wellfleet out of 28 acres of land by trying to define it as a "resource".

Sent from my iPhone

## We are not having two public hearings for Mikey

Jude <[REDACTED]>

Tue 8/8/2023 12:39 AM

To:barbara.carboni@truro-ma.gov <barbara.carboni@truro-ma.gov>;Board of Selectmen <BoS@wellfleet-ma.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Barbara, where's that 23(b) 3 about your relationship with KP Law? I've asked nicely several times. You clearly have a conflict of interest or you would willingly just do it. What's your problem with this request?

Regardless, you will need to recuse yourself from anything having to do with the "shared watershed" wellfleet shares with Truro which is anything shellfish (like corporatization), mitigation, wastewater, dredging...just like the Herring River Project. There is no difference.

I won't ask nicely again, rather I will legally demand it through Muck Rock so then when anyone googles your name, that's what they see first and trust me, it'll never go away, ask your friend Nancy who didn't want to give up her allegiance to SPAT who owns ARC.

Disrespectfully,

Jude

Sent from my iPhone

Where's Barbara Carboni's 23(b)3?

Jude [REDACTED]

Tue 7/18/2023 5:48 AM

To: Richard Waldo <Richard.Waldo@wellfleet-ma.gov>; Board of Selectmen <BoS@wellfleet-ma.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I asked for it weeks ago. Where is it? She formed a partnership with Jon Witten founder and still stockholder of Horsley-Witten. How much have we paid them to date? And they in turn sold their law firm to KP law. More than just an appearance...

I want that today, before any of your secret meetings. When can I pick that up?

I hope all of you have good personal lawyers and not all planning to use [REDACTED]

Jude

Sent from my iPhone

**Fw: Huggins-Carboni 23 (b) 3**

Barbara Carboni <Barbara.Carboni@wellfleet-ma.gov>

Wed 7/12/2023 3:46 PM

To: Barbara Carboni <bcarboni02667@gmail.com>

**From:** Jude <[REDACTED]>

**Sent:** Wednesday, July 12, 2023 3:15 PM

**To:** Board of Selectmen <BoS@wellfleet-ma.gov>

**Subject:** Fwd: Huggins-Carboni 23 (b) 3

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I asked week ago. Huggins-whitten needs to be explained he still owns the business. That, herring river and role as Truro planner she has too many conflicts of interests for which she will need to revise herself. The People should not have to suffer because of her prior life, before she moved full time her a couple years ago.

Jude

Sent from my iPhone

Begin forwarded message:

**From:** Jude <[REDACTED]>

**Date:** July 12, 2023 at 3:12:48 PM EDT

**To:** barbara.carboni@truro-ma.gov

**Subject:** Fwd: Huggins-Carboni 23 (b) 3

If you haven't already I will make sure everyone knows that.

Sent from my iPhone

Begin forwarded message:

**From:** Jude <[REDACTED]>

**Date:** July 12, 2023 at 3:10:04 PM EDT

**To:** Board of Selectmen <bos@wellfleet-ma.gov>

**Subject:** Huggins-Carboni 23 (b) 3

**Fwd: were the Order of Conditions for cultching renewed since 8/8/2016 or 8/11/2016?**

Jude Ahern [REDACTED]

Wed 5/31/2023 4:46 AM

To: Barbara Carboni <bcarboni@truro-ma.gov>

📎 7 attachments (9 MB)

emailsbetweenCurleyandCivettaaboutcultchinginpainehollowarea.pdf; emailexchangewithCurtFelix.pdf; wastewater073020transcript.docx; 16144 EENF Town of Wellfleet Proposed Shellfish Propagation Sites.pdf; EEA 16144.pdf; Extension Permit for Order of Conditions Recording\_SE 77-1417.pdf; Order of Conditions Recording SE 077-1417.pdf;

**I WANT YOU TO DO YOUR JOB FOR WELLFLEET TODAY!!!!!!!!!!**

You wasted our time since March, I think you can find the time.

Also, submit a 23(b) (3) about your relationship with Horsley-Whitten.

**SO glad I didn't vote for you. You are, by far, the lamest Selectboard member EVER and the one time you stop twiddling your pencil is to TELL THE PEOPLE IT IS THEIR PRIVILEGE TO KNOW ANYTHING!!!!!!!!!!!!!!**

Begin forwarded message:

**From:** Jude Ahern <[REDACTED]>

**Subject:** **Fwd: were the Order of Conditions for cultching renewed since 8/8/2016 or 8/11/2016?**

**Date:** May 31, 2023 at 4:22:17 AM EDT

**To:** Board of Selectmen <bos@wellfleet-ma.gov>, Richard Waldo <richard.waldo@wellfleet-ma.gov>

[REDACTED] is in violation of the Order of Conditions now. She applied for a waiver for any Environmental Review Study as [REDACTED] was leaving office. **I WANT ALL OF YOU TO DO YOU JOB AND DO SOMETHING ABOUT THIS TODAY!**

**I ALSO WANT A 23 (B) (3) FROM BARBARA CARBONI REGARDING HER RELATIONSHIP TO HORSLEY-WHITTEN. IT IS NOW CRYSTAL CLEAR SHE SHE HAS MANY CONFLICTS OF INTEREST.**

**SHAME ON ALL OF YOU.**

Begin forwarded message:

**From:** Jude Ahern <[REDACTED]>

**Subject:** **Re: were the Order of Conditions for cultching renewed since 8/8/2016 or 8/11/2016?**

**Date:** May 29, 2023 at 2:58:04 PM EDT

**To:** Meredith Ballinger <Meredith.ballinger@wellfleet-ma.gov>

**Cc:** Christine Bates <Christine.Bates@wellfleet-ma.gov>, Wellfleet Conservation Commission <ConCom@wellfleet-ma.gov>

**From:** Jude <[jude@judeahern.com](mailto:jude@judeahern.com)>  
**Sent:** Sunday, August 13, 2023 1:06 AM  
**To:** Board of Selectmen <[BoS@wellfleet-ma.gov](mailto:BoS@wellfleet-ma.gov)>  
**Subject:** This is what's going to happen

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fake Selectboard:

I promise you that this is what is going to happen if you do not put the 28 acres OF LAND UNDER WATER in Blackfish Creek on the fall town meeting warrant.

I was shocked Fake Chair Barbara Huggins Carboni chose not to file a 23(b) (3) with her relationship with KP Law as requested repeatedly and even more shocked that she has never filed one in Truro either! This must be intentional because she is a shareholder.

Therefore, the first thing I'm "gonna do" (her terminology from June 20 transcript) is find out not only how much the Town pays KP law but how much KP law is going to make on the opiate class action lawsuit and how much town staff time and resources has been spent gathering the data for them to collect for damages. That will be made public and then Carboni's reason for refusing to sign a 23(b)(3) will be obvious. Barbara will be exposed as always acting like the lawyer she is, looking out for herself first. The fact that Carboni is a LAND USE lawyer will be emphasized. It will be made clear that Carboni angrily refused to explain to the People why this "mitigation plan" doesn't have to go Town meeting according to Section 7 of our bylaws. The Selectboard with Carboni as its Fake Chair will have to explain what KP Law means by "the town believes this is not a change of use" (in its response to my OML complaint about the lack of a properly posted public hearing) because this important issue was never discussed in public. One can only conclude that this discussion took place in private and with Carboni fully aware of this discussion since she is a LAND USE LAWYER. The transcript of the June 20 meeting is really damaging for all of you but Carboni, particularly. You all took an oath of office to uphold our bylaws and all of you failed to do this. Must be the money.

And that is just the beginning! This is a promise not a threat.

So, put the issue on the Warrant for fall town meeting or suffer these consequences.

Enough is enough, this Selectboard is a disgrace.

Jude

Sent from my iPhone



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

V

### Selectboard Reports

~ B ~

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	Review and Prioritize town wide goals for FY 2024
<b>PROPOSED MOTION:</b>	No motion is needed for this agenda item
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## ***Selectboard Goals***

***FY 2024***

**Barbara Carboni (Chair):**

1. To support the administration in recruiting, hiring, and retaining Town staff

**John Wolf (Vice Chair):**

1. To be determined

**Michael DeVasto:**

1. Focus on planning for upcoming projects that have been approved.
2. Move forward existing projects to the extent possible in the fiscal year.
3. Minimize additional burdens placed on Town Administration and Town Staff until relevant and key positions are filled.

**Ryan Curley:**

- **Please see attached**

Ryan Curley  
FY 24 goals  
07/30/2023

(

- Establish a migration plan to platform Town functions to a SaS cloud with a web-based portal for the public.
- Identify or develop a plan to create additional Meeting rooms for boards and committees.
- Local comprehensive plan
  - Restart the Local Comprehensive Planning Process.
    - Establish clear deadlines and expectations for the LCP process
  - Initiate a separate long-term local Climate Change Local Comprehensive plan establishing clear decision trees and points for various adaptations.
- Marina
  - Evaluate the L Pier for reconditioning
  - Explore opportunities for additional dockage
  - Evaluate fee structure
- Government
  - Stabilize town governance and administration.
  - Hire an experienced, capable, and driven ATA.
  - Reduce the number of tasks assigned to the ATA.
  - Hire a dedicated Financial Director with extensive municipal financial experience.
  - Foster enhanced communications between public bodies, public bodies, and town staff.
  - Hold Town Administrator to performance goals and finish reformatting performance reviews.
  - Ensure Effective Oversight of Town Operations
  - Establish better tracking of in-kind contributions to more readily meet the obligations of match requirements for many grants.
  - Pending approval of the Town Meeting, hire a Town Planner.
  - Hold staff accountable for submitting materials for the Selectboard Packets on time.
- Town Finances
  - Require Quarterlies
  - Normalizing the Town's Financial Operations, (structure, governance, reporting, and policies)
  - Increase the resources devoted to the town's Financial Operations
  - Require additional oversight by the Administration of Town Financial Operations, practices, and controls.

Ryan Curley FY 23 Goals  
07/12/2023

- Hold the Administration accountable for implementing DOR/DLS FMR recommendations and be willing to discuss discipline if there are deviations from the FMR.
- Enhance the Auditing process with a revised and expanded scope of work put out to bid.
- Develop a Capital Asset Preservation Plan with ongoing tracking and inventory of fixed assets.
  - Develop a Capital Planning Committee
- Staffing
  - Discuss the regionalization of certain departments and services with surrounding towns to increase the resilience of those functions.
  - Require that the Town Administrator perform annual performance reviews with direct reports and performance reviews every three months for the first year of a new hire's employment.
  - Re-evaluate wages with the goal of being able to fill vacancies on a timely basis.
  - Establish a Job Description for the IT Director authorized at the 2023 Annual Town Meeting and fill the position.
  - Have the Administration implement a workforce development program
  - Evaluate the cost/benefit of a part-time grant writer
  - Evaluate the possibility of hiring a full-time Social Worker who would collaborate with Emergency Management Services on calls with mental health or substance issues and establish follow-up visits with the individuals in crisis and post-crisis if agreed to.
  - Establish proper procedures to screen prospective job applicants.
  - Address Benefits Tracking and Education.
- Prepare to start a Charter Amendment Process
  - There are many issues with the Charter I will not list them all.
- Energy
  - Continue Transitioning town department vehicle replacements to plug-in hybrids where available and practicable, as stipulated in the **Fuel-Efficient Vehicle Policy**.
  - Access all town-owned buildings in good repair for their suitability for rooftop solar and the cost-effectiveness of any modifications needed to support rooftop solar.
  - In addition to determining the present-day economic practicality of installing rooftop solar, implement a scale that weighs changes in price per kW installed and the wholesale price per kW for electricity providers enabling the town to judge when it is economically advantageous to fit rooftop solar on buildings where it may not make sense currently.

- Establish a replacement policy for all current fuel-powered equipment classes to replace them with electric equipment where possible and economical.
- **Beaches**
  - Expand LeCount Hollow/Maguire's Landing to the full width away from the beach to create additional parking to make up for the ongoing erosion reducing parking (lost 20 spaces in the 2021-2022 winter)
  - Establish a plan to build a new beach house for Lecount Hollow/Maguire's Landing by 2025. Following the winter storms of 2021-2022, the bathhouse is approximately 15' from the dune's edge
  - Extend Parking Beach Season to pay for lifeguards on at least one beach throughout June and September.
- **Wastewater**
  - Secure watershed permit. Develop an implementation program.
  - Hold the TA accountable for reaching out to Truro and Eastham to reach a MOA in regards to the Wellfleet Harbor watershed as instructed by a vote of the Selectboard in June of 2022.
  - Develop a wastewater implementation structure within the Town with clear lines of responsibilities and communications.
  - Move forward on wastewater initiatives already approved by town meeting, (Pilot IA system upgrades, Pilot PRB, 95 Lawrence Rd Decentralized Cluster System)
  - Develop a cross-departmental reporting program to capture nutrient remediation data.
  - Develop BMP for stormwater system replacements that are done as part of routine maintenance by the DPW
  - Plan a replacement cycle for town-owned septic systems within the Wellfleet Harbor Watershed and replacement or refurbishment of associated bathhouses.
  - Develop a conceptual wastewater treatment system for the Maurice's Campground property.
- **Herring River**
  - Ensure that all monies received for the project are Administered Properly
  - Insist that nutrient levels are being quantified to establish nutrient remediation benefits of the project.
  - Ensure contractors are held to their performance terms.
  - Reach a resolution with NPS regarding land exchange related to the project.
- **Housing**
  - Dedicate a certain percentage of free cash generated in excess of the required reserved funds to the Affordable Housing Trust.

- Continue to look for a diverse set of opportunities to address the housing crisis at multiple levels of income. (Funding, Zoning, opportunities for housing construction)
  - Continue to support the 95 Lawrence Rd Housing Project
  - Hire Master Planer for Maurice's Campground in a timely fashion.
  - Look for opportunities for affordable housing ownership
  - Establish a plan to institute staff support for the Housing related Committees, Entities, and Boards.
  - Work toward establishing a Housing Land Bank see Acts of 1983 Chapter 669, Massachusetts Legislature, and Acts of 1985 Chapter 736, Massachusetts Legislature.
- Work to secure and maintain public access points
    - Install/refresh town landing signage
    - Install additional small craft racks at in-demand locations
    - Develop a plan for engineering at Bank Street Public Landing for bulkhead with stairs
    - Develop plans for roadside parking w Boat racks at the former Windsufer setup area at Burton Baker Beach/Landing
    - Continue to work with town committees (Rights of Public Access, Open Space Committee, Conservation Commission)
    - Where possible and practicable, incorporate accessibility features.
    - Re-evaluate standards for the disposition of town-owned property with a focus on preserving or enhancing public access to public lands and waters.
- Public Safety
    - Continue to address the issues of Cahoon Hollow Beach
    - See Social Worker Item
    - With the Main St/Rt 6 project and the Mass DOT pavement preservation project enhancing roadway safety and incorporating multiple modes of transportation, look for opportunities to leverage those improvements to improve safety connecting town-owned roadways
- Increase Town Revenues
    - Ensure that all new growth is properly captured.
    - Simplify online transactions for members of the public.
    - Parking
      - Established paid parking for high-demand parking areas to generate revenue and promote enhanced circulation
      - Establish a Parking Department Reporting to the Police Chief for Parking Enforcement Officers
      - Clearly mark municipal parking areas
      - Evaluate the Rec Parking area and 338 Main Street for reconstruction.
      - Evaluate the Town Hall Parking Lot of re-stripping
    - Water System Fee Structure

- Transfer Station
  - Re-evaluate the financial model of the transfer station. (See Eastham)
  - Create an Enterprise Fund to provide accurate information on the costs and revenues associated with the transfer station.
  - Phase out/eliminate the PAYT bags
- Implement new fee structures for:
  - Building Department
  - Health & Conservation
  - Marina
  - Others



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

VI

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### TOPICS FOR FUTURE DISCUSSION

- The board will bring up topics that they wish to be on future agendas.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

# VII

### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of Amended Meeting Minutes of July 11, 2023, July 13, 2023, &amp; July 18, 2023, and July 25, 2023, Draft minutes of August 8, 2023.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the amended minutes of July 11, 2023, July 13, 2023, and July 18, 2023, and July 25, 2023, and approve the meeting minutes of August 8, 2023, as printed in draft.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard  
Hybrid Meeting  
Zoom/ 715 Old King's Highway, Wellfleet  
Tuesday July 11, 2023  
Meeting Minutes**

**Members Present:** Ryan Curley, chair; Barbara Carboni, Vice Chair; Michael DeVasto, Kathleen Bacon, John Wolf

**Others Present:** Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Kevin LaRocco, Deputy Chief of Police; Suzanne Grout Thomas, Community Service/Beach Director; Jay Pawa, Sacred Surf School, LLC; Leigh Cremin, Collective Dynamics; Rebecca Arnoldi, Be Body & Earth; Jeffrey Korgen, Planning Board Applicant; Chris Merl, Resident; Tim Sayre; Dan Murray, owner of the Beach Comber; Curt Felix; Suzane Reverby, Kevin LaRocco; Deputy Chief; Lt. Turner; Suzanne Grout Thomas, Beach/Community Service Director; Rebecca Arnoldi, applicant for use of town property, Gerry Parent, Chair of the Wellfleet Planning Board

Chair Called the meeting to order at: 7:00pm

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

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Merl spoke to the board about a scallop dinner at the Congregational Church on the 16<sup>th</sup> of July, he also explained he will not be able to attend the July 13<sup>th</sup> meeting as an applicant as he will need to be fishing. Merl spoke to the board about his concerns regarding the conduct of Board Member DeVasto.

Murray, General Manager of the Beach Comber: he spoke about the Cahoon Hollow beach issues, he questioned the enforcing of alcohol drinking on the beach. He read a complaint letter to the board about the vibe that is being killed on the beach. He explained there are many other ways that the town can enforce safety.

Bacon spoke to the board; stating that there has been 2 members of the board that have asked for a reorganization of the board and has been ignored and wanted this known for public record.

Felix spoke to the board stating that there is a crisis in leadership, stating there was significant overreach because of the chair, and he is stating that if the overreaching continues from the chair there will be more issues in Wellfleet. He stated he felt the Selectboard should be reorganized to keep in the spirit of.

Reverby, spoke to the board about the issues about the board and stated there needs to be reorganization of the board before the town goes into receivership.

**II. *Consent Agenda***

There were no items on the consent agenda to be voted on or approved.

III. **Community Updates**

A. Police Department fourth of July weekend update

LaRocco and Turner briefed the board and public on the weekend of July 4<sup>th</sup> he stated there was a letter to the board, with a decrease in busses due to the weather. He stated this year there were 36 buses compared to last year there were 109 buses. Wolf questioned the Chief about the large presence of the police at the beach. LaRocca explained that they are there to educate the public with the new regulations not to ruin the beachgoers time on the beach. The board spoke to the Lt. and Chief thanking them for their service and time on the beach. Waldo stated that after this season they would go back to the Park Service to discuss the season and moving forward with drop off locations.

**NO ACTION WAS TAKEN**

IV. **Public Hearing**

**Chair Curley opened the public hearing at 7:16pm:**

- A. Beach Rules and Regulations ~ Maguire's Landing/Lecount Landing Beach to be a resident and Taxpayer Beach permanently ~ Suzanne Grout Thomas Thomas spoke to the board making this a permanent decision, so it doesn't need to be brought back in front of the board in the future. DeVasto made the point that this is just a parking privilege for residents and taxpayers, the beach is open to all. Sayer spoke to the board asking to amend the motion stating it is for parking.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve McGuire's Landing at Lecount Hollow to be a resident taxpayer parking only.**

**Roll Call Vote: 5-0**

V. **Use of Town Property**

- A. Sacred Surf School, LLC ~ Jay Pawa ~ Whitecrest Beach, surf lessons for groups of no more than 10 people.

Jay was not on the meeting,

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve Jay Pawa of Sacred Surf LLC, to use Whitecrest Beach for surf lessons for small groups for a fee of \$385.00.**

**Roll Call Vote: 5-0**

- B. Collective Dynamics ~ Leigh Cremin ~ varies sidewalk and grassy areas to do street performances with her 2x2 chalkboard for "Word Play" ~ see application for further details.

**Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the various places in Wellfleet to perform word play with a chalk board and chalk ending September 30, 2023.**

**Roll Call Vote: 4-1 (Bacon voted No)**

- C. Rebecca Arnoldi ~ Nature classes/walks ~ Newcomb Hollow, Mayo Beach August through September.

Arnoldi spoke to the group explaining her nature walks and what she plans to do with them. There was discussion of a fee.

**Chair Curley moved; Board Member Carboni Seconded; and it was voted to approve the use of Newcomb Hollow and Mayo Beach for nature walks**

and calming classes for a fee to be negotiated with the Community Service Director.

**Roll Call Vote: 5-0**

**VI. Board/Committee Appointments and Updates**

**A. Appointment of Jeffry Korgen to the Wellfleet Planning Board**

Korgen spoke to the board about his application. The board asked if Korgen knew anything about zoning and housing, he spoke to both. Stating he didn't have a lot of knowledge with zoning, and he spoke about housing and his work on studying land trusts. Curley asked him to review the housing production plan.

**Chair Curley Moved; Board Member Seconded; and it was voted to approve the appointment of Jeffry Korgen to the Wellfleet Planning Board as a voting member, for a term of three years to end June 30, 2026, to be sworn in by the town clerk and to take the required ethics class online before voting at a public meeting.**

**Roll Call Vote: 4-0-1 (DeVasto abstained)**

DeVasto spoke to the board members stating that there was a discussion to reorganize the board. Chair Curley stated that this would be an illegal motion and DeVasto was out of order.

**DeVasto moved; Board Member Wolf Seconded; and it was voted to reorganize the board at the agenda on the next meeting.**

**Roll Call Vote: 4-1 (Curley voted no)**

There was much discussion on this, and it was decided that town counsel will look over this motion and determine if it is legal. Town counsel joined the meeting later in the agenda, Waldo asked if the Chair could address the previous concerns and the Chair didn't wish to go back to this item.

**VII. Zoning Bylaws for Special Town Meeting Warrants**

**A. Inclusionary Zoning**

Chair Curley spoke to the board about this bylaw stating the Harry Terkanian amended it a little to take most of the math out of it. The board spoke about some of the amendments and the bylaw.

Parent spoke to the board about posting a public hearing regarding the zoning. He then stated that this is a very short amount of time for zoning bylaws to be on a warrant.

Curley explained to Parent that the Planning Board spoke about all these zoning bylaws previously. Parent explained that these were changes and there still hasn't been a final version sent over to them for them to review. DeVasto spoke in favor of Parent's remarks.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Inclusionary Zoning Bylaw as a draft to the Planning Board and town counsel for comment and respond to the town administrator.**

**Roll Call Vote: 5-0**

**B. Cottage Colonies**

Chair Curley stated that this was a straightforward bylaw. Parent agreed. The board had a few questions for the increase of numbers.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to refer The Cottage Colonies Zoning Bylaw Amendment to the Planning**

**Board and town counsel as a draft to follow the town administrator's schedule.**

**Roll Call Vote: 5-0**

**C. Intensity of Use of Multi-Family Dwellings**

Chair Curley spoke to the board and has been seen by the Planning Board and town counsel and has not been changed. The board discussed this bylaw, including septic and the watershed permit.

**Chair Curley Moved; Board member Wolf seconded; and it was voted to defer the Intensity of Use of Multi-Family Dwellings Zoning Bylaw Amendment for a public hearing to be held within 65 days.**

**Roll Call Vote: 4-1 (DeVasto voted no)**

**D. Developments of Significant Planning Interest and Food Establishments**

Bacon stated she wanted this to be sent to the Planning Board and town counsel in draft form and to town counsel for review. She stated this needs to go back to them with changes. DeVasto stated he has trouble with this bylaw stating that he believes this could cause unending litigation. Parent stated that this could make most if not all the restaurants in Wellfleet preexisting nonconforming. The board continued to discuss this bylaw and how it would be determined.

**Board Member Bacon Moved; Chair Curley Seconded; and it was voted to refer the Development of Significant Planning Interest and Food Establishments to the Planning Board for a public hearing to be held within 65 days.**

**Roll Call Vote: 4-1 (DeVasto voted No)**

**E. Definition of Trees**

**Board Member Bacon Moved; Chair Curley seconded; and it was voted to refer the Definition of Trees to the Planning Board for a public hearing to be held within 65 days.**

**Roll Call Vote: 4-1 (DeVasto voted no)**

**F. Cutting of Timber Amendment**

Sayre spoke against this motion stating that the board doesn't have the right to not allow the members to strip property owners. The board discussed having the building commissioner be the person to allow the cutting of trees.

**Chair Curley Moved, Board Member Carboni Seconded; and it was voted to refer the Cutting of Timber Zoning Bylaw Amendment to the Planning Board for a public Hearing as amended to be held within 65 days.**

**Roll Call Vote: 5-0**

**G. Landscape and Tree Preservation Bylaw**

The board moved onto this bylaw Chair Curley explained that this was a vote at town meeting to ask the Selectboard to draft a bylaw.

DeVasto stated that he is against this bylaw, and he feels the town shouldn't be telling residents they can't cut trees on their own property. Wilson spoke to this article.

**Chair Curley Moved; Board Member Seconded, and it was voted to refer the Landscape and Tree Preservation Bylaw to the Planning Board and town counsel as a draft for comments to follow the town administrator's schedule.**

**Roll Call Vote: 4-1 (DeVasto voted no)**

**H. Locally Notable Trees**

Wolf stated he couldn't find the definition of locally notable trees. Chair Curley read the definition.

**Board Member Bacon Moved; Board Member Carboni Seconded; and it was voted to refer the Locally Notable Trees Zoning Bylaw to the Planning Board for a public hearing to be held within 65 days.**

**Roll Call Vote: 5-0**

**I. Zoning Enforcement Penalty**

Parent stated there are Zoning Bylaw violations all over town. He stated that he has spoken with the Building Commissioner and stated that \$50 for the 3<sup>rd</sup> offense is something that doesn't cause a violator to change. He stated the higher the fee the more compliant the offender would be.

**Board Member Bacon Moved, Board Member Carboni Seconded; and it was voted to refer the Zoning Enforcement Penalty Bylaw to the Planning Board for a public hearing to be held withing 65 days.**

**Roll Call Vote; 5-0**

**VIII. *Special Town Meeting Warrant***

**A. The board will review and may take votes on articles for the September town meeting.**

Board Member Bacon asked the board and chair if the Animal Control Bylaw could be taken out of order with respect to Officer Berrick who was present for the meeting, Chair Curley Moved this item up so the animal control officer.

**Chair Curley Moved; Board Member Seconded and it was voted to insert and recommend the amended working for the animal control bylaw.**

**Roll Call Vote: 5-0**

**IX. *Business***

**A. Special Town Election ~ Date to be chosen ~ Selectboard.**

Chair Curley asked if there was a date that worked for the election, Waldo stated that in speaking with the town clerk she would not like to have an election the day after town meeting. He explained there were other days in September that wouldn't work due to Yom Kippur and an event being held at the Community Center. He mentioned October 2<sup>nd</sup> or October 9<sup>th</sup>. Chair Curley questioned the tax rate being able to be set on time. Bacon stated waiting that long for a special election wouldn't be in the best interest.

Waldo stated that he would work with the clerk about September 27<sup>th</sup> or 28<sup>th</sup> for a special election.

**NO ACTION WAS TAKEN**

**X. *Selectboard Reports***

Carboni spoke about establishing a scholarship fund. She stated she met with the proponent of the article.

Wolf spoke about the dredging task force regarding the dredging mitigation.

**XI. *Town Administrator's Report***

Waldo gave some points on his report. He acknowledged the Chamber of Commerce for the fourth of July parade. He also stated that the town received a

**DRAFT AMENDED** \*\*\* A full recording of this meeting can be found on the town's website\*\*\*

grant for fiber optics, and he met with the Cable Committee earlier in the day, to try and help with getting service to the beach.

**XII. *Topics for Future Discussion***

Art Shacks at the Beach need to be put on an upcoming agenda.

**XIII. *Vacancy Reports***

Carboni would like to talk about the rights of Public Access Committee

**XIV. *Minutes***

**A. June 20, 2023, ~ Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the meeting minutes of June 20, 2023, in draft.**

**B. Roll Call Vote: 5-0**

**XV. *Adjournment***

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to adjourn.**

**Roll Call Vote: 5-0**

**Meeting Adjourned: 10:11pm**

**Wellfleet Selectboard  
Hybrid Meeting  
Zoom/715 Old King's Highway  
Thursday July 13, 2023; 6:30pm  
Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Barbara Carboni, Vice Chair; Michael DeVasto, John Wolf

**Members Absent:** Kathleen Bacon

**Finance Committee Members Present:** Kathy Granlund, Chair; Bob Wallace, Stephen Polowczyk, Ira Wood, Jenn Rhodes

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Catherine Pomeroy, accountant consultant; Nancy Civetta, Shellfish Constable; Jude Ahern; Tim Sayre, Adrien Kmiec, Shellfish Advisory Board applicant; Bradford Morse, Shellfish Advisory Board Applicant; Nemanja Krsmanovic, Shellfish Advisory Board Applicant; Chris Merl, Shellfish Advisory Board Applicant; Alfred Pickard, Ginny Parker, Lisa Dexter, shell fisher woman, Helen Miranda Wilson, Resident, Diane Brunt, resident; Richard Blakely

Chair Curley called the meeting to order: 6:35pm

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

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Chief Pauley stood up to the microphone and read a statement to the board and public, stating that town leadership is at an all time low, speaking his full support of the town administrator and the need for this board to reorganize.

DeVasto spoke to the public regarding the motion that was made and voted on at the previous meeting, he was upset that it was not placed on tonight's agenda.

Brad Morse spoke to the board stating that the board was taking up the time this room needs for a meeting. Blakely spoke to the board that he was against reorganization.

**II. *Year End Budgetary Transfers***

**A.** The finance committee will approve any transfers that need to be made at this meeting for the end of the year. ~ Finance Committee, Selectboard, Town Administrator

Granlund explained to the board that this is a normal process for the town at the end of every fiscal year. Polowczyk spoke to the boards and public about budgets and how these transfers take place. Sayre asked some questions about the budget, why there was more money in one account verses another account. Sayre continued to go back and forth with the board and finance committee regarding the negative accounts. Chair Curley explained the process.

Pomeroy spoke to the board and public explaining the legal aspect of this vote to transfer.

**Chair Granlund moved; board member Wood seconded; and it was recommending the budgetary transfers listed in the packet for tonight's meeting.**

**Roll Call Vote: 5-0**

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve and recommend the \$5for the budgetary transfers.**

**Roll Call Vote: 4-0**

**Board Member Wood Moved; Board Member Polowczyk seconded, and it was voted to adjourn the finance committee portion of the meeting.**

**Roll Call Vote: 5-0**

**Board Member Devasto recused himself from the Shellfish Portion of the meeting as a board member.**

**III. *Deputy Shellfish Constable Appointments ~ Seasonal Positions***

**A. Erika Smith**

**B. Mark Howard**

**Chair Curley Moved; Board Member Wolf Seconded and it was voted to appoint Erika Smith and Mark Howard as seasonal Deputy Shellfish Constables for the town of Wellfleet, Starting June 28, 2023, through September 30, 2023, and again May 12<sup>th</sup> through June 30, 2024.**

**Roll Call Vote: 4-0**

Board Member DeVasto returned to the board and stated he received a determination form the state that he was able to vote on the Shellfish Advisory Board but was going to stay recused.

**IV. *Shellfish Advisory Board Applicants***

**A. Adrien Kmiec ~ Voting Member application received June 5<sup>th</sup> to move from alternate member to voting member.**

The board questioned Kmiec on his experience with the shellfish community, he stated he has been an alternate for 6 months and would like to be a full-time voting member. Pickard asked about how he feels about bringing corporations coming into the town. He stated he felt he understood both sides. Parker questioned if he would be able to be biased because Nancy Civetta is his sister-in-law. He stated he didn't feel this would be an issue.

**B. Bradford Morse ~ Application received May 11, 2023, to be on the board in any capacity.**

Morse came to the table and was spoken to by the board, he stated there are a lot of issues going on at the ocean, he gave a little bit of information about his background and stated that he knows a lot that is going on throughout the town and to be able to sit on the board and get involved in town matters. He stated his care for Wellfleet and gave some background. It was asked of Morse when he submitted his application. Wolf questioned his feeling for corporations being able to hold a grant. He stated he doesn't like the idea and then explained why he felt this way.

- C. **Nemanja Krsmanovic** ~ Application Received June 1, 2023, to be on the Shellfish Advisory board in any capacity.  
Ahern asked him how many grants he was working. He explained to the board before he decides. He stated he believes in empathy and that people should help each other.
- D. **Helen Miranda Wilson** ~ Application received June 12, 2023, to be on the Shellfish Advisory Board as a Voting Member – **Withdrew her application.**
- E. **Chris Merl**, application received June 28, 2023, to be on the board as a voting member. Chris Merl was unable to be at the meeting but submitted a letter to the board stating that he was fishing but wanted to be a part of the board because he has been a long time shellfisherman and would like to give back to the town of Wellfleet. Board Member Wolf read the letter from Merl.  
Chair Curley spoke about all the applicants and how important it is to have them be a part of the board. DeVasto spoke as a resident, stating that if Merl were voted on that would be the 5<sup>th</sup> member of the Wellfleet Shellfishermen’s Association and felt it would be unfair. An argument ensued.  
**Board Member Carboni Moved; Board Member Wolf Seconded: and it was voted to approve Adrien Kmiec as the voting member on the Shellfish Advisory Board. For a term of three years with the term to end June 30, 2026.**  
**Roll Call Vote: 2-1 (Wolf Voted No)**  
**Board Member Wolf Moved; Chair Curley Seconded; and it was voted to appoint Brad Morse as an alternate member to the Shellfish Advisory Board. For a term of three years with the term to end June 3, 2026.**  
**Roll Call Vote: 3-0.**

V. **Business**

Civetta spoke to the board stating that the two people before them have not obtained commercial shellfish license and she stated that because this is a fairly new policy, so she is requesting that they approve both hardship exemptions.

- A. **Mary Mallory commercial permit hardship exemption**  
Mallory was discussed first, and what her hardship would be if she wasn’t able to obtain a commercial permit. Carboni stated she supported the constable and vote in support of this.  
**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to direct the shellfish constable to issue a commercial shellfishing permit to Mary Mallory per section 6.1.5 Hardship Exemption.**  
**Roll Call Vote: 3-0**
- B. **Kathleen Murphy commercial permit hardship exemption**  
Civetta spoke to this exemption, stating that Murphy was going to try to do a corporation and because that was denied she then wanted to be named to the grant and has requested a hardship. Chair Curley stated he felt it doesn’t qualify for a hardship. Board Member Wolf spoke to the board disagreeing with Chair Curley. Murphy spoke to the board stating she has a lot of equipment on the grant and if she didn’t have a commercial license.

**Board Member Carboni Moved; Board Member Wolf Seconded; and it was voted to direct the shellfish constable to issue a commercial shellfishing permit to Kathleen Murphy per section 6.1.5 Hardship Exemption.  
Roll Call Vote: 3-0.**

- C. Letter to Legislature in support of Bill S261 & H60

Board Member DeVasto returned to the table.

Chair Curley spoke to the board about this letter that has been drafted where legislature is holding meetings that allows universal school meals for all children to receive school lunch programs. Chair Curley stated that Martha Gordon wrote the letter and thanked her for her support.

**Board Member Carboni moved, Chair Curley Seconded, and it was voted to approve the letter drafted to send a letter to the legislature in support of Bill S261 & H600**

**Roll Call Vote: 4-0**

- D. Open Meeting Law Complaint ~ Chad Williams – taken out of order to move after the financial transfers.

Waldo spoke to the board regarding this complaint and stated that town counsel has written a response to Mr. Williams on behalf of the town.

**Board Member Carboni moved; Board Member Wolf seconded; and it was voted to have town counsel submit the letter as written to the attorney general on behalf of the town.**

**Roll Call Vote: 4-0**

- E. Principal Clerk, shellfish job position description

Chair Curley read the job description of the principal clerk to the board and public. There was a lot of discussion on the changing of job positions. Brunt spoke to the board stating she had issues. Stating that she had to much help.

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve the reorganization of the Principal Clerks job description.**

**Roll Call Vote: 4-0**

## VI. ***Public Hearings 7PM***

**In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on July 13, 2023, at 7:00 p.m. to consider the following:**

Chair Curley Opened the public hearings:

Curley spoke of the need to find accommodations with those grant holders who were over the maximum allowed acreage at no fault of their own as well how to address transfers from one generation to the next.

- A. Application received on 4/14/2023 from Brent Valli (Wellfleet, MA) and Sandra Mitchell (Wellfleet, MA) for the renewal of shellfish grant license #s 95-21/22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030.

Civetta spoke to the board and advised the board to approve this renewal for even years. Chair Curley spoke to the board about his renewal.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the renewal of Brent Valli and Sandra Mitchell's shellfish grant license #95-21 and #95-22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030. Roll Call Vote: 3-0.**

- B. Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the renewal of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Civetta spoke to the board about this renewal.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to grant a waiver to sections 7.8.6 and 7.8.7 and approve the renewal of Jeremy Storer's shellfish grant licenses #95-13 and #95-14 consisting of approximately two acres in Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.**

**Roll Call Vote: 3-0**

- C. Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to grant a waiver to sections 7.8.6 and 7.8.7 and approve the renewal of Jeremy Storer's and Alfred Pickard's shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island for the years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.**

**Roll Call Vote: 3-0**

- D. Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the transfer of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island from Jeremy Storer to Jeremy Storer and Brandon Silva (Wellfleet, MA).

Civetta spoke to the board about this application.

**Chair Curley Moved; Board Member Carboni Seconded and it was voted to approve the transfer of shellfish grant license #s 95-12/14 consisting of approximately two acres on Egg Island from Jeremy Storer (Wellfleet, MA) to Jeremy Storer and Brandon Silva (Wellfleet, MA)**

**Roll Call Vote: 3-0**

- E. Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the transfer of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island from Jeremy Storer and Alfred Pickard to Jeremy Storer, Alfred Pickard and Brandon Silva (Wellfleet, MA).

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to grant a waiver to sections 7.8.6 and 7.8.7 and approve the transfer of shellfish license #2000-4 consisting of 2.16 acres on Egg Island.**

**Roll Call Vote: 3-0**

- F. Application received on 5/30/2023 from Peter Rennert (Wellfleet, MA) and Zach Rennert (Wellfleet, MA) for the transfer of shellfish grant license #s 95-23/24

consisting of approximately two acres on Egg Island from Peter Rennert and Zach Rennert to Zach Rennert.

**Chair Curley Moved; Board Member Wolf Seconded and it was voted to approve the transfer of shellfish grant license #95-23 and #95-24 consisting of a total of approximately two acres on Egg Island from Zach Rennert and Peter Rennert to Zach Rennert.**

**Roll Call Vote: 3-0**

- G. Application received on 6/29/2023 from Michael Ramsdell (Wellfleet, MA) and Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license #s 855 and 855B consisting of approximately two acres on Field Point from Michael Ramsdell and Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to approve the transfer of shellfish grant license #s 855 and 855B consisting of approximately two acres on Field Point from Michael Ramsdell and Michael DeVasto to Michael DeVasto and Kathleen Murphy.**

**Roll Call Vote: 3-0**

- H. Application received on 6/29/2023 from Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license # 855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).

**Chair Curley Moved, Board Member Wolf Seconded; and it was voted to approve the transfer of shellfish grant license #855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy.**

**Roll Call Vote: 3-0**

- I. Application received on 6/29/2023 from Rebecca Taylor (Wellfleet, MA) and Myron Taylor (Wellfleet, MA) to transfer shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca Taylor and Myron Taylor to Rebecca Taylor.

**Chair Curley Moved; Board Member Carboni Seconded, and it was voted to approve the transfer of shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca Taylor and Myron Taylor to Rebecca Taylor.**

**Roll Call Vote: 3-0**

- J. Application received on 6/9/2023 from Rebecca Taylor (Wellfleet, MA) for two extensions to shellfish grant license # 734 (to be called 734B and 734C) on Mayo Beach for approximately 1.4 acres total, reconfigured from an extension approved by the Wellfleet Selectboard at its 3/21/2023 public hearing.

Civetta spoke that this is part of the compromise with Osowski. Taylor explained why both were interested in the land. She explained the compromise that the two came to. Curley thanked Taylor for her willingness to compromise.

**Chair Curley Moved; Board Member Carboni Seconded; and it was voted to reconsider the vote of the selectboard from March 21, 2023; for the granting of two extensions from Rebecca Taylor #734B.**

**Roll Call Vote: 3-0**

**Board Member Carboni Moved; Board Member Wolf Seconded and it was voted to revoke the extension granted on March 21, 2023, to Rebecca Taylor with respect to grant license #734B.**

**Roll Call Vote: 3-0**

**Chair Curley Moved; Board Member Carboni Seconded; amend the approve two shellfish grant license extensions to be called #734B and 734C to shellfish grant license #s 734 and 734A consisting of a total of approximately 0.61 and 0.79 acres respectively on Mayo Beach for Rebecca Taylor.**

**Roll Call Vote: 3-0**

- K. CONTINUED FROM 6/6/2023 ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA). New configuration of proposed grant extension submitted on 5/26/2023 equal to 0.35 acres.**

**Chair Curley Moved; Board Member Carboni Seconded and it was voted to approve Angela Osowski' s and Robert and Mary Mallory's request for a grant extension to be called #99-1ext. consisting of approximately 0.35 acres on Mayo Beach.**

**Roll Call Vote: 3-0**

- L. Application received on 5/26/2023 from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA) for an extension to shellfish grant license # 2000-2 (to be called 2000-2 Ext.) on Egg Island for approximately 1.23 acres.**

**Chair Curley Moved; Board Member Wolf Seconded, and it was voted to approve an extension to shellfish grant license #2000-2 (to be called 2000-2 ext.) on Egg Island for approximately 1.23 acres for Stephen Pickard, Iris Pickard, and Benjamin Pickard.**

**Roll Call Vote: 3-0.**

**VII. *Special Town Meeting Warrant ~ continued to July 18<sup>th</sup> meeting.***

**VIII. *Adjournment***

**Chair Curley Moved; Board Member Seconded, and it was voted to adjourn the meeting.**

**Roll Call Vote: 3-0**

**Meeting Adjourned: 9:10pm**

***Public Documents:***

*Spreadsheet for yearend transfers*

*Letter to Massachusetts Division of Marine Fisheries to appoint Ericka Smith and Mark Howard as*

*Seasonal Deputy Shellfish Constables*

*Applications to be on the Shellfish Advisory Board*

*Commercial Permit Hardship exemption for Mary Mallory and Kathleen Murphy*

*Letter to the legislature to support all school free meals.*

*Open meeting law complaint and town counsel's response to the letter*

*Job Description of Principal Clerk with regard to the shellfish department*

*Public hearing documents lettered A through L*

*Special Town Meeting Warrant*

***DRAFT AMENDED*** \*\*\* *A full recording of this meeting can be found on the town's website*\*\*\*

**Wellfleet Selectboard**  
**Tuesday July 18, 2023; 7pm**  
**Hybrid Meeting**  
**Zoom/715 Old King's Highway**  
**Meeting Minutes**

**Board Members Present:** Ryan Curley, Chair; Barbara Carboni, Vice Chair; Kathleen Bacon, John Wolf, Michael DeVasto (virtual)

**Others Present:** Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant (Virtually); Will Sullivan, Harbormaster; Chris Allgeier, Dredging Task Force, Curt Felix, Dredging Task Force, Chris Merl, Shellfisherman; Tim Hughes, Resident; Jude Ahern, resident; Sheila Lyons, Barnstable County Commissioner, Susan Reverby, Resident; Tim Sayre, resident; Josh Yeston, Cable Advisory chair.

Chair Curley called the meeting to order at 7:03pm

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

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.*

Merl, spoke to the board thanking the board for the support, he expressed the inaccuracy of the statement from DeVasto at the previous meeting stating that if Merl were elected to the Shellfish Advisory Board, he would be the fifth member of the Shellfish Fisherman's Association. He stated this was untrue, also stating he felt that DeVasto was unfit to be chair of the Selectboard and had submitted a complaint. Bacon made a statement recognizing the resignation of John Ryerson and thanked him for his service. She also thanked Chris Merl for the outstanding community event of the scallop dinner bringing the community together. DeVasto explained he is on the meeting but remotely because he has Lyme Disease and wasn't feeling well.

Hughes came to the microphone stating that the town received a complaint from him with regard to the Harbormaster and stated the town also received a cease and desist letter from him and residents regarding the harbor dredging, he continued stating the town could avoid a lawsuit from him if they bring the dredging to town meeting.

Chair Curley thanked him for his comments.

**II. *Consent Agenda***

**A. Collective Bargaining Ratifications**

- WEA

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to adopt the consent agenda as drafted.**

**Roll call vote: 5-0**

**III. *Board Reorganization***

Chair Curley made a statement about being the chair of the selectboard, and he was looking forward to stepping down and taking some time.

**Wolf nominated Barbara Carboni as chair, Curley seconded.**

Ahern asked if the public was ever going to know what happened to put this item on the agenda. Curley stated that town counsel has put a letter together regarding the charter.

Blair spoke to the board stating that something has happened and as taxpayers they deserve to know, Bacon stated that yes something happened, and it would be revealed in time. DeVasto asked if any other board member was interested in being chair of the board.

Bacon then nominated herself to be chair, she stated to the comment made by Blair, and stated that something did happen, and it was bad enough, that the board felt the need to reorganize.

Curley stated that there was a nomination and a second on the chair of Carboni.

**It was voted to approve Barbara Carboni as Chair**

**Roll Call Vote: 5-0**

Carboni thanked Curley and stated that there needs to be a vice chair and clerk. She again stated that leadership is needed to rotate.

**Curley Nominated John Wolf as Vice-Chair, Bacon Seconded the nomination and it was voted to approve John Wolf as vice Chair.**

**Roll Call Vote: 5-0**

**DeVasto Nominated Kathleen Bacon as Vice Chair, Wolf seconded; Bacon stated that she didn't wish to be vice chair.**

**Bacon Nominated John Wolf as Clerk of the board; Chair Carboni seconded the nomination, and it was voted to have John Wolf as Clerk of the Selectboard.**

**Roll Call Vote: 5-0**

**IV. *Use of Town Property***

**A. Baker's Field Pavilion ~ Celebration of Life for Jane Tesson ~ date to be determined based on availability.**

Eldridge presented to the board stating that Jane Tesson who was an employee for over 20 years of the town. She explained that Jane's last wishes were to not be sad and to celebrate her life. The date was still to be determined but it would be within the next 2 weeks.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the use of Baker's Field Pavilion for a Celebration of Life for a long-time town employee Jane Tesson at a date to be determined with the Recreation Director for availability, the fee is to be waived do to Jane's many years of service to the town.**

**Roll call Vote: 5-0**

**V. *Business***

**A. Dredging Mitigation ~ Board Member DeVasto recused himself for this item.**

Allgeier came to the microphone to discuss with the board the most recent draft of the mitigation plan made with the Army Corp of Engineers. Wolf questioned the methodology for assessing the baseline oyster parameters, stating he was unclear on how this would work. Allgeier stated that GEI the engineers for the mitigation were on. Wolf had more questions for Allgeier regarding the draft

document. Curley stated that he would like to move this to town meeting. There was discussion on the funding of this project.

Reverby questioned what would happen if the dredging was voted down at town meeting and what would the consequences be of that. Curley spoke to that and stated it would establish the will of the people. Sayer, spoke to the board stating his concern is the culching of the grounds giving the square meters. The holding of the bid was questioned, Waldo stated that the town did ask the successful bidder for an extension of time and the town now has until August 23, 2023. It was questioned what would happen if they missed this deadline, Waldo explained that the town would need to rebid the project. Chair Carboni questioned if they did do this, when would the dredging take place? It was explained the dredging would happen in October. Lyons spoke to the board stating that the dredging has been planned for many years and the dredging needs to happen. She stated the opinion of her and the town who originally voted to do this dredging, she explained this is necessary to do this project. She asked the board to please make this decision. Felix came to the microphone and spoke to the point about the permit costs and the mitigation plan. The discussion about the mitigation plan and the dredging project listing the pros and cons of this project. Bacon stated the board has discussed this at numerous meetings and it was time to vote on this tonight. Waldo stated the grant funds are available until December 20, 2024. Curley gave his advice and input on the mitigation plan.

**Board Member Wolf Moved; Board Member Bacon Seconded; and it was voted to accept the most recent mitigation draft agreement as presented at tonight's meeting, subject to clarification from town counsel about the operating expenses associated, with the mitigation agreement and the funding mechanism.**

There was more discussion on funding, easements, and culching. The Audubon was discussed and the acreage that they oversee and own.

**Roll Call Vote: 4-0-1 (DeVasto was recused)**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the letter prepared by administration requesting participation in the Mass Audubon Sanctuary.**

**Roll Call Vote: 4-0-1**

**Board Member Bacon left the meeting ill (8:15pm)**

**B. Financial Update**

Chair Carboni questioned Waldo about the financial updates for the town, Board Member Curley questioned if the sales tax for the town was ready, and Waldo explained that it wasn't now, but they have some of the revenues up. Curley asked about the email from the DOR and asked Waldo to speak on the letter and his response. Waldo spoke about the letter that was sent and the status of the fiscal 2022 audit. Discussion of when the auditors would come to meet with the board. Waldo gave some information on the end of the fiscal year. Discussion on free cash and the next steps with the tax recap. He informed the board that the interim town treasurer has a lot of knowledge and will help the town put

their money in appropriate accounts to increase interest and make the money that town can make.

**C. Town Administrator Development Plan**

Waldo spoke to the board per his contract he is required to further his education. He stated the MCPPO training is completed, and he did receive his MCPPO designation. He gave a run down of his upcoming educational goals.

**Board member Curley Moved; Board member Wolf Seconded, and it was voted to approve the town administrator's professional development plan as presented at tonight's meeting.**

**Roll Call Vote: 4-0**

**D. Departmental Goals**

Administration  
Human Resources  
Police  
Fire  
DPW  
Building Department  
Community Services  
Town Clerk  
Shellfish Department  
Harbor Master

The board spoke to the department head goals. Each Department gave a brief update and goals they wish their departments accomplish.

Selectboard goals were discussed and when they would be due to the town meeting. It was decided that the board would get their goals into the Administration office by August 3, 2023.

**E. Special Town Meeting Warrant**

Chair Carboni spoke to the board asking how long they wanted to spend on the warrant tonight. It was discussed that the zoning bylaws were set for the most part they could spend some time on the other articles. Waldo began with asking the board to vote on a date for the special town election.

**Board member Curley Moved; Board member Wolf Seconded; and it was voted to approve Wednesday September 27, 2023, from 12 noon to 7pm, to be held at the Wellfleet Adult Community Center.**

**Roll Call Vote: 4-0**

The board moved to the packet with new articles, the Town Planner was mentioned and discussed stating that the town needs a planner this position provides support to the building commissioner, the Planning Board, and the Zoning Board of Appeals. The board discussed this position.

**Board member Curley Moved; Board Member DeVasto seconded; and it was voted to insert a warrant article for a town planner.**

**Roll Call Vote: 4-0**

Waldo continued discussing and reviewing the warrant.

**Board Curley Moved; Board member DeVasto seconded; and it was voted to insert Article 1 prior year invoices into the Special Town Meeting Warrant.**

**Roll Call Vote: 4-0**

**Board member Curley Moved; Board member Wolf Seconded; and it was voted to insert Article 2 FY2024 Budgetary transfers into the Special Town Meeting Warrant.**

**Roll Call Vote: 4-0**

Waldo continued with the next article which was the wastewater article, he gave an explanation and information on the warrant article. The board discussed the funding and the ability to receive a grant.

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to insert Article 3, 95 Lawrence Road Wastewater treatment facility into the Special Town Meeting Warrant.**

**Roll Call Vote: 4-0**

The board moved onto article 4, Waldo discussed with them borrowing and appropriating funds.

**Board Member Curley Moved; Board member DeVasto Seconded, and it was voted to insert an article, Enhanced Innovative & Alternate Septic Program into the Special town meeting Warrant.**

**Roll Call Vote: 4-0**

Felix came to the microphone and explained the financial aspect of the IA systems, coming up with a plan to get this going Felix stated was very important.

Curley questioned Waldo on his sewer and wastewater installation experience. Waldo explained it is a large process and everything takes a long time to work through. He stated there are a lot of issues to work out when it comes to sewer, money, were the sewer system will be.

Curley stated he needed to provide an update on the Maurice's warrant article and will have that for the next meeting. Waldo stated the planning board was to have a meeting the following night on the 19<sup>th</sup> to produce their comments to the selectboard. It was explained by media services that there was no meeting scheduled for the Planning Board.

**VI. *Adjournment of Open Session; Enter into Executive Session; M. GL. c.30A, Sec. 21 This was postponed for a later date to be determined.***

*Purpose 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.*

- Collective Bargaining  
WEA

**VII. *Adjournment***

**Board Member Curley Moved; Board member Wolf Seconded; and it was voted to adjourn,**

**Roll Call Vote: 4-0**

***DRAFT AMENDED*** \*\*\* *A full recording of this meeting can be found on the town's website*\*\*\*

**Meeting adjourned, 9:45pm**

**Wellfleet Selectboard**  
**Hybrid Meeting: 715 Old King's Highway/Zoom**  
**Tuesday July 25, 2023; 7pm**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Kathleen Bacon, Michael DeVasto, Ryan Curley

**Others Present:** Richard Waldo, Town Administrator; Chris Merl, Susan Reverby, Seasonal Resident; Diane Brunt, resident; Jude Ahern, resident; Wes Stinson, Engineer for Herring River; Paul Millett, Carolyn Murray, KP Law; Officer Berrick, Dog Officer for Wellfleet; Brent Harold, resident.

Chair Carboni Called the meeting to order at 7:05pm

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

**Note: Public comments are limited to no more than two minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Curley made a comment on how illegible certain pages of the packet were. He stated this is an issue he has always had. Waldo stated with many meetings and in office issues and lack of staffing it has been difficult to upkeep the schedule and stated he has hopes that with a new chair and more staff this will improve.

**There needed to be a recess due to technical issues with the zoom platform.**

The meeting continued with more open comments, Merl came to the microphone at the front table, stating that he had a letter for them and asked them to have a discussion on corporations on shellfish flats. He questioned why this was still being discussed. He was given his two minutes and then discussed the infractions of the code of conduct from Board Member Michael DeVasto at the next meeting.

Brunt spoke against the dredging mitigation plan and how Civetta and Sullivan are not being held accountable regarding their jobs. She spoke about the town going into receivership.

Ahern spoke to the board about the fact that the people are not against dredging they are more against the mitigation. She read Curt Felix's words back to the board.

**II. *Consent Agenda***

**A.** Application received July 17, 2023, from Bob Dupuis to be appointed as a member of the Commission on Disabilities.

**Board Member Wolf Moved; Board member DeVasto Seconded; and it was voted to approve the consent agenda as written.**

**Roll Call Vote: 5-0**

III. **Public Hearings**

- A. **CONTINUED** from 06/20/2023 - Verizon New England to place approximately eight-hundred feet (800') of new conduit adjacent to 1065 Chequessett Neck Rd. Wellfleet MA  
**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to continue this hearing to August 8, 2023, at 7pm.**  
**Roll Call Vote: 5-0**

IV. **Business**

- A. Approval of Agreements with Friends of Herring River to Support Herring River Restoration Project Implementation~ Carole Ridley  
**Chair Carboni recused herself from this agenda item.**  
Waldo explained that there as a request for this agenda item to be moved to August 8, 2023.  
**Board Member Wolf Moved; Board member DeVasto Seconded; and it was voted to move this agenda item to the August 8, 2023. Selectboard Meeting Agenda.**  
**Roll Call Vote: 4-0-1 (Carboni Recused).**

- B. Herring River Restoration Project Update – Wes Stinson (OPM)  
Stinson spoke to the board updating them on the status of the Herring River Project he explained to the board and public the progress that has been made for this project since it began. He explained what has happened and what will be happening in the future, talking about the temporary bridge that will be installed. Board member Bacon questioned where the material that was being excavated material was put, he explained that it is brought to the Duck Harbor Road, area to decant and then the Pole Dike staging area. She asked if the crew for this project were being housed locally, he explained that there are some who make the daily trip from off cape and some who are staying at a local hotel. DeVasto spoke to the board, asking Stinson to speak about the funding for this project? Millett spoke to the board and stated that this project is fully funded through grants. Brunt questioned the amount of staff time questioning the money. The next update will be hopefully given to the board at the next phase, Stinson stated he was thinking October. Curley questioned how the pay for this project works. Stinson gave an update on how the pay requisitions work.  
**No Action was Taken.**

- C. Special Town Meeting Warrant  
Referred Zoning Articles (for Comment)  
~ **Inclusionary Zoning**

Waldo explained to the board that the Planning Board was unable to meet to provide comments on these bylaws.  
The board decided to go through each article with Murray, Curley stated again that he was displeased with the lack of clean copies sent to the Planning Board. Murray went over the bylaws with amendments. There was a lot of discussion with the amendments and what needed be added and changed. The room rental became a point of conversation, deed restrictions were discussed. Merl spoke to the board about no short-term rentals, maybe having the rentals be six months.

The board came to a decision about units being owner or tenant occupied. Murray will work on that language for the final article.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Inclusionary Zoning Bylaw to the Planning Board to hold a public hearing within 65 days as amended.**

**Roll Call Vote: 3-2 (Carboni and DeVasto voted no)**

**~ Cottage Colonies**

The board moved to the cottage colonies zoning bylaw. Murray stated she didn't have any substantive changes for this article.

**Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to refer the Cottage Colonies Zoning Bylaw to the Planning Board to hold a public hearing within 65 days.**

**Roll Call Vote: 5-0**

**~ Development of Significant Planning Interest and Food Establishment.**

Curley spoke to the board asking them to delay this bylaw and refer it to the Planning Board, so they are able to work on it and give them a deadline.

Board Member Bacon asked to move that the board take this bylaw amendment out of the fall town meeting warrant and allow more time for both boards to work on it.

Curley asked if they could send it to the Planning Board to discuss and work on it and give them a deadline for January, so it could be ready for the annual town meeting, rather than the fall town meeting. The board agreed with this action.

**Board member Curley moved; Board Member Wolf Seconded; and it was voted to reconsider the vote of the Selectboard taken on July 11, 2023, to refer the Development of Significant Planning Interest and Food Establishment to the Planning Board for a Public Hearing.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board member Wolf Seconded; and it was voted to rescind the vote from July 11, 2023, to refer the Development of Significant Planning Interest and Food Establishment to the Planning Board for a Public Hearing.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to reconsider and remove the Development of Significant Planning Interest and Food Establishment Bylaw on the special town meeting warrant vote that was taken.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to refer the Development of Significant Planning Interest and Food Establishment Bylaw as a working document to the Planning Board to develop their recommended language due back to the Selectboard January 31, 2024.**

**Roll Call Vote: 5-0**

Cutting of Timber was the next Bylaw to be discussed. Murray spoke to the board about some questions she had for this bylaw. She explained that she added a few things to the wording regarding the scenic bylaw. This was referred to the Planning Board for a hearing, but the board wanted to see the comments and amendments from town counsel. Murray explained to the board how these changes can be made as the warrant isn't closed yet. The board discussed the changes and wording.

**Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to submit the updated clean copy of the Zoning Bylaw Amendment Cutting of Timber to the Planning Board for their public hearing.**

**Roll Call Vote: 5-0**

Articles that have not been voted to insert or recommend will be voted on at this time. Waldo shared his screen showing town counsel's amendments.

Officer Berrick came to the table to discuss the changes that have been made to the animal control bylaw. Curley stated he didn't think the dogs on the beach should be included in this bylaw as Beach regulations are subject to change and bylaws are harder to change. The board discussed this with Murray and asked for her comments or changes. The board discussed making the bylaw smaller which Waldo stated along with Officer Berrick and Murray they could do that. The board continued to discuss the various working of the animal bylaw.

The board moved on to the Landscape and Tree Bylaw; Murray explained some issues she had with some of the wording and the board worked through those issues.

This bylaw was discussed at great length.

**Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to remove the Landscape and Tree Bylaw off the fall town meeting warrant and to address the bylaw in the future.**

**Roll Call Vote: 4-0-1 (Curley abstained)**

Locally notable trees were the next bylaw to be discussed. Murray explained any changes that she made were just "housekeeping." It has already been referred to the Planning Board and there are no changes needed.

The Nip Bottle ban was next to be discussed, the town administrator and the police department would be the enforcing agents. The board questioned if the town administrator was usually an enforcing agent. Murray explained that no this was not a normal procedure. They discussed naming another enforcer. The board discussed this again at great length. The main question came down to who does the town want to be the enforcer of this bylaw? They stated that local law enforcement could be the persons enforcing this ban. They asked Murray her opinion on this matter.

**Board Member Curley Moved; Board Member Wolf Seconded, and it was voted to insert and recommend the Nips Article into the Fall town warrant as amended.**

**Roll Call Vote: 5-0**

The board moved on to the notable trees, Article 18 Environmental Betterment Stabilization Fund was discussed Curley questioned if the Notable trees bylaw calls for payments to be made to the fund, if not there is no reason to have the article. Notable Trees does not call for payment. Board Member Bacon stated it was the Betterment thing, Board Member Carboni questioned if they needed to take no action, Board member Bacon Stated to just not include it.

**Board Member Curley Moved; Board member Wolf Seconded; and it was voted to not include the Environmental Betterment Stabilization Fund from the fall town meeting warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Chair Carboni Seconded; and it was voted to insert and recommend an article for the reports of officers and committees for the fall special town meeting warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend other business articles into the special town meeting warrant.**

**Roll Call Vote: 5-0**

- D. Illegal Parking and safety Concerns at Long Pond ~ Discussion on how to improve the safety of the area around Long Pond ~ Brent Harold. **This item was moved ahead of the zoning bylaws.**

The board asked Harold to come to the table. He stated he was in front of the board a few years ago and wanted to discuss the safety of the roads. He discussed the share the road signs and stated he felt there needed to be more signs on the road to help with the safety of pedestrians. The board discussed how this process can work and what he can do. Curley asked Harold to have a map and submit it to the town, so they can work with the DPW and signage company to work on safer roads.

- E. Special Election Warrant – Election of Town Officer (Selectboard - partial term) Waldo introduced the election warrant, he stated because there was a resignation of as selectboard member there needed to be a special election and the board would need to vote to approve this election.

**Board Member DeVasto Moved; Board Member Bacon Seconded; and it was voted to approve the special town election warrant as presented with question 2 subject to revision if the board hears from Bond Counsel.**

**Roll Call Vote: 5-0**

V. ***Selectboard Reports***

VI. ***Topics for Future Discussion***

VII. ***Vacancy Reports***

VIII. ***Minutes ~ Board will vote on these minutes at the next meeting.***

A. July 11, 2023

B. July 13, 2023

C. July 18, 2023

IX. ***Adjournment of Open Session***

***DRAFT AMENDED*** \*\*\*A full recording of this meeting can be found on the town's website\*\*\*

**Board Member Curley moved; Board Member DeVasto Seconded, and it was voted to adjourn open session and to enter executive session, not to return to open session per MGL Chapter 30; Section 21.**

**Roll Call Vote: 5-0**

**Meeting adjourned 10:40pm**

**X. *Executive Session; M.G.L. Ch. 30A; Section 21.***

***Purpose 7:*** To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

- Executive Session Meeting Minutes of June 27, 2023.

**Wellfleet Selectboard**  
**Tuesday August 8, 2023; 7pm**  
**Hybrid Meeting: Zoom/715 Old King's Highway**  
**Meeting Minutes**

**Members Present:** Barbara Carboni, Chair; John Wolf, Vice Chair; Kathleen Bacon, Micheal DeVasto, Ryan Curley

**Others Present:** Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Tim Sayre, resident; Carole Ridley; Herring River Restoration Project Coordinator; Christa Drew, Herring River, Chris Merl, resident; Diane Brunt, resident; Jude Ahern, resident; Lisa Dexter, resident; Jilliam Minahan, applicant for use of town property; James Wright, Minivan Productions; David Formato, Onsite Engineering

Chair Carboni Called the meeting to order at 7:01pm

**I. *Announcements and Public Comments***

**Note: Public comments are limited to no more than two minutes per speaker.**

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.

Chair Carboni opened comments to the board first there were none. Merl spoke to the board about 2 public hearings on the corporation potential for shellfish grant holders. He questioned why the board would have 2 public hearings. He also stated he had questions about the meeting with town counsel and wondered why there was a meeting without the members of the community who he stated were the clients and didn't feel it should be confidential.

Brunt spoke to the board, reading documents regarding the mitigation plan and dredging. She spoke about the Shellfish Advisory Board meeting held on August 7, 2023.

Curley stated that no member of the board can state how many public hearings there will be.

Carboni spoke to the public stating that there will be a public hearing held on September 5<sup>th</sup> to address the shellfish regulations and the policies and wanted to make sure there was ample opportunity for people to discuss their thoughts and feelings. Sayre spoke to the board stating that at the shellfish advisory meeting, money has already been spent on mitigation efforts he felt this was a misuse of funds.

Ahern spoke to the board about 23B regarding Chair Carboni being a land use owner. Merl spoke again, about dredging and using matching funds.

Dexter spoke to the board about the wild shellfishing and stated that she has been wild fishing for over 20 minutes, she stated it took her over 2 hours to dig 100 oysters. She had a complaint about a resident shellfishing and taking illegal sized oysters, she feels they shouldn't be allowed to shellfish there.

**II. *Consent Agenda***

**A.** Amendment to Community Preservation Committee Grant Agreement ~ Jennifer Elsensohn

**Board Member DeVasto, Board Member Wolf Seconded; and it was voted to approve the consent agenda as amended.**

**Roll Call Vote: 5-0**

**III. *Public Hearings***

- A. CONTINUED** from 06/20/2023 - Verizon New England to place approximately eight-hundred feet (800') of new conduit adjacent to 1065 Chequessett Neck Rd. Wellfleet MA

Wes Stinson spoke to the board about the purpose of installing the cable conduit. It will be provided by the contractor itself. He explained the original application had some misinformation in it and explained the edits and what they were planning to do.

Chair Carboni questioned if there were any questions from the board or the public. Yeston questioned if it would interrupt any services, Stinson explained that no he had no expectations of disruption.

**Board Member DeVasto Moved; Board Member Curley Seconded; and it was voted to approve the placement of approximately 800 feet of new conduit adjacent to 1065 Chequessett Neck Road, Wellfleet MA.**

**Roll Call Vote: 5-0**

**IV. *Use of Town Property***

- A.** Wellfleet Skate Park ~ Jillian Minahan ~ Skate Jam; August 24, 2023; 6-9pm. Minahan spoke to the board explaining what they would like to do and how many people will attend. She wasn't sure exact numbers she stated it would be around 30 people. Bacon questioned if they needed the recreation staff to work the event, she stated no they didn't need recreation staff.

**Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to approve the use of the skate park at Baker's Field on Thursday August 24, 2024, for a community skate jam as specified in the application and to waive the fees.**

**Roll Call Vote: 5-0**

- B.** Uncle Tim's Bridge & Cannon Hill Park~ James Wright, Minivan Productions~ August 15, 2023, 6am-10am & 3pm-8pm.

Wright spoke to the board about his film, explaining it is a documentary talking about mental health and debunking the stigmatism. Wolf questioned the timing of the start time being 6am and explaining that it is a residential area. It was explained to them the film will have no audible sound. Bacon questioned if the residents and guests could still use the bridge while they are filming. He explained that they would have to stop people for no more than 3-4 minutes. She also questioned if there were any props needed in the filming.

**Board Member Wolf Moved; Board Member Seconded; and it was voted to approve James Wright of Minivan Productions the use of Uncle Tim's Bridge and Cannon Hill Park for the filming of a documentary on Tuesday August 15, 2023, from 6am-10am and 3pm-8pm and the fees to be waived.**

V. **Business**

A. Approval of Agreements with Friends of Herring River to Support Herring **Chair Carboni recused herself from this agenda item.**

River Restoration Project Implementation~ Carole Ridley & Christa Drew Drew spoke to the board explaining what this agreement is and how it will benefit the town. Curley read a statement to the board and public about the inadequacy of the town administrator to get information to the board. Waldo stated that all documents have been before town counsel. Blakely spoke to the board asking who oversees the day-to-day operations. Waldo stated that Wes Stinson is the project manger who sees the day-to-day operations. Ridley spoke to the accusations made from Curley she explained why this process was such a long one and stated there were many approvals and pieces that needed to be put together. She gave more information on this project and modifications that were made. Sayre continued to question the board, agreeing with Curley. DeVasto stated he was he person who was afraid it would delay the project and then was told it wouldn't Wolf asked to hear more from Sayre and his objections, explained his objections.

**Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to authorize the town of Wellfleet to approve and execute an agreement with Friends of Herring River to allow the use of up to \$375,000. In technical Assistance funds granted to the Town by US Department of Agricultural Natural Resource Conservation Service for the purpose of completing construction plans and bid documents for the Chequesset Neck Bridge, low-lying road elevation and culvert replacements, and work to protect structures on three private properties.**

**Roll Call Vote: 4-0-1**

B. Approval of concept/layout of the proposed wastewater treatment facility system and leaching fields, 95 Lawrence Road Project ~ David Formato, Onsite Engineering

Formato, spoke to the board explaining the project and showing them a larger map of what they have in their packets. He spoke to the different aspects of the project. He spoke of Phase 1 and Phase 2. He gave details of each phase. The board had some questions concerning the IA septic tanks, Formato stated that in the original plan, but they have since learned there were better recommendations for the project. Wolf also questioned the air pumps and the sound that they make he asked will the sound be addressed as it won't affect the abutters. Formato explained that the tanks are in a soundproof room and the noise would be a very dull background sound. They discussed the "nuts and bolts" of the project. Sayre spoke to the board again; he questioned what was the closest private well to the leaching fields. Formato explained where the closest wells were. Blakely spoke to the board questioning if the town will be taking care of it, or will there be someone designated to take care of the project. Waldo stated he wasn't sure who would be taking care of the project, but it would be addressed in the future. Formato explained how this system would be run. Blakely questioned if the someone at the DPW would be trained and licensed for this. Waldo stated it takes time for a class 4 license. Explaining there are more details that need to be

worked out. Ahern questioned that there was someone who was approved at town meeting. She continued to speak to the board. She interrupted the board and there was a point of order called.

**Board member Curley Moved; Board Member Seconded; and it was voted to approve the schematic 95 Lawrence Hill Development Treatment Facility Site Plan and Effluent Disposal System Site Plan as shown in drawings C-1 and C-2 prepared by Onsite Engineering, Inc. dated May 31, 2023, and to authorize Onsite Engineering to proceed into the design and permitting of those layouts for the purpose of securing a Groundwater Discharge Permit from Mass DEP.**

**Roll Call Vote: 5-0**

C. Town Meeting Warrant ~ Review and voting on remaining articles.

Chair Carboni asked Waldo to discuss the warrant and remaining articles.

Waldo shared his screen; he began by announcing that there will be childcare at town meeting on September 18<sup>th</sup>. He moved on the Articles 1 and 2 which the board will reserve recommendation until August 15<sup>th</sup> when the warrant will be closed and sent to the printer. He moved on to the 95 Lawrence Road Wastewater Treatment Facility, he explained the changes that town counsel and bond counsel made and why these changes were made.

**Board Member DeVasto Moved; Board Member Reconsider the vote to insert and recommend the article on 95 Lawrence Hill Wastewater Treatment Facility Phase 1**

**Board member DeVasto moved; Board Member Wolf Seconded; and it was voted to insert and recommend the Lawrence Hill Wastewater Treatment Facility Phase 1.**

**Roll Call Vote: 5-0**

Waldo moved to the Enhanced Innovative & Alternative Septic Program article; he explained the changes of that article.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the article for enhanced innovative & Alternative Septic Program**

**Roll Call Vote: 5-0**

The moved on to the Maurice's Campground, housing planning funds, Waldo explained this is on the warrant as a failsafe in case the ARPA grant wasn't approved, he stated they have the application in for the ARPA grant. The board discussed and agreed to take no action on this item and wait to see if the funds are granted and if not, the article should be removed.

**No Action was taken.**

Waldo moved on to the Inclusionary Zoning Bylaw Amendment

**Board Member Curley Moved; Chair Carboni Seconded; and it was voted to insert the Zoning Bylaw Amendment, Inclusionary Zoning into the fall special town meeting warrant.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved, Board Member DeVasto Seconded; and it was voted to insert and recommend the Zoning Bylaw Amendment, Cottage Colonies into the special fall town meeting warrant.**

The board discussed the intensity of use of multi-family dwellings.

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to insert the Zoning bylaw amendment – intensity of use of Multi-Family Dwellings.**

**Roll Call Vote: 5-0**

**Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to recommend the Zoning Bylaw amendment – intensity of use of Multi-Family Dwellings.**

**Roll Call Vote: 4-0-1 (DeVasto Abstained)**

Zoning Bylaw Amendment- Definition of Trees was the next article to be voted on.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert and recommend the Zoning Bylaw Amendment – Definition of Trees into the special fall town meeting warrant.**

**Roll Call Vote: 5-0**

Zoning Bylaw Amendment – Cutting of Timber was discussed; Sayre spoke to the board about this article. He stated some seashore policies and his concern.

**Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to insert Zoning Bylaw Amendment-Cutting of Timber into the special fall town meeting warrant.**

**Roll Call Vote: 5-0**

There was discrepancy on the Local Notable Trees, so no action was taken.

Animal Control Bylaw was discussed next, Waldo explained that he sat down with the animal control officer and had spoken with town counsel. Curley wanted to split the articles moving article 4 to its own.

Chair Carboni asked Waldo to separate them and bring it back to the board at the next meeting. There was more discussion on dogs on the beach. Chair asked about the revision of the article.

No Action was taken on this article.

Curley asked him to clarify the special election warrant. Waldo explained there are 2 questions, he stated what they were. He explained why one of the articles were removed. Waldo stated he will do his best to get documents in for the packet, but he will have the final product by Tuesday's meeting.

- D.** Draft Response from town counsel regarding Open Meeting Law Complaint filed, June 28, 2023, Judith Ahern.

Waldo explained the process on the draft response. Curley spoke to the complaint, he stated he disagreed with town counsel, stating he felt there was a breach of confidentiality. Curley wanted to strike the entire paragraph. Chair Carboni disagreed with the entire paragraph. Chief Pauley spoke to the accusation stating he resents his character being called out. Ahern wanted to address the board, she yelled at the board stating that the board was lying. She was asked by the police to be removed. The board recessed the meeting for 15 minutes. While Ahern was asked to leave the meeting.

The meeting reopened at 9:28pm strike the first sentence. LISTEN TO THE MEETING TO GET IT RIGHT!

**Board Member Bacon Moved; Chair Carboni Seconded; and it was voted to approve as amended the letter written by KP Law in response to the open meeting law filed on July 25, 2023, filed by Jude Ahern, and send to the Office of the Attorney General.**

**Roll Call Vote: 3-0-1 (Curley Abstained)**

**VI. *Selectboard Reports***

There were no reports given at this time.

**VII. *Town Administrator's Report***

Waldo stated his full report is in the packet and gave a few brief updates. He discussed the fire suppression system at the elementary school, and it should be online or close to by the time school reopens in the fall. Bacon questioned the DPW director issuing parking at Mao Beach. Discussion with Harbor or Beach about portable toilets at the pier closer to the harbor master's office.

Curley spoke about dredging mitigation was questioned.

Chair Carboni spoke to the board about attending the Cultural Council meeting.

Curley questioned the injury report with the shellfish constable, he questioned what equipment the town has to avoid these accidents in the future.

**VIII. *Topics for Future Discussion***

Dredging plan/contract funding question, and alternatives to the mitigation program.

**IX. *Vacancy Reports***

**X. *Minutes***

**A. July 11, 2023, No Action was taken, there were many amendments that needed to be sent to Eldridge.**

**B. July 13, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.**

**C. July 18, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.**

**D. July 25, 2023 – No Action was taken, there were many amendments that needed to be sent to Eldridge.**

**XI. *Adjournment***

**Board Member Moved; Board Member Seconded; and it was voted to adjourn the meeting.**

**Roll Call Vote: 5-0**

**Meeting Adjourned: 10:15pm**

***Public Documents:***

*Community Preservation Grant with amendments*

*Updated Documents from Verizon for the placement of conduit*

*Use of Town Property applications from Jillian Minahan & Minivan Productions*

*Agreement for the Herring River Restoration Project*

*Maps for the layout of the wastewater treatment facility system at Lawrence Hill*

*Draft Warrant for Special Fall Town Meeting*

*Open Meeting Law Documents with KP Law's response*

*Town Administrator Report*

*Meeting Minutes of July 11, 13, 18, & 25<sup>th</sup>*



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: August 15, 2023

VIII

## Adjourn Open Session,

## Enter into executive session, not to return into Open Session

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To adjourn and enter executive session
<b>PROPOSED MOTION:</b>	Pursuant to G.L. c. 30A, §21(a) <i>Adjourn Open Session and Enter into Executive Session ~ M.GL. c.30A, Sec. 21</i>
<b>SUMMARY:</b>	<i>Purpose 1: To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.</i> <i>Purpose 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.</i> <ul style="list-style-type: none"><li><b>Executive Session Meeting Minutes June 27, 2023</b></li></ul>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	