



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, September 19, 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=b1plVFFBZzViQ0xNWkZKMm9iMVdrdz09>

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 the outside of 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

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. *Police Appointments* ~ Lt. Turner & Deputy Chief LaRocco

- A. Anthony C. Emmott ~ Full Time Police Officer
- B. Jack A. Richards ~ Full Time Police Officer

III. *Wellfleet Elementary School ~ Staff*

- A. Recognition of Mary Beth Rodman for her many years of service to the town
- B. Introduction of Adam O'Shea new principal of Wellfleet Elementary School

IV. *Public Hearings*

- A. Classification Hearing; Tax Rate for Fiscal Year 2024 ~ Nancy Vail, Assessor

- B. Application for a special event liquor license: received September 6, 2023; Wellfleet Bay Wildlife Sanctuary, Mass Audubon; to hold “Flocktoberfest”; October 21, 2023, from 11:00am – 2:00pm
 - C. Application dated 9/6/2023; for the transfer of shellfish grant license #85-I consisting of one acre on Indian Neck from Randy Williams (Wellfleet MA) and Charter Williams (Wellfleet MA) to Randy Williams, Charter Williams and Nemanja Krsmanovic (Wellfleet MA).
 - D. Application dated 8/28/2023 for the transfer of shellfish grant license #85-H consisting of one acre on Indian Neck from Shawn Rose (Wellfleet MA) to Shawn Rose and Nemanja Krsmanovic (Wellfleet MA).
- V. ***Board/Committee Appointments and Updates***
- A. Nancy Gralla ~ Wellfleet Recycling Committee Alternate
 - B. Donald Thimas ~ Wellfleet Planning Board Voting Member
 - C. Kevin Sheehan ~ Wellfleet Historical Commission Voting Member
- VI. ***Licenses***
- A. Winslow’s Tavern ~ approval of extension of alcohol license until January 1, 2024
- VII. ***Proposed Appointment of Assistant Town Administrator***
- A. Town Administrator ~ Rich Waldo
- VIII. ***Business***
- A. 90 Freeman Ave, transfer of deed to the Wellfleet Housing trust ~ Elaine McIlroy
 - B. Reorganization of the Health and Conservation Department ~ Rich Waldo
 - C. Intermunicipal Agreement ~ Consent for dual representation ~ KP Law Eastham/Wellfleet for budgetary Support
 - D. Memorandum of Agreement w/ Town of Eastham for Budgetary Support
- IX. ***Selectboard Reports***
- A. Prior Affiliations ~ Chair Barbara Carboni
 - B. Selectboard Goals FY2024 – Review and prioritize Town-wide goals.
- X. ***Town Administrator’s Report***
- XI. ***Topics for Future Discussion***
- XII. ***Vacancy Reports***
- XIII. ***Minutes***
- A. August 8, 2023
 - B. August 15, 2023
 - C. August 22, 2023
 - D. September 5, 2023
- XIV. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

I

ANNOUNCEMENTS AND PUBLIC COMMENTS

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

II

POLICE APPOINTMENTS

~ A ~

REQUESTED BY:	Deputy Chief LaRocco & Lieutenant Turner
DESIRED ACTION:	To approve the appointment of Anthony Emmott as a full-time officer.
PROPOSED MOTION:	I move to approve the appointment of Anthony C. Emmott as a full time Police officer for the Town of Wellfleet. Welcome aboard and thank you for your service to the town.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

September 12, 2023

To: Select Board
From: Deputy Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Anthony C Emmott be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Mr. Emmott will be filling the current vacant position.

Anthony C. Emmott:

Physical	Completed/Passed
Physical Agility Test	Completed/Passed
Police Academy Application	Completed/Passed
Background Check	Completed/Passed
Psychological Evaluation	Completed/Passed
POST C Certified Application	Completed/Passed

I recommend that Mr. Emmott be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation.
- Pass a psychological
- Pass a physical
- Pass the Physical Agility Test (PAT test)
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A)
- Complete the Full Time Police Academy
- Satisfactorily complete the Field Training program

Respectfully submitted for your information and consideration.

Kevin LaRocco
Acting Chief of Police

cc: Richard Waldo, Town Administrator

- f. List any special abilities, interests, sports or hobbies along with degrees of proficiency:
Attended an 11 Week Corrections Officer Academy, enjoy playing basketball and watching basketball on TV.
- g. List any special equipment or computer systems with which you have experience
N/A

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
11/7/22	Present	Barnstable Couty Sheriff's Office, 6000 Sheriff's Place, Bourne MA, Corrections Officer 508-563-4300			N/A
Reason for Leaving: N/A					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
9/6/22	10/27/22	Pilgrim Academy, 42 Industrial Park Road, Plymouth MA Paraprofessional 508-747-6686			N/A

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
6/1/22	8/21/22	Hull Police Department, 1 School Street, Hull MA Parking Enforcement 781-925-2000			Deputy Chief Neil Reilly
Reason for Leaving:					

- b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [] If yes, give details:
- _____

c. Are you eligible for rehire with each of your former employers? Yes [] No [] If no, please explain: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

II

POLICE APPOINTMENTS

~ B ~

REQUESTED BY:	Deputy Chief LaRocco & Lieutenant Turner
DESIRED ACTION:	To approve the appointment of Jack Richards as a full-time officer.
PROPOSED MOTION: SUMMARY:	I move to approve the appointment of Jack A. Richards as a full time Police officer for the Town of Wellfleet. Welcome aboard and thank you for your service to the town.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet
Police Department

September 12, 2023

To: Select Board
From: Deputy Chief Kevin LaRocco

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Jack A Richards be appointed as a Full Time Police Officer subject to the successful acceptance and subsequent completion of the Massachusetts Police Training Council Academy. Mr. Richards will be filling the current vacant position.

Jack A Richards:

Physical	Completed/Passed
Physical Agility Test	In Progress
Police Academy Application	Completed/Passed
Background Check	Completed/Passed
Psychological Evaluation	Completed/Passed
POST C Certified Application	Completed/Passed

I recommend that Mr. Richards be appointed as above and that a conditional offer of employment be extended as follows:

- Pass a background investigation.
- Pass a psychological
- Pass a physical
- Pass the Physical Agility Test (PAT test)
- Obtain or be able to obtain a MA license to carry a firearms permit (Class A)
- Complete the Full Time Police Academy
- Satisfactorily complete the Field Training program

Respectfully submitted for your information and consideration.

Kevin LaRocco
Acting Chief of Police

cc: Richard Waldo, Town Administrator

f. List any special abilities, interests, sports or hobbies along with degrees of proficiency:

Division 1 Lacross Athlete

g. List any special equipment or computer systems with which you have experience.

III EMPLOYMENT HISTORY

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
7/1/22	9/1/22	Wellfleet Police Department 36 Gross Hill Road, Wellfleet, MA 02667 Community Service Officer			Lieutenant Kevin LaRocco
Reason for Leaving: College					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
3/1/21	Present	Shawsheen Technical High School, 100 Cook St. Billerica Ma Lacrosse Coach			Charles Baker Head Coach

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
9/5/20	12/21	Guardian Capital Security Wakefield MA Security 617-840-4130			Felipe Monteiro
Reason for Leaving:					

b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [] No [XX] If yes, give details:

c. Are you eligible for rehire with each of your former employers? Yes [] No [] If no, please explain: _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

III

WELLFLEET ELEMENTARY SCHOOL STAFF

~ A ~

REQUESTED BY:	Rich Waldo ~ Town Administrator
DESIRED ACTION:	To thank and recognize Mary Beth Rodman for her many years of service to the town of Wellfleet and wish her well in her retirement.
PROPOSED MOTION:	No motion is needed for this agenda item.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET ~ SELECTBOARD

300 MAIN STREET WELLFLEET, MASSACHUSETTS

THIS CERTIFICATE OF APPRECIATION FOR YOUR SERVICE AND DEDICATION

MARY BETH RODMAN

Thank you for being an exemplary employee and mentor
to our children, families, and staff in Wellfleet!

SEPTEMBER 19, 2023



Barbara Carboni, Selectboard
Chair



Richard J. Waldo, Town
Administrator



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

III

WELFLEET ELEMENTARY SCHOOL STAFF

~ B ~

REQUESTED BY:	Rich Waldo ~ Town Administrator
DESIRED ACTION:	To Welcome Adam O' Shea as the new Wellfleet Elementary School principal.
PROPOSED MOTION:	No motion is needed for this agenda item.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IV

PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Nancy Vail ~ Town Assessor
DESIRED ACTION:	To vote on the various tax rates for the Town of Wellfleet
PROPOSED MOTION:	To be determined at the time of the agenda item.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

MEMORANDUM

To: Select Board, Town Administrator
From: Assessor
Subject: **Classification Hearing - Fiscal 2024**
Date: September 19, 2023

The Legislature has given local communities limited flexibility in allocating the tax burden among the various classes of property. The Select Board has the opportunity to lower the tax rate of residential taxpayers and increase the tax rate of commercial and personal property taxpayers. The Town of Wellfleet has always employed one tax rate for all classes of property. At the Classification Hearing, the Select Board must reaffirm or change this position.

The Board of Assessors recommends retaining the unified tax rate for all classes of property. The current split between classes is 96% residential and 4% commercial & personal property. The shift would place an undue burden on 4% of the Wellfleet taxpayers. **To retain the single tax rate, a motion with a favorable vote to "make the Residential Factor the numeral 1 for Fiscal 2024" must be made.**

The Board of Assessors must also inform the Select Board of other options involving the shifting of the tax burden. The following is for information only. **No action need be taken.**

Option One:

There is a Residential Exemption available to those domiciled in Wellfleet. An amount up to 35% of the average assessment of the entire residential class could be deducted from the total assessed value of domiciled taxpayers. The total amount of exempted value would then be allocated among all residential class taxpayers. The net effect is an increase in the tax rate for all residential taxpayers. The current exemption is at 25%.

The Board of Assessors does not have a recommendation.

Option Two:

The "Open Space Exemption" allows up to 25% of the assessed value of land so designated to be exempt from taxation. The burden would be shifted to all other classes of property.

The Board of Assessors recommends no action. There is no need for an open space exemption at this time as several tax-friendly options are available for those interested in preserving all or part of their property as open space. Parcels that could qualify are currently involved in other programs that have satisfied any need to date.

Option Three:

Small Business Exemption - An amount up to 10% of the assessed value of a small business (less than 10 employees and an assessed value of less than \$1,000,000) may be deducted. The total deductions are then shifted to those businesses not classified as "small."

The Board of Assessors recommends no action. The majority of the town's businesses are "small." The additional burden would be shifted to a handful of taxpayers.

EFFECT OF VARIOUS PERCENTAGES ON THE RESIDENTIAL TAX EXEMPTION
Using FY2023 Tax Rate of \$6.96

Average of the residential class: \$921,093

Qualifying Properties: 822

<u>Percentage</u>	<u>Value Exempted</u>	<u>Tax \$ Exempted</u>	<u>Exempted Value to be recovered</u>
25	\$230,272	\$1,602.70	\$189,284,406
30	\$276,328	\$1,923.24	\$227,141,616
35	\$322,382	\$2,243.77	\$264,998,004



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IV

PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Mass Audubon
DESIRED ACTION:	To approve the special event liquor license for Mass Audubon to hold "Flocktoberfest" October 21, 2023, from 11am-2:00pm.
PROPOSED MOTION:	I move to approve Mass Audubon for a one day special event liquor license on October 21, 2023; from 11am to 2pm; for their "Flocktoberfest" .
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition (s):
VOTED:	

TOWN OF WELLFLEET

In accordance with M.G.L. Chapter 138, Section 12; notice is hereby given that a public hearing will be held Tuesday September 19, 2023, at 7pm, with the Wellfleet Selectboard to consider the following item:

- Application for a special event liquor license: received September 6, 2023; Wellfleet Bay Wildlife Sanctuary, Mass Audubon; to hold “Flocktoberfest”; October 21, 2023, from 11:00am – 2:00pm

In person: 715 Old King’s Highway, Wellfleet MA 02667

Join Zoom Meeting

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

Meeting ID: 856 8960 4806

Passcode: 611877

Dial by your location

- +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD

TOWN OF WELLFLEET
APPLICATION FOR SPECIAL EVENT LIQUOR LICENSE

1. Applicant: Wellfleet Bay Wildlife Sanctuary Affiliation: Mass Audubon
Address: 291 State Hwy, South Wellfleet Telephone: 508-349-2615
2. Type of License All Alcohol (\$150/day _____) Beer and Wine (\$100/day X _____)
3. Type of Activity Being Conducted "Flocktoberfest" – public event with food, drinks, games, music, educational offerings by naturalists and science staff
4. Date: 10/21/2023 Hours of Service: 11:00 am to 2:00 pm
5. Description of Premises: wildlife sanctuary with access to 5 miles of trails, a large Nature Center with public restrooms, and parking for 75+ vehicles
6. Name, Address, Telephone of Designated Manager (person responsible for activity):
Melissa Lowe, Regional Director, 291 State Hwy, So. Wellfleet MA 02663
508-349-2615
7. If activity involves food service, please describe fully (i.e. raw Shellfish, heated casseroles, bakery goods, etc.)
Wild Game Sausage Man Food Truck



Applicant's Signature

Fee: \$100

Processing Fee: \$50.00

Police Department: ok-

Building Department: N/A

Comments/Conditions: Kevin

Comments/Conditions: _____

Salocco

Fire Department: ok-

Health Department: _____

Comments/Conditions: Rick

Comments/Conditions: _____

Pauley

DPW Department: ok-

Town Administrator: _____

Comments/Conditions: Jay

Comments/Conditions: _____

Norton

Other: _____

Other: _____

Date Received

Fee

Date Issued

TOWN OF WELLFLEET
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60 and 62 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on Tuesday, September 19, 2023, at 7:00 p.m. to consider the following:

- 1) Application dated 9/6/2023 for the transfer of shellfish grant license #85-I consisting of one acre on Indian Neck from Randy Williams (Wellfleet, MA) and Charter Williams (Wellfleet, MA) to Randy Williams, Charter Williams and Nemanja Krsmanovic (Wellfleet, MA).
- 2) Application dated 8/28/2023 for the transfer of shellfish grant license #85-H consisting of one acre on Indian Neck from Shawn Rose (Wellfleet, MA) to Shawn Rose and Nemanja Krsmanovic (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the 09/19/2023 Selectboard's packet.

In person: 715 Old King's Highway (Adult Community Center)

Join Zoom Meeting

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

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~ Phone: 929 205 6099

WELLFLEET SELECTBOARD



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IV

PUBLIC HEARINGS

~ C ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of shellfish grant license #85-I
PROPOSED MOTION: SUMMARY:	I move to approve the transfer of shellfish grant license #85-I consisting of one acre on Indian Neck from Randy Williams and Charter Williams to Randy Williams, Charter Williams, and Nemanja Krsmanovic.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 13, 2023

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

Re: Grant renewal recommendation

From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application dated 9/6/2023 for the transfer of shellfish grant license #85-I consisting of one acre on Indian Neck from Randy Williams (Wellfleet, MA) and Charter Williams (Wellfleet, MA) to Randy Williams, Charter Williams and Nemanja Krsmanovic (Wellfleet, MA).

Nemanja was added to the Williams' other grant (#85I-A) in February of 2022. He has been a grant holder since then.

I reviewed the annual grant reports for #85-I and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation permits with the Mass. Division of Marine Fisheries who confirmed that they were in good standing. All three of them also hold town commercial shellfishing permits.

I recommend that shellfish grant license #85-I be transferred from Randy Williams and Charter Williams to Randy Williams, Charter Williams and Nemanja Krsmanovic.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 9/6/23

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



I/We hereby request transfer of Shellfish Grant License # 85-I

From Charter Williams and Randy Williams

To Charter Williams, Randy Williams and

Said grant license is located at Indian Neck, in Wellfleet, MA

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

by Albert H. Nickerson and dated 10/1/1985

[Signature]

[Signature]

[Signature]

Signature
Charter Williams
Name

Signature
Randy Williams
Name

Signature
NEMANJA 1685MANOVIC
Name

P.O. Box 3012
Mailing Address

Po Box 3012
Mailing Address

80 STATE HIGHWAY ROUTE
Mailing Address

Wellfleet, MA 02667

Wellfleet MA 02667

WELLFLEET

508 317 9374

203 829 0619

774-722-7378

Telephone
Charter Williams e mail

Telephone
via signatures @ gmail

Telephone
NEMANJA 1685MANOVIC@Gmail

Email
Charter Williams e mail

Email

Email
NEMANJA 1685MANOVIC@Gmail

NEMANJA KRSMANOVIC

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing. *x2 (85-H and 85-I)*
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.

N/A If applicant is applying for a lease on private property, permission from the owner has been obtained.

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

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

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.

N/A For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

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

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

*N/A
current
grant
holder*

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

Licensed Area (Grant) - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

7.8. Issuance of Licenses for Aquaculture

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.

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

To: Wellfleet Selectboard

From: NEMANJA KRSMANOVIC

Date: 9/6/23

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

Sincerely, NEMANJA KRSMANOVIC



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IV

PUBLIC HEARINGS

~ D ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of shellfish grant license #85-H
PROPOSED MOTION:	I move to approve the transfer of shellfish grant license \$85-H consisting of one acre on Indian Neck from Shawn Rose to Shawn Rose and Nemanja Krsmanovic.
SUMMARY:	
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

September 13, 2023

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

Re: Grant renewal recommendation

From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application dated 9/6/2023 for the transfer of shellfish grant license #85-H consisting of one acre on Indian Neck from Shawn Rose (Wellfleet, MA) to Shawn Rose and Nemanja Krsmanovic (Wellfleet, MA).

Nemanja has been a grant holder since February of 2022, and has been an employee on Shawn's grant since 2019.

I reviewed the annual grant reports for #85-H and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

I reviewed their state propagation permits with the Mass. Division of Marine Fisheries who confirmed that they were in good standing. Both of them also hold town commercial shellfishing permits.

I recommend that shellfish grant license #85-H be transferred from Shawn Rose to Shawn Rose and Nemanja Krsmanovic.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325

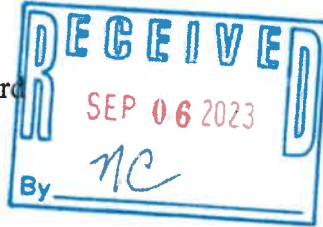


Fax (508) 349-0305

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 8/28/2023

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



I/We hereby request transfer of Shellfish Grant License # 85-H

From Shawn Rose

To Shawn Rose & Nemanga Krsmanovic

Said grant license is located at Indian Neck, in Wellfleet, MA

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

by Albert H. Nickerson and dated 10.1.1985

SR [Signature]

Signature Signature Signature

Shawn Rose NEMANJA KRSMANOVIC

Name Name Name

POB 252 80 STATE HIGHWAY ROUTE 6

Mailing Address Mailing Address Mailing Address

Wellfleet Ma. 02667

508 237 1962 774-722-7378

Telephone Telephone Telephone

Wellfleet 08@hotmail.com NEMANJA KRSMANOVIC 80 POB 252 6004

Email Email Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

V

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ A ~

REQUESTED BY:	Nancy Gralla
DESIRED ACTION:	To approve the appointment of Nancy Gralla as an alternate member to the Wellfleet Recycling Committee.
PROPOSED MOTION: Summary:	I move to approve the appointment of Nancy Gralla as an alternate member to the Wellfleet Recycling Committee, for a term of 3 years; to be sworn in by the town clerk and follow all bylaws of the town.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

Name Nancy Gralla Date 9/6/2023

Mailing Address 10 Taylor Farm Rd.
Wellfleet, MA 02667

Phone (Home) _____ (cell) 202 747-4177

E-mail nancy@gralla.us

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have a background in public health practice & worked in a Health Department, and ran two non-profit organizations for 15 years. I have gained experience in budgeting, accounting, management, policy and program design.

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

Masters Degree in Public Health. No formal courses in Management. Currently volunteering in Mass. organization to stop fossil fuel expansion.

Committees/Boards of Interest: 1) Recycling Committee - Alternate
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

V

BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ B ~

REQUESTED BY:	Donald Thimas
DESIRED ACTION:	To approve the appointment of Donald Thimas as a voting member to the Wellfleet Planning Board
PROPOSED MOTION:	I move to approve the appointment of Donald Thimas as a voting member of the Wellfleet Planning board, for a term of 5 years; to be sworn in by the town clerk and follow all bylaws of the town.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

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

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name DONALD THIMAS Date 9/11/2023

Mailing Address 193 OCEANWAY DRIVE, MALIBOU BEACH
CA, 90265

Phone (Home) _____ (cell) 508-274-7831

E-mail donthimas@yahoo.com

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

-SYSTEMS MANAGER, PRESIDENT OF WATER UTILITY
IN CONDO COMMUNITY IN FLORIDA
SERVED ON WELLFLEET'S COMMUNITY PRESERVATION
COMMITTEE

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

Wellfleet school system, NAUSET (GRAD)
U. MASS - BBA, BARBON MBA
WELLFLEET RESIDENT & LAND OWNER SINCE
1948, NOW A NON-RESIDENT TAX PAYER

Committees/Boards of Interest: 1) PLANNING BOARD
2) ZONING BOARD OF APPEALS
3) CONSERVATION COMMISSION

Donald H. Thimas



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023



BOARD/COMMITTEE APPOINTMENTS & UPDATES

~ C ~

REQUESTED BY:	Kevin Sheehan
DESIRED ACTION:	To approve the appointment of Kevin Sheehan as a voting member to the Wellfleet Historical Commission.
PROPOSED MOTION: SUMMARY:	I move to approve the appointment of Kevin Sheehan as a voting member to the Wellfleet Historical Commission, for a term of 3 years; to be sworn in by the town clerk, and to follow all the bylaws of the town.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

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

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

Name Kevin Sheehan Date 8/22/23

Mailing Address 65 Waverly st
Roxbury, MA 02119

Phone (Home) ⊕ (cell) 617-459-0125

E-mail KMSboston@gmail.com

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

30+ years of building/restoration
and interest in preservation

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

Committees/Boards of Interest: 1) Wellfleet Historical Commission
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VI

LICENSES

~ A ~

REQUESTED BY:	Winslow's Tavern
DESIRED ACTION:	To approve the extension of the Taverns alcohol license
PROPOSED MOTION:	I move to approve the extension of Winslow's Tavern alcohol license and allow the tavern to remain open until January 1, 2024.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

WINSLOW'S TAVERN

August 22, 2023

To the Select Board of the Town of Wellfleet,

We are respectfully asking the Select Board to consider approving the extension of our liquor license as we would like to continue operating Thursday – Sunday nights, with lunch on Saturdays and Sundays until the end of December. We believe that remaining open will draw more people downtown in the shoulder season and have a positive impact on the community.

Thank you for your consideration of our request.

Best,



Tracey Barry Hunt, GM/Owner
Winslow's Tavern
316 Main Street
Wellfleet, MA 02667
508-349-6450
www.winslowstavern.com



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VII

PROPOSED APPOINTMENT OF ASSISTANT TOWN ADMINISTRATOR

~ A ~

REQUESTED BY:	Rich Waldo ~ Town Administrator
DESIRED ACTION:	To approve the recommended appointment of the Assistant Town Administrator
PROPOSED MOTION:	I move to approve the recommendation from the Town Administrator to enter into a contract with Silvio Genao to serve the town of Wellfleet as the Assistant Town Administrator.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 www.wellfleet-ma.gov

August 25, 2023

Silvio Genao
PO Box 1894
North Eastham, MA 02651

Dear Mr. Genao:

I am writing to make you a conditional offer of employment for the position of Assistant Town Administrator for the Town of Wellfleet. Employment is conditioned on the following:

1. Satisfaction of Wellfleet Town Charter section 5-4-3 which grants the Select Board the power to disapprove appointments within 14 days of notice.
2. The execution of an employment agreement .
3. Agreement on a satisfactory starting date

Once you and I agree in principle on the other terms of your employment, the Select Board will be notified, and I will ask them to waive the 14-day requirement.

The Assistant Town Administrator shall receive all benefits that are currently outlined in the contract. Benefits shall include but are not limited to: Health Insurance (35% employee paid); optional Dental Insurance (100% employee paid); optional Life Insurance; Vacation; Sick Leave; Holiday Leave; Bereavement Leave; Personal Leave; Jury Duty (difference between pay and jury fee; and reimbursement for expenses (meals, mileage, tolls, parking as per Town policy). Retirement benefits are provided by the Barnstable County Retirement System. There is an option for additional retirement contributions through Deferred Comp. All benefits shall be made available upon commencement of employment.

On behalf of the Town of Wellfleet, we look forward to working with you.

Sincerely,

Richard Waldo
Town Administrator

Cc: Interim Assistant Town Administrator, Interim Town Treasurer, Town Accountant, Assistant Accountant, Assistant Treasurer

Profile

I am interested in being part of a progressive organization looking for a manager who shares my values of collaboration and good communication, that is open to providing strategic and creative solutions to challenging circumstances, and that has an interest in being an active member of the community.

ADDRESS



[Redacted Address]



[Redacted Phone Number]



PERSONAL EMAIL

[Redacted Email Address]

EDUCATION

Instituto Tecnológico de Santo Domingo
(Santo Domingo Institute of Technology)

Bachelor of Science in Civil Engineering

University of Massachusetts Dartmouth

Master's Degree in Public Policy with a concentration in Public Management

Graduate Certificate in Public Management

Suffolk University
Moakley Center for Public Management

Certificate in Municipal Finance Management

Silvio Antonio Genao

Work Experience

Town of Plymouth, MA

May 2022 - Current

Director of Human Resources

Duties consist of:

- Strategic management of personnel resources to meet the goals of the organization, including serving as the Affirmative Action Officer
- Managing a self-funded Health Insurance program with over 1,200 Active and Retired members and a high Stop-Loss coverage threshold
- Negotiating and managing the Health Insurance coverage PEC agreement following M.G.L. Ch. 32B Section 19
- Negotiating and managing all aspects of 9 Collective Bargaining Agreements and the non-union Personnel Bylaw
- Managing all aspects of employee recruitment and retention including developing Compensation & Classification studies and Personnel Policies
- Managing various employment related claims such Injury-on-Duty (111F & 100B), Workers Compensation, and Unemployment
- Providing internal Labor Relations training for managers

Town of Eastham, MA

November 2018 - May 2022

Superintendent of Public Works and Natural Resources

Duties consist of:

- Responsible for planning and directing all aspects of the Departments of Public Works and Natural Resources including responsibilities for all procurement
- Development and management of the Annual Operating Budget and Long-Term Capital Expenditure Program
- Formulating and Developing Policies & Bylaws related to the Department in order to ensure adherence to Federal and State Laws, including but not limited to snow removal, solid and hazardous waste management, building maintenance
- Creating new assistance programs, and efficiently operating existing programs, by developing new business models and creative and fair financing mechanisms

Work Experience (cont.)

Town of Plymouth, MA

March 2018 - November 2018

Assistant Director of Public Works

Duties consist of:

- Responsible for Department of Public Works Personnel and Labor Negotiations Matters, including being Grievance Step 1 Hearing Officer as well as representing the department in Collective Bargaining Agreement negotiations.
- Directly preparing capital requests and operating budgets for Fleet and Solid Waste Divisions, as well as assisting and reviewing capital requests and operating budgets for the other divisions.
- Developing Policies for the proper function of supervised divisions. Submitting and approving job opening requisitions as well as performing job interviews for all DPW job applications.

BETA Group, Inc.

Lincoln, RI

September 2016 - March 2018

Project Engineer/Asset Management Coordinator

Duties consisted of:

- Providing consulting services to State and Local Government entities throughout New England in developing Capital Improvement Plans to maintain their infrastructure.
- Creating Asset Management Programs for various types of infrastructure (Roadways, Sidewalks, ADA Ramps, Stormwater, Wastewater Collection Systems, Water Distribution Systems, Parks, Lighting, etc.).
- Development of Municipal Complete Streets Program (Tiers 1, 2 & 3).

Bracken Engineering, Inc.

Buzzards Bay, MA

May 2016 - September 2016

Project Manager

Duties consisted of:

- Client Management, Site Design and Development, and Project Management for complete renovations of the MSPCA site and facility in Centerville, MA

Profile (cont.)

I would achieve this by helping to further the municipality's plans through the use of my problem-solving skills and managerial experience, by listening to the needs expressed by community stakeholders and actively engaging staff in the process to ensure the development of feasible and implementable solutions, and by committing myself to the highest in delivering good customer service to all its residents.



LICENSES AND CERTIFICATIONS
Commonwealth of Massachusetts
Registered Professional Engineer
Civil - License #49207

State of Rhode Island
Registered Professional Engineer
Civil - License #12200

International Public Management Association for Human Resources (IPMA-HR)
IPMA-HR Certified Professional

Commonwealth of Massachusetts
Inspector General's Office
Certified Public Purchasing Official (MCCPPO)
Obtained in 2012, expired in 2019 but able to re-certify.

SKILLS
Fluent in English and Spanish
Limited Proficiency in German



Proficient in
MUNIS Municipal Finance Software, Microsoft Project, Microsoft PowerPoint, Microsoft Excel, Microsoft Access Databases.

Silvio Antonio Genao

Work Experience (cont.)

Town of Nantucket, MA

October 2013 - May 2016

Town Engineer

Replaced previous Assistant DPW Director position with a Registered Professional Engineer, merging administrative and engineering responsibilities into one position. Duties included:

- **Administrative:** Representing the Department at Board of Selectmen and Department Heads Meetings when the Director was not available. Responsible for all department public procurement and contracts. Town of Nantucket, MA
- Assisted the Director in the creation of yearly operating budget and created the Department's annually updated 10-year capital plan presented to the Finance Committee. Approved funding encumbrances (Purchase Orders) and bi-weekly payroll.
- **Engineering:** Review and approval of Department issued permits (Road Opening Permits, Stormwater Connection Permits, Over the Road Permits, Driveway Permits, etc.), development of new Sewer Permitting process, ensuring compliance with Federal and State laws, as well as Town policies and Bylaws.

Town of Barnstable, MA

April 2008 - October 2013

Senior Project Manager - Roads

- Managing the Town's Roadway Capital Improvements which includes more than 200 miles of public ways and more than 9,000 drainage structures and pipes. Creating the Town's revolving 5-year Capital Improvements Plan for the approval by the Town Council.
- Managing the Town's Chapter 90 apportionment which normally ranks 7th or 8th in the entire Commonwealth.
- Managing the Town's Private Roads program to allow residents to repair privately owned roads. Holding public hearings and explaining to the public the Town's future road construction plans.

Work Experience (cont.)

Town of Barnstable, MA

- Design of drainage structures, including a man-made Wetland funded through a Coastal Zone Management grant, preparation of construction estimates for bids and helping other Town agencies with engineering needs.
- Managing a Staff of 3 full-time employees as well as outside consultants

Nantucket Surveyors, Inc./LLC

Nantucket, MA

October 2004 - March 2008

Assistant Project Manager

- Site Design and Development Projects. Designed and Prepared Filings of Septic System and Private Water Supply Wells in compliance with Title 5, The Wetlands Protection Act and Local Board of Health Wetlands Regulations.
- Prepared Land Court Subdivision Plans of Land to be filed with the Massachusetts Land Court, as well as a diverse range of survey plans (As-Built Plot Plans, Mortgage Plot Plans, Condominium Plans, Easement Plans, etc).

Professional References



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VIII

BUSINESS

~ A ~

REQUESTED BY:	Elaine McIlroy ~ Wellfleet Housing Trust
DESIRED ACTION:	To approve the transfer of deed from 90 Freeman Ave to the Wellfleet Housing Trust.
PROPOSED MOTION:	I move to approve the transfer of deed from 90 Freeman Ave, Wellfleet to the Wellfleet Housing Trust.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET, MASSACHUSETTS 02667

Office of the Town Clerk

Townclerk@wellfleet-ma.gov

Tel (508) 349-0301 Fax (508) 349-0317

Wellfleet-ma.gov

At a legal meeting of the qualified voters of the Town of Wellfleet held on April 22, 2019, the following Article 41 was printed in the Warrant:

ARTICLE 41: Disposition of Town Land to Housing Authority Mr. Ciotti moved and it was seconded that the care, custody, management and control of the parcel of land shown on Assessors Map 14, Parcel 112, be transferred from the board or commission having custody thereof and from the purpose for which it is held to the Wellfleet Housing Authority for affordable housing purposes.

The Board of Selectmen: Recommends 5-0.

The Housing Authority: Recommends 4-0

The Local Housing Partnership: Recommends 5-0

The Planning Board: Recommends 5-0.

The Conservation Commission: Recommends 6-0.

A two-thirds vote majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

A TRUE RECORD ATTEST:

Jennifer M. Congel
Town Clerk

DATED: August 02, 2023

Property Address: 90 Freeman Avenue, Wellfleet, Massachusetts

QUITCLAIM DEED

Town of Wellfleet (“Grantor”), acting by and through its Selectboard, pursuant to the vote taken under Article 41 of the 2019 Annual Town Meeting, a certified copy of which is attached hereto, and having an address of 300 Main Street, Wellfleet, MA 02667,

For consideration of One Dollar (\$1.00) paid, the receipt and sufficiency of which are hereby acknowledged, grants and conveys

With Quitclaim Covenants, to

Wellfleet Housing Authority (“Grantee”), a Massachusetts housing authority, having an address of 300 Main Street, Wellfleet, MA 02667, the following property:

A parcel of land, with any improvements thereon, located at 90 Freeman Avenue, Wellfleet, Massachusetts, and shown as Lots 393 and 394 on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 94, Page 155. Said land is identified by the Town of Wellfleet’s Assessors as Map 14, Lot 112, and, according to said Assessor’s records contains 0.57 acres, more or less.

The premises are to be used for the purpose of providing affordable housing in perpetuity, for low and moderate income persons of all ages, provided the premises shall be made available to Wellfleet residents under a local preference program to the extent permissible by law, and subject to the terms and conditions set forth below, which are binding on the Grantee, its successors and assigns (the “Restrictions”).

Grantee agrees to comply with any and all requirements of the laws of the Commonwealth of Massachusetts in order for the Restrictions to constitute deed restrictions and covenants running with the land, or in the alternative, an equitable servitude has been created to insure that the Restrictions run with the land. Further, the Restrictions shall be deemed to be an “other restriction” held by a governmental body, as that term is used in G.L. c. 184, §26, such that the Restrictions contained therein shall be enforceable for its full term and not be limited in duration by any contrary rule or operation of law, and in any event shall be enforceable for at least ninety-nine (99) years, without the necessity of recording any notices of extensions.

It is intended and agreed that these Restrictions shall run with the land and shall be binding upon Grantee and its successors and assigns for the benefit and in favor of, and enforceable by, Grantor.

In the event the premises are no longer used for the purposes provided herein or the housing construction has not begun on the land within ten years from the date of this Deed, the premises shall revert to the Grantor and become vested in the Town of Wellfleet.

For title, see Instrument of Taking and Final Judgment in Tax Lien Case recorded with the Barnstable County Registry of Deeds in Book 8316, Page 77 and Book 10220, Page 318, respectively.

No deed stamps are due under G.L. c. 64D, §1.

[Signature Page Follows]

Executed under seal as of this _____ day of September, 2023.

TOWN OF WELLFLEET,
By its Selectboard

Barbara Carboni, Chair

John A. Wolf, Vice-Chair

Michael DeVasto, Member

Kathleen Bacon, Member

Ryan Curley, Member

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of September, 2023, before me, the undersigned Notary Public, personally appeared _____, member of the Wellfleet Selectboard, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Wellfleet.

Notary Public
My Commission Expires:

879012/WELL/0229



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VIII

BUSINESS

~ D ~

REQUESTED BY:	Town Administrator ~ Rich Waldo
DESIRED ACTION:	To discuss the reorganization of the Health and Conservation Department
PROPOSED MOTION:	I move to approve the reorganization of the Wellfleet Health and Conservation department as explained by the Town Administrator.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet Conservation Agent

DEFINITION

Professional staff work assisting and advising the Conservation Commission in interpreting and enforcing the Massachusetts Wetlands Protection Act, Wellfleet Bylaws, and related state and local regulations; Performs field inspections; prepares of Orders of Conditions and related documents; community outreach and education; and all other related work as required.

ESSENTIAL FUNCTIONS

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- Provides staff level support to the Conservation Commission, and other departments; receives applications, advises applicants as to the process, develops agendas, agenda materials and supporting documentation; provides technical support and makes recommendations to the Commission. Attends all Commission meetings.
- Writes, in accordance with the vote of the Commission, Orders of Conditions, Determinations, and Certificates of Compliance, and presents them to the Commission for approval.
- On behalf of the Commission inspects work sites; In accordance with Commission votes, issues enforcement orders and determines compliance.
- Ensures that the Commission complies with deadlines and other requirements of the Wetlands Protection Act.
- Assists in the planning and implementation of all conservation land acquisition and management programs.
- Act as liaison with other town departments, boards, and the general public.
- Provides information and technical assistance to the public and other departments.
- Supports the Open Space Committee; assists with drafting and updating the Open Space and Recreation Plan.
- Provides staff level support for the Natural Resources Advisory Board and other boards and committees as may be assigned from time to time.
- Assists in reviewing comprehensive permit and other applications to Boards and Committees with regard to wetland impacts.
- Provides information to the public and other municipal departments and agencies regarding the location of wetland resource areas, their functions, and their regulations.
- Organizes and coordinates community events and activities related to conservation.
- Performs similar or related work as required or as situation dictates.

SUPERVISION RECEIVED

Under general direction, employee plans and prioritizes the work independently, in accordance with standard practices and previous training. Employee is expected to solve most problems of detail or unusual situations by adapting methods or interpreting instructions accordingly. Instructions for new assignments or special projects usually consist of statements of desired objectives, deadlines and priorities. Technical and policy problems, or changes in procedures are

discussed with the Director.

JUDGMENT

The work requires examining, analyzing and evaluating facts and circumstances surrounding individual problems, situations or transactions, and determining actions to be taken within the limits of standard or accepted practices. Guidelines include a large body of policies, practices, regulations and precedents which may be complex. Judgment is used in analyzing specific situations to determine appropriate actions. Requires understanding, interpreting and applying federal, state and local regulations.

COMPLEXITY

The work consists of the practical application of a variety of concepts, practices and specialized techniques relating to a professional or technical field. The work involves the evaluation and interpretation of factors, conditions or unusual circumstances; inspecting, testing or evaluating compliance with established standards or criteria; gathering, analyzing and evaluating facts or data using specialized fact finding techniques; or determining the methods to accomplish the work.

NATURE AND PURPOSE OF CONTACTS

Relationships are constantly with co-workers, private enterprises, the public, groups and/or individuals such as peers from other organizations, and representatives of professional organizations. The employee serves as a spokesperson or recognized authority of the organization in matters of substance or considerable importance, including departmental practices, procedures, regulations or guidelines. May be required to discuss controversial matters where tact is required to avoid friction and obtain cooperation.

CONFIDENTIALITY

Employee has access to some confidential and sensitive information in the performance of their duties

EDUCATION AND EXPERIENCE

Bachelor's degree in environmental science, Geology, Hydrology, Botany or a closely related field; and, and 3 to 5 years of related experience; or any equivalent combination of education, training and experience.

KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge: Extensive knowledge of the Massachusetts Wetlands Protection Act and related local, state and federal laws and regulations including, but not limited to, MEPA, NPDES, and Sections 401 and 404 of the Clean Water Act. General knowledge of the Open Meeting Law, Public Records Act and procurement policy.

Abilities: Ability to deal tactfully and appropriately with peers, employees of the town, public officials, business and civic leaders, applicants, abutters, and the public. Ability to act under

pressure, assertively and ethically, to resolve compliance issues. Ability to read and understand technical data and site plans. Ability to read, comprehend, and interpret rules, by-laws, and regulations; ability to read, comprehend and consistently apply the Wetlands Protection Act, case law, and related local, state and federal laws and regulations; ability to act under pressure, assertively and ethically, to resolve conflict; Ability to manage and complete projects independently and as a member of a team; ability to analyze divergent problems and formulate solutions and recommendations; Ability to effectively communicate verbally and in writing; ability to work evenings as needed to attend meetings, hearings, and public presentations.

Skills: Strong written and oral communication skills. Ability to identify and delineate wetland resource areas per local, state, and federal regulations. Skilled in the application of software commonly in use by the town for word processing, spreadsheets, presentations and mapping. Proficiency with GIS and in interpretation of aerial photography. Excellent presentation skills.

WORK ENVIRONMENT

Administrative work is conducted in a typical office environment. Working conditions involve occasional exposure to elements found in the field, such as work sites, walking property to inspect, construction sites, etc. May be exposed to elements, but work can typically be rescheduled to avoid harsh elements.

PHYSICAL, MOTOR, AND VISUAL SKILLS

Administrative work is in an office setting, involving sitting, with intermittent periods of stooping, walking, and standing. When in the field, work requires agility and physical strength, such as moving in or about construction sites or over rough terrain or standing or walking most of the work period. Occasionally, work may require lifting heavy objects and carrying them (up to 50 lbs.). There may be needing to stretch and reach to retrieve materials.

Motor Skills

Duties require motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, computers, handheld technology, and other office equipment.

Visual Skills

Visual demands require routinely reading documents for general understanding and analytical purposes.

**Town of Wellfleet
Public Health Agent**

DEFINITION

Professional staff work assisting and advising the Board of Health. Position is responsible for administering state and local health and environmental codes, laws, and policies, and for developing and exercising the Town's Public Health Emergency Plans according to the requirements of the Massachusetts Department of Public Health.

ESSENTIAL FUNCTIONS

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- Enforces Title 5 of the State Environmental Code and the State Sanitary Code; performs site inspections of building lots; evaluates soil tests and percolation tests to determine suitability for sewerage disposal systems; reviews plans for sewage disposal facilities; approves such plans and inspects installation and repair of septic systems; works with installers and engineers to ensure that sewage disposal systems conform to requirements and function properly; performs final septic inspections;
- Inspects restaurants, food handling and processing establishments, lodging establishments, nursing homes, group residences, childcare facilities, public pools and beaches, places of assembly, schools, and other areas required by law for compliance with state and local laws, rules and regulations and investigates complaints and illness at such facilities;
- Acts as staff liaison to Board of Health; advises Board of Health on technical issues and provides technical review of hearings, attends meetings and provides necessary administrative support;
- Acts as agent for the Board of Health in assigned matters relating to the control and efficient administration of Town public health matters;
- Prepares agendas and materials for all regular and special meetings (or hearings) of the Board of Health;
- Attends and participates in all meetings of the Board; performs all necessary follow-up for decisions or inquiries made in those meetings and between those meetings;
- Provides expertise to the Board in analyzing and evaluating various requests regarding sanitation, building and other permits;
- Works with local emergency planning committee to develop planning guidelines regarding environmental pollution, hazardous waste and industrial safety; and with healthcare providers and private businesses to build coalitions for coordination of policy development, community education, inspection and enforcement;
- Supervises full-time and part-time personnel in all aspects (i.e., recruitment of personnel, assignment of duties, performance evaluations and supervision, discipline, payroll preparation, maintenance of personnel records);
- Reviews and issues permits, applications and licenses, handles complaints from members of the public and investigates alleged nuisances and environmental hazards, initiates legal action and appears in court as necessary; reviews court filings for accuracy and completeness;
- Assists in reviewing comprehensive permit and other applications to Boards and Committees with regard to public health jurisdiction.
- Organizes and coordinates community events and activities related to public health.

- Reviews new connections to municipal sewer;
- Represents the Town at local, regional and state levels; participates in workgroups and ad hoc committees as necessary;
- Performs other related job duties as required.

SUPERVISION RECEIVED

Under administrative direction, the employee works from policies, goals, and objectives; establishes short-range plans and objectives, departmental performance standards and assumes direct accountability for department results; consults with the supervisor only where clarification, interpretation, or exception to policy may be required or as requested by the supervisor. The employee exercises control in the development of departmental policies, goals, objectives and budgets and is expected to resolve all conflicts which arise and coordinate with others as necessary.

SUPERVISION EXERCISED

The supervisor, as a regular and continuing part of the job, is accountable for the quality and quantity of work done by subordinates and assures the accomplishment of the assigned work in the prescribed manner. The supervisor gives advice and instruction on both administrative and work matters; informs subordinates of organizational policies, goals and procedures; resolves employee complaints and effects disciplinary actions and has substantial responsibility for technical soundness of subordinates' work.

JUDGMENT

Guidelines, which may be in the form of administrative or organizational policies, general principles, legislation or directives that pertain to a specific department or functional area, only provide limited guidance for performing the work. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the department or functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies.

COMPLEXITY

The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative field. Assignments typically concern such matters as studying trends in the field for application to the work; assessing services and recommending improvements.

NATURE AND PURPOSE OF CONTACTS

Relationships are constantly with co-workers, vendors, the public, groups and/or individuals such as peers from other organizations, and representatives of professional organizations. The employee serves as a spokesperson or recognized authority of the organization in matters of substance or considerable importance, including departmental practices, procedures, regulations or guidelines.

CONFIDENTIALITY

The employee has regular access at the departmental level to a variety of sensitive and confidential information.

EDUCATION AND EXPERIENCE

Bachelor's degree in Environmental Health, Public Health, or other related field and three to four years of related experience, or any equivalent combination of education and experience. Must possess a valid Massachusetts driver's license in addition to any registration / licensure / certification requirements mandated

by Massachusetts General Laws.

KNOWLEDGE, ABILITY, AND SKILLS

Knowledge: Working knowledge of state sanitary codes, including food sanitation, sub surface sewage, and all other Commonwealth Health and Environmental laws and codes. Knowledge of engineering concepts in relation to wastewater. Knowledge of related federal, state and local laws, rules and regulations.

Abilities: Ability to conduct field inspections. Ability to use with proficiency Microsoft office or other word processing programs and relevant computer programs. Ability to manage and supervise employees effectively. Ability to communicate effectively both orally and in writing. Ability to maintain good public relations and effective collaborative working relationships with Town departments, department heads, fellow employees, officials and the general public. Ability to meet deadlines. Ability to work independently and exercise independent judgment.

Skills: Proven interpersonal skills, customer service skills and problem resolution skills. Must possess organizational skills and be detail orientated.

WORK ENVIRONMENT

The work is performed in an office environment. Working conditions may involve occasional exposure to elements found in the field, such as work sites, walking property to inspect, construction sites, etc. The employee may be required to work beyond normal business hours.

PHYSICAL, MOTOR, AND VISUAL SKILLS

Physical Skills

The work involves physical skills typical of an office environment, including sitting, standing, walking and stooping. May be required to lift objects such as files, boxes of papers, office supplies, and office equipment weighing up to 30 pounds.

Motor Skills

The work may require motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, personal computers, handheld technology, and other office equipment.

Visual Skills

Visual demands require routinely reading documents for general understanding and analytical purposes. Frequent use of computer and reading computer screen is necessary.

From: [David Colton](#)
To: [Richard Waldo](#)
Cc: [Christine Ezersky](#)
Subject: Conservation Agent Salaries
Date: Tuesday, August 29, 2023 12:28:38 PM

Rich,

I took a look at current job postings for Conservation Agents across Massachusetts. I found 7 with salary information:

1. Hampden/Granby \$54,600
2. Medfield part-time \$29.63-36.31 per hour
3. Salisbury \$60,000-70,000
4. Sherborn \$72,800
5. Fitchburg \$60,268-66,508
6. Rutland part-time \$30.76 per hour
7. Hamilton part-time \$32.68 per hour

Our Assistant Health and Conservation Agent salary range is \$60,617-\$82,008 or hourly \$33.30-45.00. Taking the mid-point of the ranges and converting all salaries to an hourly rate, the average is \$33.40.

Therefore, I believe the data supports using the current range for Assistant Health and Conservation Agent for the new Conservation Agent salary range.

David

Health Agent: \$87,517 - \$118,406

Conservation Agent: \$60,615 - 82,008

Office Assistant: \$49,555 - \$67,045 (JM: \$32,084)

\$17,471 - \$34,961



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VIII

BUSINESS

~ E ~

REQUESTED BY:	KP Law ~ Rich Waldo ~ Town Administrator
DESIRED ACTION:	To review and approve the multiple representation letter from KP Law Firm between Wellfleet and Eastham
PROPOSED MOTION: Summary:	I move to approve the multiple representation disclosure from KP Law
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

August 31, 2023

Carolyn M. Murray
cmurray@k-plaw.comHon. Barbara Huggins Carboni and
Members of the Selectboard
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct,
Rule 1.7 – Representation of the Town of Wellfleet and Town of Eastham,
Memorandum of Agreement for Budgetary Support

Dear Members of the Selectboard:

You have requested that our office provide advice and assistance regarding a proposed Memorandum of Agreement for Budgetary Support (“MOA”) between the Town of Wellfleet (“Wellfleet”) and the Town of Eastham (“Eastham”). The MOA would authorize Eastham to provide financial and administrative support regarding the Fiscal Year 2025 budget to Wellfleet on an hourly basis through June 1, 2024. As both Wellfleet and Eastham are clients of KP Law, P.C., we are writing to disclose this request and obtain your consent.

Our relationships with Wellfleet and Eastham create interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar, which mandate that we obtain the express permission of the appointing authority of each of our clients before we can represent the other. The purpose of this letter is to make such disclosure and to request that you determine whether you will permit such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not “municipal employees” pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm’s behalf in this matter.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected and each of the clients consents after consultation, the attorney may represent the client in such a situation.



Hon. Barbara Huggins Carboni and Members of the Selectboard
August 31, 2023
Page 2

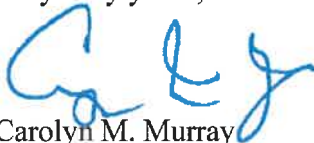
DETERMINATION

It is our belief that our position as Town Counsel for Wellfleet and Eastham, and our representation of Wellfleet in this matter involving the MOA, for the purposes and under the conditions described in this letter, does not create a concurrent conflict of interest and will not affect the exercise of our independent professional judgment on behalf of Wellfleet with regard to the MOA here, or generally. The only risk I would note would be in the event that any employees working pursuant to the MOA allege allegations involving Wellfleet and/or Eastham, to the point where one party seeks legal redress from the other(s). Under these circumstances, KP Law, P.C. would cease representing all parties with respect to the former employee. It is, however, for you to determine whether the representation described herein will not impair the integrity of this firm's services to Wellfleet.

Accordingly, I request that you consent to our representation of Wellfleet and Eastham with respect to the MOA, notwithstanding the fact that KP Law, P.C. also serves as Town Counsel to Eastham. Should you so consent, I ask that you authorize the Board Chair or Town Administrator to sign on the Board's behalf the enclosed determination required by the Rules of Professional Conduct. Please sign two originals, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Very truly yours,


Carolyn M. Murray

CMM/mad
Enc.
879508/WELL/0001

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Town of Wellfleet, through its Selectboard, consents to KP Law, P.C. representing both the Town of Wellfleet and the Town of Eastham with regard to a Memorandum of Agreement for Budgetary Support, as disclosed in a letter to the Town dated August 31, 2023, notwithstanding that KP Law, P.C. also serves as counsel for the Town of Eastham.

TOWN OF WELLFLEET
By its Selectboard

Dated: _____

Signed by:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

VIII

BUSINESS

~ F ~

REQUESTED BY:	Rich Waldo ~ Town Administrator
DESIRED ACTION:	To review and approve the proposed agreement between Eastham and Wellfleet for Eastham to provide support and assistance to Wellfleet in preparing Wellfleet's FY2024 budget.
PROPOSED MOTION:	I move to approve the proposed agreement between Eastham and Wellfleet for Eastham to provide support and assistance to Wellfleet in preparing Wellfleet's FY2024 budget.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IX

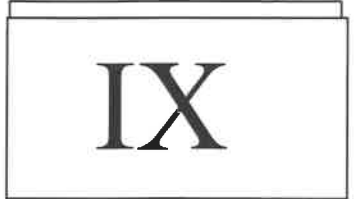
SELECTBOARD REPORTS:

Reported by:	Topic:
Chair Carboni	A. Prior Affiliations
Selectboard	B. FY 2024 Goals – review and prioritize



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023



SELECTBOARD REPORTS

~ A ~

REQUESTED BY:	Barbara Carboni ~ Selectboard Chair
DESIRED ACTION:	To address prior affiliations with the board and public.
PROPOSED MOTION:	No Motion Needed
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

1060 BROWNS NECK ROAD
WELLFLEET MA 02667

August 28, 2023

Richard Waldo, Town Administrator
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Re: Prior affiliation

Dear Mr. Waldo,

I write to address allegations that I have conflicts of interest with respect to two firms: KP Law, serving as Town Counsel; and Horsley Witten Group, an engineering firm retained from time to time by the Town. These allegations have been made by a single correspondent in emails to the Selectboard, and to me personally. I have attached a selection of those emails. As you will see, it is suggested that I need to file certain State Ethics Commission forms "disclosing" these alleged conflicts of interests. Although no conflicts exist and no response to these allegations is required, I write to provide clarity to the Selectboard and the public.

I have no affiliation with, nor have I ever had any affiliation with Horsley Witten Group

In 2001, Jonathan Witten, one of the founders of the firm, left Horsley Witten and divested himself of any financial interest in it. He opened a law practice.

In 2005, I joined Jonathan Witten's law firm, then called Daley and Witten. We formed the partnership of Huggins and Witten in 2009, and practiced under that name until 2019.

At the time I started practicing law with Jonathan Witten in 2005, he no longer had any financial or other interest in Horsley Witten, and had not since 2001. This means that I never had a financial interest (or other interest) in Horsley Witten through my law practice or partnership with Jonathan Witten. Because I never had a financial or other interest in Horsley Witten, there is no conflict of interest for me to disclose regarding the firm or any of its work for the Town.

I am not a Shareholder in KP Law, nor was I ever a Shareholder in KP Law

Jonathan Witten and I merged our practice with KP Law in 2019. We joined as "Members" of the firm, not as Shareholders. Member attorneys at KP Law are more senior than the law firm's associates, but hold no ownership interest in the firm; ownership interest is reserved for Shareholders. I was never named a Shareholder during my time at KP Law. After I

left KP Law in 2021 to work for the Town of Truro, I no longer had any relationship with the firm. I am not a Shareholder in KP Law now. Because I am not a Shareholder in KP Law, there is no conflict of interest for me to disclose regarding the firm or any of its work for Wellfleet as Town Counsel.

The fact that I was previously employed at KP Law does not, by itself, create any conflict of interest. Like other elected and appointed officials, I follow legal advice provided by KP Law as Town Counsel. I gain no benefit from KP Law's legal advice beyond the benefit gained by the Selectboard as a whole, and the Town as a whole.

Fabrication

In one of the attached emails, the correspondent has performed an awkward and obvious "cut and paste" job: the words "Shareholder at KP Law" are pasted under my name, to make it look as if it is an excerpt from my LinkedIn profile. Please note that this is not a screenshot or other reproduction of my LinkedIn profile, which has never said that I was a Shareholder at KP Law. The fact that this image had to be cut and pasted - that is, fabricated - would indicate to most observers that the correspondent knew it to be false.

Sincerely,



Barbara Carboni
Chair, Wellfleet Selectboard

unless Barbara admits she's a KP Law shareholder

Jude Ahern <jude@judeahern.com>

Mon 8/28/2023 9:24 AM

To: **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.

Honestly, she is going to have to recuse herself from both public hearings because they involved KP Law and her relationship to it. Nancy is telling everyone that Barbara instructed Greg to totally revamp our shellfish regulations. No response from Barbara is a yes.

Jude

From: Jude <jude@judeahem.com>
Sent: Sunday, August 13, 2023 1:06 AM
To: Board of Selectmen <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

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

All Requests • MuckRock

Jude - [REDACTED]

Tue 8/8/2023 12:57 AM

To: 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.

<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

Barbara Carboni

From: Jude <[REDACTED]>
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

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 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 ...

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>

Rebekah Eldridge

From: Jude <jude@judeahern.com>
Sent: Thursday, August 31, 2023 7:03 AM
To: Board of Selectmen; Jennifer Congel; Richard Waldo
Subject: Reducing quorum for fall town meeting not legally posted

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 Chair Carboni:

Where was your desire to reduce quorum for fall town meeting legally posted? There is no citation for what Section of Chapter 2 of the Acts of 2023 the "public notice" refers to (also fake because it's only found in the agenda).

Ditto for SPAT's request for two, one-day liquor licenses. Where was that notice legally posted?

Also, are we now NOT having two public hearings about shellfish regs? If so, when did you meet to discuss this and when were you planning to tell the People? In your last meeting, you instructed the TA to post the Sept 19 public hearing notice ALONE (without combining it with a tax rate change).

Barbara Carboni declared there would be two public hearings so nobody could possibly claim they weren't heard. Telling the Public you changed your minds on September 5 is unfortunately too late. Please keep in mind the irony that this is the same Barbara Carboni who lectured me about not understanding the difference between a meeting and a public hearing and ridiculed people who mistakenly call a meeting a hearing when it really is just a meeting.

Unfortunately I can't make it on the 5th so I'll see you all on the 19th!

By then surely Barbara Carboni will have disclosed her relationship with KP Law and explained why she and her KP Law colleague Greg Corbo (who describes himself as not specializing in fisheries management) made numerous changes to our shellfish regulations that have nothing to do with corporations being named to leases. Anything short of that is unacceptable and illegitimate. Somebody will be held responsible for this blatant attempt at overreach. The Public cannot be expected to submit comments to 50+ proposed changes by September 5. We have no idea what you will be discussing and not discussing on September 5 and it is not Nancy's job to highlight parts she thinks are relevant.

Thanks for making this a huge mess Fake Chair Barbara!

Sincerely,
Jude Ahern

Rebekah Eldridge

From: Jude Ahern <jude@judeahern.com>
Sent: Thursday, August 31, 2023 9:18 AM
To: Rebekah Eldridge; Board of Selectmen
Subject: Re: Letter to be in selectboard packet

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.

AND DON'T YOU DARE PUT THIS BOGUS LETTER IN THERE WITHOUT THE SIGNED 23 (B) (3)!!!!!!!!!!!!!!!!!!!!!!!!!!!!

> On Aug 31, 2023, at 7:59 AM, Rebekah Eldridge <Rebekah.Eldridge@wellfleet-ma.gov> wrote:
>
> <Prior Affiliations ~ Carboni.pdf>



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

IX

SELECTBOARD REPORTS

~ B ~

REQUESTED BY:	Selectboard
DESIRED ACTION:	Review and Prioritize town wide goals for FY 2024
PROPOSED MOTION:	No motion is needed for this agenda item
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	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 research a study for issues at the marina, parking, traffic, etc.

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. m

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 Quarterly
 - 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.

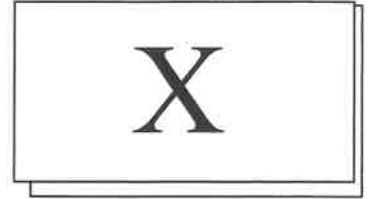
- Continue to look for a diverse set of opportunities to address the housing crisis at multiple levels of income. (Funding, Zoning, opportunities for housing construction)
 - Continue to support the 95 Lawrence Rd Housing Project
 - Hire Master Planer for Maurice's Campground in a timely fashion.
 - 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: September 19, 2023



TOWN ADMINISTRATOR REPORTS

- **Please see Selectboard packet for full report**



MEMORANDUM

TOWN OF WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleet-ma.gov

To: Selectboard
From: Richard J. Waldo, Town Administrator
Cc: Rebekah Eldridge, Executive Assistant to Town Administrator
Subject: Department Update Report for the September 5, 2023 Select Board Meeting
Date: August 30, 2023

Administration

- Our S&P Bond rating remained unchanged in our recent evaluation to the bond market. Despite the strong financials, they could not move past the staffing issues to upgrade our negative outlook to stable. There was a lot of discussion surrounding this issue and, hopefully, staffing will be in place for our next discussion.
- The Special Town Meeting Warrant has been mailed out. The meeting will take place on Monday September 18th, starting at 6pm and childcare will be provided for children ages 3 and up. Sign up for childcare is required, see link for more information <https://www.wellfleet-ma.gov/home/news/town-meeting-childcare-available-sign-up-now>
- The Administration has submitted a conditional offer of employment for the Assistant Town Administrator position. Pending an agreement to the principal terms of employment we will inform the Board of the proposed appointment as required by the Home Rule Charter.
- **Interim Positions:** The Town has offered an interim part-time position as Building Commissioner to Angelo Salamone. Angelo will work along with current part-time Commissioner Victor Staley to obtain a Building Commissioner Certification. Currently, Angelo possesses a local inspector certification. An interim Assistant Health and Conservation position has been offered. The interim role is pending the reorganization request by the administration to separate out health and conservation role into singular roles as Health Agent & Conservation Agent. The Administration will also request that the part-time administrative role be bumped to full-time status. Eastham will provide assistance in the department until we are fully staffed.
- The Administration would like to welcome Summer Fulcher as our new Assistant Treasurer/Collector. Ms. Fulcher started 8/30 and has begun a training schedule laid out by the Assistant Town Administrator, Principal Clerk, and Collector.

Building

- No Update

Community Services

Council on Aging

- Interviews for the Driver/Custodian position will be held the weeks of August 28th and September 4th
- Exercise classes are very well attended and we have added an additional morning of Yoga because of demand

Beaches

- Our season is over
 - Lifeguards last day is September 2
 - Beach Office and Parking lot people last day is September 3
 - Final numbers are not available but we took a big hit from the weather and I anticipate numbers being down over 2022

Social and Human Services

- Vouchers for children aged one month to five years, as authorized at ATM23, are complete.
 - A total of 35 children are enrolled
 - 6 are children of Town employees

Harbormaster

- No Update

Human Resources

- Ongoing recruitment for multiple open positions
- Creating interview questions as a guideline for meeting with applicants
- Implemented exit interview process with HR for full-time employees

Fire

- Firefighter/EMT Ernie Cox will be starting his Firefighter 1/11 recruit training at the Massachusetts Firefighting Academy, Bridgewater campus, on September 11th• This is an intense ten (10) week program of classroom time and hands on/practical evolutions.
- We are finishing up the purchase of our new Squad 80 which is a 2023 Ford F-150 pickup truck (to replace our current 2015 pick up truck). Firefighter/EMT Luke Fancy has been the lead on this project and we hope to have the new truck in service in three (3) months, we will be awaiting some outfitting equipment (emergency warning lights, siren, tool box, etc.).
- We just inspected the new automatic sprinkler system and new fire alarm control panel at the Wellfleet Elementary School. There are just a few remaining components that still need to be corrected (25 dry sprinkler heads in the attic and three or four additional fire alarm pull stations). However, this project is largely completed and whatever work that still needs to be accomplished can be done during weekend(s) and after school hours.
- Firefighter/EMTs Luke Fancy and James Stergis will be starting paramedic school next month at Cape Cod Community College. This is a part time program and will entail approximately eighteen (18) months of classroom time, practical training, clinical//hospital time, ambulance ride time/mentorship, etc., (more than 1,000 hours of training) before completion.

- We continue to communicate and work with the owners of the Copper Swan, 70 Main Street, with respect to last month's fire and life safety inspection of both the inn and restaurant buildings to achieve code compliance.
- We have had three (3) meetings with Wellfleet Shellfish Promotion and Tasting, Inc. (SPAT) in preparations for this year's OysterFest on October 14th and 15th• These meetings have included this Department, the Police Department and have been productive so far.

Library

- Attendance has been way up at a lot of our events. Where we had been averaging about 40 people, now we have more like 60 and we just had our first fully full, standing room only event (Drew Gilpin Faust) on August 23 rd. We expect that our event with Alec Wilkenson, author of *Midnights: a year with the Wellfleet Police* (a new edition was released this year, as it is the book's 30th anniversary) will also be full. It is on August 30th at 7:00 PM. Alec is also a writer with the *New Yorker* and published another popular book this year.
- I finished my Annual Report Information Survey (ARIS) Report for the state last week and submitted it. Here are some trends. Our attendance is up more than 20,000 than last year, which is excellent, but we are not near our pre-Covid numbers yet. Our circulation has rebounded however. People are using our collection, both physical and online. Our circulation increased by several thousand and our interlibrary loan between libraries in CLAMS absolutely skyrocketed. We saw more people than ever using our ebooks and other online resources, and we have been doing more selection in these areas to accommodate those patrons. Our attendance at programs is way up and we had many more programs than last year. It's exciting to compare these reports year-to-year. Obviously, Covid put a wrench in the upward trends we had every single year, but it's nice to be rebounding.
- We now have 36 mobile hotspots. 25 are Verizon and are courtesy of our Trustees (and the generous donors who support our library). 11 are T-Mobile through Mobile Beacon/Tech Soup, a nonprofit that provides low-cost electronics to nonprofits and libraries. We know that we need to carry the Verizon ones because they have the greatest "reach" in areas with unreliable cell reception. Our hotspots are very popular and people rely heavily on them. We wish we could provide more.
- We are thrilled with our new public computers that we now have from our capital improvement plan. They are in constant use and the public is very pleased. It is such a relief to have computers that are fast and actually connect. We still need to purchase youth computers and a few more items, but are working towards this goal.
- Our Public Services Librarian, Luke Massouh, is leaving on September 1st to pursue graduate school full-time. I will be posting that job shortly and hope to find an energetic person who either has a library degree or has experience in libraries. I also want to have that person provide tech assistance to the public. We thank Luke for his two years of service to the people of Wellfleet and wish him the best in graduate school!
- On Tuesday, September 13th, we have local author, Chris Wisnewski, presenting her book, *The Hurricane of 1938, memories of the storm of the century*. This should be a very interesting event, especially given weather events happening now. The talk starts at 7:00 PM.

- On Friday, September 8th, we have an all-ages event - learn the ukulele with Julie Stepanek! Come and start learning a new instrument (I've actually taught myself - it's fun and it's not too hard!). The event starts at 3:30. Registration is required because Julie will be bringing ukuleles and there are a limited amount. Stop by the library or call at 508-349-0310 to reserve your spot!

Police

- The Department began the month of August with Officer Poska completing the Field Training and Evaluation Program, as well as completing a newly required training class that was mandated by the POST commission. After having completed this training Officer Poska is now a fully trained Wellfleet Police Officer.
- The Department continued its work at Cahoon Hollow Beach enforcing existing alcohol regulations. For the first three Saturdays of August 36 busses arrived on Ocean View Drive and were encountered by members of the department. This is in comparison to just one year earlier in 2022 the same three comparable Saturdays 76 busses arrived to drop off passengers at Cahoon Hollow beach this represents a 53% decrease in the number of busses.
- Hiring update: Two individuals have completed almost all pre-employment requirements for acceptance into an MPTC police academy. The department is currently evaluating which academy would be the most appropriate to send the candidates along with bringing them forward to a selectboard meeting for appointment.
- As the month of August draws to a close, members of the Wellfleet Police Command staff are busy meeting with Town officials and members of SPAT about the upcoming Oysterfest. The department is currently developing an Operations Plan for bringing the Oyster festival back to the Main Street Area.

Public Works

- No Update

Recreation

- The Baker's Field Recreation Program and Gull Pond Swim Lessons ended on August 18. Both programs received high praise from participating families. Much appreciation to Directors Patrick Finn at the Pond and Charity Robinson at Baker's Field and the exceptional seasonal staff for such a successful summer!
- Postmistress Josclyn Prudeaux was on hand at the annual skateboard competition held on August 19 at the Wellfleet Park, to announce a stamp dedication for the newly released "skateboard artwork stamp" in honor of the Wellfleet Park. Many thanks to Josclyn and the staff at the Wellfleet PO for this honor. In keeping with this praise, several young adult skaters/carpenters, led by Jake Sullivan and Thor Construction, volunteered to fix one of the wooden ramps so it could be fully utilized for the contest. Much gratitude to Mike Archer, owner the Boarding House Surf and Skate Shop, for donating hundreds of dollars' worth of prizes for participants and to Recreation Employee Anthony Rock for organizing such a well-run event.

- With approval from the Wellfleet Conservation Commission, the Mosquito Squad was able to treat the Baker's Field Pavilion area. Their donated services made a noticeable difference at all the August shows and events.
- Pickleball round robins and clinics will continue through September at the Baker's Field courts, for all levels of play. With the availability of six courts, pickleball is the fastest growing activity offered.
- The Department will again be sponsoring activities during Columbus Day weekend, including at Block Party featuring music, food trucks and a raw bar on Friday 10/6, a pickleball tournament on 10/7 and the Annual Shuck and Run Road Race on Sunday 10/8.
- Extensive planning is underway for the Recreational Soccer Season which begins the second week of September.
- Check the Town website for details about all Recreation Programming

Shellfish Department

Enforcement

- We continued grant inspections, completing all of Lt. Isle and Mayo Beach to Powers Landing. We have less than a dozen left to do and two re-inspections. (There are a total of 160 grants in Wellfleet, equaling 109 farms.)
- We have issued two written warnings – one for inadequate ice and one for seed. We also confiscated seed from two commercial shellfishermen for exceeding state limit of five percent seed; one will receive a citation.
- We continue to do random full state vibrio checks on farmers and commercial shellfishermen.
- We are working with a grant holder to remove gear that is not inside grant boundaries.
- We have been advising grant holders who are harvesting quahogs that all containers need to be tagged by the point of landing.
- We investigated a complaint that a boat was fishing over the Wellfleet-Eastham line. It was not.

Commercial Fishery and Grants

- We have been approached by many grant holders to meet on a diversity of issues from transfers and extensions, to grant inspections, minimum productivity, and regulation changes.
- We are working with grant holders who don't have professional surveys of their grant to ensure they get them done.
- We have been letting people know that the grant lottery is coming up.

- We advertised the Selectboard lottery of five shellfish grants and created separate pages on our website, so everything was easy to see and download. We had copies made for our office and sent a Crier to all in commercial shellfishing industry. Lottery application period opens Aug. 31 and closes Sept. 29.

Propagation

- We distributed oysters from hat seed grown on our grant to a commercial-only harvest area and to the recreational-only area on Indian Neck.
- We presented our 2023 cultching activities with maps and photos to the Conservation Commission and provided details about our understanding of our permits and orders of conditions to the commission in response to a complaint filed with them from Ms. Jude Ahern.
- We applied for a grant from the Mass Oyster Project for aquaculture gear, specifically spat collecting devices.
- We continue to break down our oyster seed and strap down bags on our grant.
- We submitted documentation to Conservation Commission for the renewal of our Town cultching permit.

Recreational Fishery

- We sent contaminated quahog samples from Burton Baker Beach to the State for testing. They came back with a clean bill of health, and we opened Burton Baker Beach to recreational shellfishing on Sunday, August 20.
- We submitted a memo on the recreational shellfishery to Shellfish Advisory Board addressing family permits with input from the seasonal Shellfish Deputies. It seems that a few recreational shellfishermen would want a family permit. Further discussions will take place.
- The seasonal Shellfish Deputies created a “Welcome to Wellfleet Shellfishing” email and sent it to all new permit holders. They also sent out a Crier announcing the opening of Burton Baker Beach and explaining the state-run contaminated quahog relay.
- Volunteer extraordinaire Wayne Clough made three-inch PVC rings for the rec fishery and gave them to us. We distributed them at the three landings and have them in our trucks, too.

State

- We did another two runs for state water quality testing. Herring River water quality was good and will close as usual on August 31. We await the results from this week on other areas.
- We have been advised by the state that in August, we had two single source cases of vibrio attributed to Wellfleet. Culturing of specimens still needs to be done in order to identify if it is *Vibrio Parahaemolyticus*; if it is, the Town will receive an advisory from the state.

- We sent photos of vibrio logbooks to the state, as requested, and followed up with all grant holders involved.
- We participated in an eel grass survey online.
- We sent all required documentation to the state to request biological surveys for three grant extensions.

Studies

- We are collaborating with the Cape Cod Cooperative Extension and the Center for Coastal Studies on a survey and study of bamboo worms in Wellfleet Harbor.
- WHOI came to Wellfleet to gather quahog samples as part of a continuing neoplasia study. They are comparing surface clams with neoplasia to clams without neoplasia to determine if there are any differences.

Regulations

- We updated the regulation changes made this spring and posted them on the Town website and in public places as per Section 3.1. [Current version is dated 5/23/2023.](#)
- We participated in a call with the Selectboard Chair and Vice Chair, the Town Administrator and Town Counsel to discuss taking corporations out of Wellfleet's Shellfishing Policy and Regulations. When we received Town Counsel's revisions, we went through and added our comments and suggestions as a team. We sent these immediately to Shellfish Advisory Board in advance of their meeting. SAB voted to advise Selectboard to take up only the regulations related to prohibiting corporations, and we agreed. We ran just those sections by the Mass. Division of Marine Fisheries, and they provided two comments, as well.

Other

- We were notified that we will have an Individual Placement AmeriCorps Cape Cod member serving with the department on Tuesdays and Wednesdays, beginning in October through July.
- We nominated Mass Oyster Project for a MassRecycle Award. We were informed that while they did not win this year, our nomination provided well-deserved recognition and a shortened version of our nomination will be posted at the awards ceremony and event.
- Nancy attended a Shellfish Advisory Board meeting, two Selectboard meetings and a staff meeting.
- We continue to work on ensuring access to shellfish resources with various private and non-profit landowners.
- We conducted a biological survey for two more monitoring points in the Blackfish Creek mitigation area.

- We also sent out another Crier to the commercial shellfishing industry.
- Nancy fulfilled another public records request from Jude Ahern regarding correspondence with the National Park Service about cultching in the Herring River per the Town's order of conditions.
- Nancy responded to second complaint filed by Ms. Ahern with the Mass. Dept. of Environmental Protection about the department's cultching activities.

Town Clerk

- Working on updating Vault Documents (Town meeting highlights & Voter registration affidavits).
- Gathering and organizing items needed in order to mail out over 650 Vote by mail ballots (Three different envelopes and instructions).
- Continued Elections training through the Secretary of the Commonwealth's office
- Working with General code to get recently passed, By-law amendments into our Town Code.
- Notifications and Webinars have begun for the 2024 Election year, Including Town Committee papers, and new applications for working with Voters who reside overseas.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

XI

TOPICS FOR FUTURE DISCUSSION

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

XII

VACANCY REPORTS

*****Please see the packet for full report*****

Date: September 19, 2023
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Positions: 0	Selectboard	1 year (complete term)

Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Position: 1	Selectboard	3 years

Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)

Vacant Position: 1	Appointing Authority	Length of Term
Alt Positions: 0	Selectboard	3 years

Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Positions: 2	Selectboard	3 years

Requesting Appointment: No applications on file

Cable Advisory Committee (5 Members)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Position: 0	Selectboard	1 year

Requesting Appointment: No Application on File

Commission on Disabilities (up to 5 Members)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Position: 0	Selectboard	3 years

Requesting Appointment: No applications on file

Conservation Commission (7 Members, 2 alternates)

Vacant Positions: 0	Appointing Authority	Length of Term
Alt Positions: 2	Selectboard	3 years

Requesting Appointment: No Application on File

Council on Aging (11 Members)

Vacant Positions: 4	Appointing Authority	Length of Term
Alt Vacancies: 0	Selectboard	3 years

Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)

Vacant Positions: 5	Appointing Authority	Length of Term
Alt Position: 0	Selectboard	3 years

Requesting Appointment: no applications on file

Dredging Task Force (5 Members)

Vacant Positions: 2 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 3 years

Requesting Appointment: No applications on file

Energy and Climate Action Committee (7 members, 2 alternates)

Vacant Positions: 0 Appointing Authority Length of Term
Alt Positions: 1 Selectboard 3 years

Requesting Appointment: No Application on File

Finance Committee (9 members, 2 alternate)

Vacant Positions: 1 Appointing Authority Length of Term
Alternate Position: 2 Town Moderator 3 years

Requesting Appointment: Timothy Sayre application on file

Historical Commission (7 members)

Vacant Positions: 1 Appointing Authority Length of Term
Alt Vacancies Selectboard 3 years

Requesting Appointment: Kevin Sheehan application Received

Local Housing Partnership (at least 10 members)

Vacant Positions: 0 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 1 year

Requesting Appointment: No application on file

Marina Advisory Committee (7 Members, 2 Alternates)

Vacant Positions: 0 Appointing Authority Length of Term
Alternate Position: 0 Selectboard 2 years

Requesting Appointment: No applications on file

Natural Resources Advisory Committee (7 Members)

Vacant Positions: 3 Appointing Authority Length of Term
Alt Position: 0 Selectboard 3 years

Requesting Appointment: No application on file

Open Space Committee (7 Members)

Vacant Positions: 0 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 1 year

Requesting Appointment: No application on file

Personnel Board (4 members + TA + FinCom Rep) **NO LONGER MEETS**

Vacant Positions Appointing Authority Length of Term
2 Positions Selectboard 3 years

Requesting Appointment: No applications on file

Planning Board (7 members + 2 alternates)

Vacant Positions: 1 Appointing Authority Length of Term
Alt Positions: 2 Selectboard 5 years

Requesting Appointment: Donald Thimas application received

Recreation Committee (7 Members)

Vacant Positions: 2 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 3 years

Requesting Appointment: No applications on file

Recycling Committee (7 Members + 2 Alternates)

Vacant Positions: 0 Appointing Authority Length of Term
Alt Positions: 2 Selectboard 3 years

Requesting Appointment: Nancy Gralla application received

Rights of Public Access (5 Members)

Vacant Positions: 4 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 1-2 years

Requesting Appointment: No application on file

Shellfish Advisory Board (7 members + 2 Alternates)

Vacant Positions; 0 Appointing Authority Length of Term
Alt Position: 0 Selectboard 3 years

Requesting Appointment: No application on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions: 0 Appointing Authority Length of Term
Alt Positions: 0 Selectboard 3 years

Requesting Appointment: No applications on file



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023



MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of Amended Meeting Minutes of August 8, 2023, and draft minutes of August 15, 2023, August 22, 2023, and September 5, 2023.
PROPOSED MOTION:	I move to approve the amended minutes of August 8, 2023, and the draft minutes of August 15, 2023; August 22, 2023, and September 5, 2023.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

***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 bind the board on how many public hearings are held.

Carboni spoke to the public stating that there will be a public hearing held on September 5th 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 expressed his concerns about the length of time it has taken the town administrator to respond to the grant agreement request that was submitted in January and the inadequacy of the initial grant agreement that was put before the board in May, the amount of time between then and now shows. 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 Hill 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. Curley asked if a backup power supply would be included at a higher percentage of design completion? Formato confirmed that this was the case and discussed furl options. Waldo asked about potential noise from the backup power supply. Formato stated it would have similar noise mitigation features. 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 18th. He moved on the Articles 1 and 2 which the board will reserve recommendation until August 15th 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.

Roll Call Vote: 5-0

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, Curley stated that it was referred to the Planning Board for a public hearing, Board Member Bacon agreed that is what she remembered. Eldridge stated she listened to the meeting but would go back and listen again. 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 believed 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.

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 harbormaster's office.

Curley spoke about dredging and questioned Waldo if he had submitted the plan, Waldo stated that he had submitted the plan. Curley stated that Waldo did this without the approval of the board and there are financial matters regarding the plan that had not been resolved.

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 must 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

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

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, & 25th

**Wellfleet Selectboard
Hybrid Meeting
715 Old Kings Highway/Zoom
Tuesday August 15, 2023; 7pm
Meeting Minutes**

Members Present: Barbara Carboni, Chair; John Wolf, Vice Chair; Michael DeVasto (joined the meeting virtually at 7:35pm); Kathleen Bacon; Ryan Curley

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Meredith Ballinger, Assistant Health Agent; Hillary Greenberg-Lemos, Health Agent Eastham; Alex Nelson, Outer Community Solutions; Jay Norton, DPW Director; Nancy Civetta, Shellfish Constable; Suzanne Thomas, Community Service Director; Rich Pauley, Fire Chief; George Harris, Commission on Disabilities; Kate Clemens, Commission on Disabilities; Robert Dupuis, Commission on Disabilities, Helen Miranda Wilson, resident; Chris Merl, resident; Lezli Rowell, health agent for the town of Provincetown; Diane Brunt, shellfish person; Sean Tanzi, resident, Brad Morse, resident; Karen Johnson, Chair of the Shellfish Advisory Board; Tim Sayre, resident; Chris Allgeier, Dredging Task Force; Kevin LaRocco, Acting Police Chief; Curt Felix, dredging task force; Dan Robbins, GEI; David Holstrom, resident; Ginny Parker, resident. Chair Carboni called the meeting to order at 7:00pm

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.

Curley spoke to the board about the mosquitos at Duck Harbor and the area will be treated.

Bacon spoke to the board announcing that a party for Angel Robinson would be held on Friday August 18, 2023, to celebrate his 22 of service to the town.

Wilson spoke to the board stating that she would not be running as a write in candidate for the Selectboard.

Merl spoke to the board asking if the shellfish constable's letter about corporations, chair Carboni explained that they would address any questions.

II. *Consent Agenda*

- A. Final agreement for Mayo Creek grant acceptance ~ Jay Norton
Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to authorize the town administrator to accept a NRCS grant of \$100,000.
Roll Call Vote: 4-0

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.
Harris, Clemens, and Dupuis spoke to the board discussing the need for grants, and the need for the town to become more accessible to residents and visitors

with disabilities. Dupuis spoke about his background and him being from Canada where they just passed a law about accessibility to people with disabilities and all government buildings in Canada will be handicapped accessible. He stated he feels that some of his general knowledge he felt he could contribute to the commission. Harris gave a background on the commission and what they have been doing for many years. He spoke to the renovations the town has gone through and then stated that the transition plan on ADA compliance hasn't been updated in many years and the state person he spoke with stated the town may not be ADA compliant. He spoke about the plan and what needed to happen in order for the town to be compliant. Thomas spoke to the board stating that if they are able to get the bandstand at the pier up to standards to be handicapped accessible, they should be able to receive the grant. Bacon questioned the ability to replace the ramp at the elementary school. Chair Carboni thanked the commission for their work in this presentation, stating the board looks forward to seeing their grant applications.

IV. Business

- A.** Outer Cape Wellness Happenings ~ Regional Public Health Efforts from Eastham to Provincetown ~ Meredith Ballinger, Hillary Lemos, Alex Nelson Nelson spoke to the board sharing her screen presenting to the board and public what the Outer Cape Community Solutions Network is and what the outer towns are working together for. Her slide show presented how the towns are coming together. Explaining that they are a rural health network. Nelson spoke to the full spectrum of health, and the different resources available. She spoke about the partnerships with the surrounding towns, and why it is important for the partnership to happen. She spoke about why they just work with the outer cape. She continued to speak about all the group have accomplished since they joined forces. Curley questioned a pathway that can be achieved in a relatively quick way to regionalize all four towns. Lemos spoke to the board stating that they have been working on regionalization. Stating that policies and regulations are different in each town. Waldo spoke to the demand of mental health has put on the town's health departments.

- B.** Letter from Selfish Constable addressing licensing of grants to corporations or other business entities.

Civetta came to the table to discuss her letter addressing corporations and other business entities. She stated she felt that the shellfish department wanted the public to know where the department was coming from, I regard to corporations. Merl stated he wished Civetta didn't take any stance on corporations. He felt she blew up the town by not voicing her opinion. Merl continued, that he was upset that his time as wasted, and the town's money was wasted. Brunt spoke to the board, agreeing with Merl, stating she didn't feel that speaking to shellfishermen while they are working is inappropriate. Civetta stated that she feels she tried to stay extremely neutral. Chair Carboni stated she felt this was going to be a long discussion and one that they could have at the public hearing on September 5, 2023.

C. Shellfish Grant Lottery – Constable Civetta

Civetta spoke to the board about the grants, giving the timeline for these grants. Bacon spoke to the board asking Johnson to come forward and speak about wanting the grants to go out to lottery. Johnson spoke about being a lottery winner and the other grants that have come up for lottery. She spoke about her letter. Bacon followed up with a comment stating she was proud that Johnson was the new chair of the SAB and stated she felt Johnson would do a lot of good work for the board.

D. Special Town Meeting Warrant ~ vote to insert and recommend any outstanding articles and to close the Special Town Meeting Warrant.

Waldo began with stating that there was an intent to finalize and close the warrant. He explained there were three petitioned articles submitted at the end of the day on August 14th. Waldo went over the warrant and the changes that have been made since the selectboard packet was printed on the previous Thursday. It was asked when the warrant needed to go to the printer, he explained the warrant would go to the printer on Friday August 18th. Bacon also asked how much the town is asking the taxpayers.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend Article 1 Budgetary Transfers into the special town meeting warrant.

Roll Call Vote: 5-0

Waldo stated that the original article 5 Maurice's Campground Funding was removed as the funds couldn't be made so it was withdrawn, He did state that the ARPA funding has been approved.

Board Member Curley Moved; Board Member Wolf Seconded, and it was voted to reconsider the previous vote to insert the article for Maurice's Campground Housing Planning Funds.

Roll Call Vote: 4-0 (DeVasto vote)

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to remove article for Maurice's Campground housing planning funds from the special town meeting warrant.

Roll Call Vote: 4-0 (DeVasto absent due to technical difficulties).

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the Inclusionary Zoning Bylaw

Roll Call Vote: 4-0 (DeVasto Absent due to technical difficulties)

Board Member Curley Moved; Board Member Bacon Seconded, and it was voted to insert and recommend the Zoning Bylaw Amendment Article for Locally Notable Trees in the fall special town meeting.

Roll Call Vote: 4-0 (DeVasto absent due to technical difficulties)

Waldo continued going over the warrant articles that needed to be voted on. He spoke to the animal bylaw and the changes that were made with the Animal Control Officer.

Board Member Curley Moved; Board Member Bacon Seconded, and it was voted to insert the General Bylaw Amendment Animals on the Beach.

Roll Call Vote: 5-0

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to recommend the General Bylaw Amendment Animals on the beach. Roll Call Vote: 3-2-0 (DeVasto & Curley Abstained)

Waldo brought up the three petitioned articles that were presented to clerk on August 14th. Curley questioned the status of discussions with the property owners. Morse spoke to the board about the concerns that residents and shellfisherman have with the dredging. Felix spoke to the board about the summaries in the petitioned articles not being legally factual. Petitioned articles go on the warrant without amending them. There was more discussion on this warrant article.

Board Member Bacon Moved; Chair Carboni Seconded; and it was voted to defer Article 15 petitioned article dredging mitigation to prohibit the inclusion of privately owned land in the dredging mitigation without agreements with the property owners.

Roll Call Vote: 4-0-1 (DeVasto Abstained)

Disposition of town owned land was the next petitioned article to be discussed. Morse spoke to this article as he was the petitioner. He stated that in speaking with town people they want this to go to town meeting. Morse read the bylaw. Article 3, Section 7. Wolf read the bylaw to the public. The bylaw was discussed and the meaning of it regarding the dredging.

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to defer article 16 petitioned dredging mitigation article, disposition of town owned land until Town Meeting.

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

Waldo explained the third petitioned article. Dredging mitigation funding amendment.

Board Member Bacon moved; Board Member Wolf seconded; to recommend the dredging mitigation funding article.

There was more discussion and after more understanding.

Board Member Bacon withdrew her motion to recommend the article.

Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to defer the dredging mitigation funding article until town meeting.

Roll Call Vote: 3-1-1 (DeVasto abstained; Wolf voted no).

Board Member Curley moved; Board Member Bacon Seconded; and it was voted to close the special town meeting warrant.

Roll Call Vote: 5-0

E. Dredge Mitigation Plan – Status update on submission

Public comments on alternative plans instead of mitigation.

Allgeier spoke to the board regarding the mitigation plan stating that it was submitted to the Army Corps of Engineers. He read the amended language to the board and public. Bacon read a statement to the board and public, she stated the mitigation plan is a good plan and provides the town the means for the expense of the dredging. She spoke in favor of the dredging and gave many reasons in her two-minute comment. Wolf responded to Bacon's comments stating he agreed with her concern with obtaining a dredging contract in the future with future dredging companies. Robbins spoke to the board explaining a little more

about the culching and the Audubon property. He also stated that within the mitigation plan the constables have been involved in making sure the shellfish community was involved. The conversation on dredging continued for a length of time. The concerns of an unfunded liability. Curley spoke to the mitigation plan. He stated he would be more comfortable with the plan if there were a feasibility study. He spoke about alternatives and his uncomfortableness with the plan. Wolf questioned the task force about an alternative splitting the dredging into three parts. Robbins spoke to breaking the dredging into three separate permits. He stated that no three permits couldn't be done. HE stated you can't piecemeal the permits. Holmstrom spoke to the board thanking Bacon for her statement on the issue. He stated that he wished there would be more of a time limit on speakers. He stated his confusion on the liability of the town. Brunt spoke again about Robbins stating at another meeting that they can split the permits. Sayre spoke to the board making a few points about the warrant and money being spent and if it passes then he explained there are issues.

F. Funding Operating Expenses associate with Dredging Mitigation Plan ~ Ryan Curley

The board moved on to the expenses regarding operating expenses with the dredging mitigation plan. Curley explained this agenda item. HE spoke about third party monitoring for the dredging and the need to fund it through appropriation. He stated that at the July 18th meeting he asked for a warrant article before the special election warrant closed and stated it didn't happen. Waldo responded to Curley comments and accusations. Stating there is a lot of burden put on town staff when the board asks them to carry out. Explaining the funding and the amount of time to meet the objective. Curley and Waldo disagreed on the views of town counsel. Wolf stated that it had been his understanding from town counsel that they didn't need to go to town meeting because it had already been approved at a previous town meeting. Sayre spoke to the board about Curley's documents submitted. Curley stated the thing to consider is the fact that the town can cover year one of the dredging.

Felix made a final comment on Curley's earlier comments, about the probability of success. He spoke about due diligence.

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to direct the town administrator to contact bond counsel regarding the operating expenses associated with dredging mitigation.

Roll Call Vote: 4-0-1 (DeVasto Abstained).

G. Regional Dispatch Study – Request for support of grant submission, with Eastham, Provincetown, and Truro to fund a regional feasibility study.

The board moved on to the letter requesting the surrounding towns requiring funding options for the towns to assist the outer cape to put together a feasibility study for a regional dispatch, Waldo explained the letter and the need for the grant for this study. Brunt spoke to the board asking to explain are they moving forward with the dredging, how can they do that with the petitioned articles.

Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to approve the draft letter for partnering municipalities and direct

the appropriate staff to fill out and send the letter to the state 911 department.

Roll Call Vote: 5-0

Board Member Bacon Moved; to CHECK RECORDING

Waldo explained how these articles would work.

V. **Selectboard Reports ~ Chair Carboni stated the rest of the meeting would be skipped due to the time of the meeting, these would be added to the September 5, 2023, meeting.**

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.G.L. c.30A, Sec. 21**

- **Purpose 1:** To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, to 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

Chair Carboni Moved; Board Member DeVasto Seconded; and it was voted to adjourn open session and enter executive session.

Roll Call Vote: 5-0

Open Session Adjourned at 10:35pm

Public Documents:

Agreement for Mayo Creek Grant Acceptance

Letter to the board from the Commission on Disabilities members

Slide show presentation from the Outer Cape Wellness Happenings group

Letter from the shellfish constable addressing corporations.

Letter and maps from the shellfish department concerning Shellfish grant Lotteries.

Documents concerning Dredging operating costs.

Letter addressed to the 911 in support of a grant submission with Eastham, Provincetown, and Truro to fund a regional feasibility Study.

Documents regarding chair Carboni's Prior Affiliations

Selectboard Goals

Meeting Minutes July 11th, July 13th, July 18th, July 25th and August 8th.

**Wellfleet Selectboard
Hybrid Meeting:
715 Old King's Highway/Zoom
Tuesday August 22, 2023; 6pm
Meeting Minutes**

Members Present: Barbara Carboni, Chair; John Wolf, Vice Chair; Kathleen Bacon, Michael DeVasto, (virtual); Ryan Curley

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge (virtually), Executive Assistant; Carolyn Murray, KP Law; Chris Merl, resident; Brade Morse, resident; Diane Brunt, resident; Curt Felix, Dredging task force member, John Tansey, Resident; Evan Shellfisherman; Tim Sayre, Resident; David Mead-Fox, Resident; Karen Johnson, Chair of the Shellfish Advisory Board; Dan Robbins, GEI Consulting; David Ricketts, resident; Lisa Dexter, resident; Ginny Parker, resident.

Chair Carboni Called the meeting to order at 6:04pm

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.*

Chair Carboni first asked the board members if they had any announcements. No one did, Carboni explained that a public hearing would be held on September 5, 2023, at 7pm to go over the Shellfish Regulations.

Merl spoke to the board reading a letter asking for the board to schedule a public hearing to go over the shellfish constables job description.

Brunt spoke to the board, asking for clarification on what a recused selectboard member is allowed to do during a meeting. Chair Carboni explained that a recused member can participate in a meeting as an individual, he or she is allowed to give personal opinions. They are not permitted to vote on anything while they are recused. DeVasto spoke to the board reading a specific paragraph from the ethics website pertaining to what a Selectboard member can participate in as a individual.

II. *Business*

A. Discussion and potential vote on Dredging Mitigation

Chair Carboni asked Waldo to speak to the board and public regarding the dredging mitigation. Waldo began stating that town counsel was on the meeting to answer any questions that the board or public had. He explained that he met with town counsel to render an official opinion on the petitioned articles and the impact those articles would have on the dredging.

Murray began explaining that she was asked on August 21, 2023, to put together a formal opinion regarding the mitigation plan. She explained the petitioned articles that were brought before them to be put on the special town meeting warrant. She stated that the contract for the bids was due to expire on the 23rd of August.

Murray questioned the chair if she would like her to go through each article or would she prefer that she give her final opinion.

Murray began with the dividing up the first two articles and then have a discussion on the third petitioned article.

Murray explained to the board and public; breaking it down stating they need to recognize the separation of powers. She spoke about the powers that the selectboard has and how the courts have defined them. She continued that there is the legislative branch which is town meeting, and the executive branch with is the selectboard. She stated the legislative body is not supposed to encroach on the executive body, nor is the executive branch supposed to encroach on the legislative body. She explained the legislative functions. She spoke about the City of Pittsburg, giving it as an example stating that the city counsel was able to direct the mayor of the city to enter contracts. She gave specific examples of what the legislative body's responsibilities are, and what he executive body's responsibilities are.

She stated that if town meeting, approved these two petitioned articles, the one that seeks to make sure the town doesn't enter into mitigation until the town has secured any agreements with private parties. Or the second article that instructs the selectboard to switch the parcel within Blackfish creek, she stated that these two in her opinion if they were approved at town meeting, feels that this is a case where the legislative branch is encroaching on the executive branch and explained that the moderator of town meeting can call these articles out of order. She continued on to the 3rd petitioned article. She stated that she felt this article was from the 2019 article, which was cut and pasted; and language was added. She explained that the 7.5 million for dredging had already been borrowed in 2019. She stated she felt the wording of this article was incorrect. To date none of the borrowed authorized funds have been used for mitigation. She stated when discussing funding the mitigation plan, the bond proceeds can only be used for something in which the town has authorized to use the money, she gave some examples of how the bond proceeds can be used. She spoke of article 3 chapter 70. She spoke about the titled lands and the property owned by the town, Mass Audubon and the Commonwealth of Massachusetts. She said currently there is no town meeting vote pertaining to that bylaw.

She answered the question of what happens if the town doesn't meet the Metrix or the goals of the 25 oysters per square meter. She stated as she reads it there is supposed to be annual reporting of the oyster mitigation, along with an ongoing dialog with the town and the Army Corp of Engineers. She stated that the selectboard could decide that the mitigation plan isn't working, they could pay the fee the compensatory fee for not dredging the area.

Curley stated that rather than having a disorganized discussion, go through each article to have questioned answers.

Curley questioned if private property owners were to require an easement rather than a license agreement by the town would it require a town meeting vote.

Murray explained that Mass Audubon could grant an easement or enter into a license which she explained could be problematic as a license if revokable and is more liable to the town. She stated that if the town needed an easement, it

would need a town meeting vote. Curley asked if the same was true with private property owners.

Chair Carboni spoke to the public stating that she wanted to allow the public to have a block of time be given to participants of the public, so that they are not being constantly cut off at the 2-minute time limit. There was a conversation on how the discussion with the public would be held and how the process would proceed. It was decided that each article would be addressed one at a time.

Wolf spoke to the board about the process and explained to the public the goal of the board is to allow them to discuss their concerns and have the time to do so. The discussion continued and Curley spoke to the second petitioned article. He questioned Murray what would happen if the town owned property included the title flats. Murray stated there is still a question if there needs to be a town meeting vote for disposition of town owned land. She explained about a recorded restriction, the authority of the board to temporarily close areas to shellfishing. Discussing change of use. Wolf questioned article 2, the closure of the area temporarily during the mitigation process, legally speaking he asked how it plays out if it closed for 3 years (per Department of Marine Fisheries) and then opened for 1 day, and then closed for another 3 years. He stated that doesn't seem like the definition of temporary. Murray explained that the Selectboard could close town land for a period of time giving an example about a tornado hitting a school, the board would close the school for safety concerns. She stated the board has the authority to close an area of land that is town owned.

Curley spoke about the bonding and funding of this mitigation agreement. He questioned Murray about the labor and third-party monitor. He questioned that her opinion those monies would have to come out of the shellfish budget? She stated it didn't need to come from that specific budget but the money that was borrowed couldn't be used for anything other than the mitigation as described in Chapter 70.

Discussion on the second petitioned article ensued and funding and costs associated with this article. Detailing what could be a town meeting article and what didn't need to be done. The use of the money from borrowing was discussed and detailed. Wolf gave a hypothetical situation about if the town couldn't do what they have stated and needing to budget for additional employees, and it didn't pass at town meeting. Murray explained that if the town couldn't perform the duties they committed to perform under the mitigation agreement then the town needs a "Plan B" if town meeting won't fund additional employees, would town meeting agree to hiring a consultant, if it reaches a point where there is no way to get approval of town meeting the selectboard is in the position of going back to the Army Corp and renegotiate the plan with them. She stated the mitigation plan language does make it clear that anything that the town is required to do is subject to appropriation of funds at town meeting.

Bacon questioned Murray that on the last page of the opinion, it is possible the selectboard may decide to pay the fee to the army corps at year three would the

town have been at least paying down the cost to the corp. would they be able to come up with a buy out for less, like a credit.

Waldo answered that he would defer to the Dredging Task Force, stating that from his understanding the town may get credit for the work completed. The Corp will take into consideration the work that the town has done with the dredging. Bacon asked how it works with inflation. Waldo explained he wasn't sure how the corps would do that.

Curley made a comment stating that a concern is that the town might be underestimating the amount of effort that will be required to be expended to achieve the metric. He stated Bob Wallace stated that it would require a lot of tender loving care which he believed that it would require someone on the land to make sure the metrics could be met. He stated he was worried about the cost and that it was underestimated, and the liabilities that go along with it.

Chair Carboni stated the board would take comments on the petitioned articles now with a two-minute limit, and later in the meeting a larger amount of time would be allowed regarding the mitigation plan.

Tansey spoke to the board stating there was a lot of uncertainty, he questioned the role of the finance committee. Stating he was on the finance committee; for over ten years in the town of Lennox, continuing that when there were any projects in that town over a million and one dollars their committee was tasked with going to the selectboard and give their opinions and information on those large projects. He questioned who oversaw the money on Wellfleet. He continued talking about the funds that the town is receiving, beach stickers, hotel/room tax fees. He stated he felt the town is on the hook for all this money going down many generations. He stated that he has hired at a municipal lawyer if the mitigation agreement is signed, the group will go to the courthouse on Wednesday morning to file an injunction.

Brunt asked if Murray was asked just yesterday to give an opinion. Murray explained that she has been in many conversations about dredging over the past weeks but was asked yesterday to write something up to be able to give the board and public in her opinion as town counsel. Brunt asked for an explanation of legislation verses executive bodies. Murray explained each to her and the public. Murray explained that with article 3 of the petitioned articles was cut and pasted from 2018 and it is asking to borrow another 7.5 million dollars. Brunt asked if it was borrowing, and Murray explained that it was not borrowing and what town meeting can do is appropriate the funds. Brunt had other questions about authority of shutting down the area. Murray explained her opinion. Brunt asked if Murray had read the mitigation plan, Murray explained that she did read and then pointed out where in the plan that funds were subject to the appropriation of funds. She stated that was her language, and the last sentence stated the funds had already been appropriated.

Evan spoke to the board about the petitioned articles, he stated the town hasn't made any sort of other plans explaining that he spoke to home and landowners that they had no idea there was a five-year plan with the Army Corps. He stated he is worried about what might happen to his grant on Black Fish Creek.

Morse spoke to the board and questioned Murray about Duck Creek, about a certain parcel wasn't town owned property, Murray corrected him with the right parcel numbers. It was discussed who owned the surrounding properties, Murray stated that it looked as though the Commonwealth of Massachusetts, and the Massachusetts Audubon were the abutting owners.

Murray explained the understanding of bond counsel; Sayre continued to ask about the legalities.

Chair Carboni stated that at this time in the meeting she would allow for the group which she considered Brunt the leader of to have 20 minutes to discuss the mitigation plan and alternatives to that plan.

Brunt got up and spoke to the board and public, reading a statement asking the board to vote to end all further support of the adaptive mitigation plan in favor of alternatives; they have concluded that signing into a mitigation plan with the Army Corps of Engineers is detrimental to the citizens of Wellfleet. She stated that after reading town counsel's report they feel this is even more absurd. She continued giving the reasons this plan is harmful for the town. They have no direct link to the Army Corp. She stated taking 28 acres of resident's property in perpetuity that doesn't allow them to use their property, leaving them the ability to no longer use that property. Brunt continued to express her group's opposition to the dredging and mitigation plan. She explained she and the group believe it will fail.

Morse spoke to the board again stating his concerns and why he is against entering into a contract with the Army Corps. He gave his reasons on why he believes this is against the town Bylaws. He read a letter that was submitted to the Selectboard by the Shellfish Advisory Board. He continued explaining his reasoning on why the mitigation plan is not right for the town of Wellfleet.

Brunt got up again and spoke about other alternatives. Going to town meeting trying to raise all or a portion of the dredging costs. She stated one of the main issues with this plan is that there is no direct communication with the Army Corps. She stated that there are only a small group of people that are allowed to speak with them and that that group has misinformed the public.

Merl spoke to the board stating that there are so many questions for this plan and no answers being given. He stated that the contract is so open ended, that it shouldn't make sense to enter into a contract with so many open-ended questions.

Mead-Fox spoke to the board asking about the property owners of where the mitigation would take place. He asked if the town knows which is which with regard to the commonwealth and the Audubon. Waldo gave an explanation on who owns which parcel of land. He spoke to the board about thinking through the mitigation plan, and as someone who hasn't listened to the rumors that have been town wide. He stated he feels that the way it is written, and he had read it many times, he stated why would anyone think this wouldn't work. He would think that it would work, and renegotiation is possible. He stated the longer they wait the more it will cost the town.

Tansey spoke to the board as to why Aberdale was removed from the discussions, Bacon explained that Aberdale stepped down on his own. Tansey disagreed.

Wolf spoke to the public, discussing going to town meeting to go through with this plan. He stated he has been uneasy with this plan and wants to see the dredging move forward for the town. Bacon made a statement that this is a gift for Wellfleet, the town has had a bid for the dredging for over 18 months. She stated they could get it done, by saving the taxpayers money. Curley stated that there are three articles that have been petitioned articles for special town meeting. He gave the regulations for special town meeting petitions and annual town meeting petitions. He felt the board should give the time for these articles to be heard at town meeting. He continued explaining why Blackfish Creek was chosen as there isn't much fishing there and it is a potential issue if that area needs to be moved. He stated that the board hold off onto entering into a finalized mitigation agreement.

Chair Carboni stated that it was discussed earlier that the dredging could be broken into three parts, Waldo referred to Robbins to see what the process of dividing it up and prorating them. Robbins explained that the number of credits for this could be reduced, rescinding the application from the Army Corps. He explained what prorating means and what it would mean for the dredging project, he stated the corps would think of this as a piece meal project.

It was asked to Waldo what was expected of the board tonight, he stated it was expected for the board to make a vote on the mitigation plan, do they support it and submit it or do they vote to not support it and wait to special town meeting. Does the board want to continue to work through the plan. He stated the contractor needs to know what that decision is.

Wolf stated that there is a mooring field of boats that if the boats needed to be moved if there was a decision made.

Ricketts spoke to the board about the restraining order/injunction that was mentioned previously in the meeting. He stated that if the group went to the court with this how would that affect the September 5th meeting and the special town meeting. Murray explained that she couldn't answer as it hasn't happened yet. She gave an example of the courts stating that sometimes these take a short amount of time and sometimes they take months.

Johnson spoke to the board addressing when the mitigation plan was brought to the advisory board, and it was presented as a done deal. She stated at that time it was 14 acres when it was brought to them. She stated that the shellfishing community is not against dredging however they are against the mitigation plan, she stated this is costing the shellfishing community money that they could be bringing in as part of their business.

Brunt questioned Robbins about a comment he made on May 2, 2023; she stated he told them in order to pro rate the permit they needed to resubmit the permit for the acreage they were looking to dredge. Robbins responded, stated he met with the Army Corps of engineers and the opinion that was presented to them from the Army Corps. Dexter spoke to the board about fishing in the wild stating that it is very difficult to get more than 100 oysters in the wild. Stating

that unless there is something to be done from the management aspect of those areas, mistakes can't be made and moving forward with the mitigation would cause mistakes.

There were more comments from Sayre; about money voted on for the dredging at town meeting, not the mitigation plan.

Felix spoke to the board about the Dredging Task Force has taken a lot of criticism about this plan and there was a lot of character assassination. He stated there have been a lot of slanders to him and his business. He stated that most of the people that are against this plan have grants and aren't expected to fish in the wild. There was an argument about Felix's credentials, he was asked what degrees he has; he explained all of his schooling and degrees.

There were more comments from the audience that had spoken previous. Once the comments were finished from the audience the board agreed tonight a vote needed to be made.

Board member Wolf Moved; Board Member Bacon Seconded; to approve the mitigation agreement as presented.

Chair Carboni asked if there was discussion. Curley stated that he would vote against.

Wolf recrafted the motion to state that the board does not approve the mitigation agreement as presented.

Board Member Wolf Moved; Board Member Bacon Seconded; to approve the mitigation agreement as currently submitted.

Roll Call Vote:

Wolf: NO

Carboni: NO

Curley: NO

Bacon: ABSTAIN

DeVasto: RECUSED

It was voted not to submit the mitigation plan as presented tonight.

Waldo explained that tomorrow the Army Corps of Engineers would be notified tomorrow to withdraw the mitigation plan and he would contact the bidder explaining it has been put on hold. He stated that he would continue on how they would move forward with the town meeting.

Bacon thanked all who were involved with the discussions on the mitigation plan and negate the expense of the dredging.

III. *Minutes*

- A. July 11, 2023 – **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the meeting minutes of July 11, 2023; as amended. Roll Call Vote: 5-0**
- B. July 13, 2023 – **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the meeting minutes of July 13, 2023, as amended. Roll Call Vote: 4-0-1 (Bacon Abstained)**

- C. July 18, 2023, these were taken in two parts – **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the meeting minutes as amended up until Business A.**
Roll Call Vote: 5-0
Board member Bacon Moved; Board Member Curley Seconded; and it was voted to approve the remaining meeting minutes of July 18, 2023, as amended.
Roll Call Vote: 4-0-1 (Bacon Abstained)
- D. July 25, 2023 – **Board Member Bacon Moved; Chair Carboni Seconded; and it was voted to approve the meeting minutes of July 25, 2023, as amended.**

Roll Call Vote: 5-0

Waldo spoke to the board on the meetings scheduled for September. The board continued to keep the meetings as scheduled. Of another meeting needed to be scheduled they would do so.

Pickard questioned how long it would take for the minutes to be posted. It was stated by Eldridge that they would be posted first thing tomorrow morning.

IV. ***Adjournment***

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

Roll Call Vote: 5-0

Meeting adjourned 9:15pm

Public Documents:

Dredging Mitigation Plan

Town Counsel Report on Mitigation.

Meeting Minutes

July 11, 2023

July 13, 2023

July 18, 2023

July 25, 2023

***Wellfleet Selectboard
Tuesday September 5, 2023; 7pm
Hybrid Meeting
715 Old King's Highway, Wellfleet
Zoom
Meeting Minutes***

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

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Tim Sayre, Resident; Lisa Brown, SPAT; Deidre Oringer, SPAT; Chris Merl, Resident; Kevin LaRocco, Acting Police Chief; Tonya Felix, SPAT; Elaine McIlroy, Wellfleet Housing Authority; Dennis O'Connell, Wellfleet Conservation Commission; Chris Allgeier, Dredging Task Force; Helen Miranda Wilson, Resident; Karen Johnson, Shellfish Advisory Board Chair; Barbara Austin, Resident; Daniel Silverman, Town Moderator; Nathan Johnson, Resident; Sam Pickard, Resident; Stephen Pickard, Resident; Nick Sirucek, resident; Paul Wittensen, General Manager for ARC; Lynne Welsh, Bond Counsel

Chair Carboni Called the meeting to order at 7:03pm

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 asked the board if there were any comments from them before the public spoke.

Board Member Curley spoke to the public reminding them of Town Meeting being held on September 18, 2023

Wilson spoke to the board discussing pesticides at the school during the town meeting.

O'Connell, he announced that the trust is having a guided walk-through Wellfleet and invited the public to attend.

Brown spoke to the board and public; asking to be moved up further in the agenda so as to not be stuck behind a longer agenda item.

The board discussed moving some of the agenda items to a separate meeting, to be added for next week.

Bacon discussed her feelings about the changes to the shellfish regulations. Stating that she has always stated that she would like to keep shellfish items in a separate meeting.

Merl spoke to the board about the dredging being delayed. He stated that over the last eight months these people have been attending many committee and board members. He read a letter from Diane Brunt, discussing dredging and how the town could still do the dredging.

Austin spoke to the board as a previous shellfish advisory board member stating that she is concerned about the regulations having this many changes.

II. **Consent Agenda**

- A. Approval of the Wellfleet Affordable housing Fall Tax bill Insert ~ Elaine McIlroy. (Approved by Town Collector)
- B. Approval of the Taxation Aid Committee Fall Tax Insert ~ Dawn Rickman (Approved by Town Collector)
Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the consent agenda as presented.
Roll Call Vote: 5-0
Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to move the SPAT public hearing, and the SPAT Use of town property out of order in the agenda.
Roll Call Vote: 4-0-1 (DeVasto Recused)
- C. Wellfleet SPAT ~ dba: WOA ~ Tonya Felis, September 23, 2023 & November 4, 2023; 3pm – 7pm ~ Art & Oyster Crawl. (Participating Galleries): See Application for full details.
Board Member Bacon Moved; Board Member Curley Seconded; and it was voted to approve the use of areas in Wellfleet to Wellfleet Spat; for the Art & Oyster Crawl on September 23, 2023; & November 4, 2023; both dates from 3pm - 7pm. Roll Call Vote: 4-0-1 (DeVasto Recused)
- D. Wellfleet SPAT; Application received August 19, 2023, Use of town properties throughout Main Street, and other areas in Wellfleet; for Wellfleet Oysterfest 2023; October 12, 2023 – October 15, 2023
Brown spoke to the board and the public about the OysterFest being back on Main Street this year and stated that Sunday was resident day, and all residents were being admitted for free but still needed to get a ticket. She gave details about the fest and where parking and screens would be.
Board member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the use of town property to SPAT for various locations throughout Wellfleet as specified in the application for the dates of October 10, 2023, through October 17, 2023. Spat is to continue discussions with all department heads leading up to the event; for a fee of \$800. Roll Call Vote: 4-0-1 (DeVasto recused)
Chair Carboni opened the public hearing for the special one-day liquor license
- E. Application received August 21, 2023; two one-day alcohol license for Wellfleet Spat. September 23, 2023, 3pm-7pm Art and Oyster Crawl. Gallery Tours of Wellfleet November 4, 2023, 3pm – 7pm
Board Member Bacon questioned the sites for the raw bars during the art & oyster crawl.
Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve Wellfleet Spat's two one day alcohol licenses for September 23, 2023; 3pm-7pm and November 4, 2023; 3pm- 7pm for the Art and Oyster Crawl and Gallery Tours.

Roll Call Vote: 4-0-1 (DeVasto Recused)

Chair Carboni opened the public hearing for Oysterfest.

- F. Application received August 29, 2023; Special Alcohol License for Wellfleet Oysterfest; Saturday and Sunday October 13th & 14th, 2023.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the special liquor license for Wellfleet SPAT for October 13th – 15th for Wellfleet Oysterfest.

Roll Call Vote: 4-0-1 (DeVasto Recused)

III. ***Special Town Meeting***

- A. Review and to act on reducing the quorum requirement for the Special Town Meeting scheduled for September 18th, 2023, in consultation with the Town Moderator.

Silverman spoke to the board explaining that the covid restrictions for town meeting quorum are still in effect and he recommended that the board reduce the quorum. He continued reducing the quorum to 150 people. He gave the reasons why he feels this is a good number. Bacon stated that she is not comfortable with reducing the quorum to 150. She stated it sends the wrong message to the residents; she explained more people to attend town meeting. The board discussed the quorum.

Silverman explained the consequences of not having a quorum and putting it off. He stated he doesn't want town meeting to be held hostage to the people that want to be there and participate to those that do not.

Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted to adopt the moderator's proposal to reduce the special town meeting quorum to 150 people.

Roll Call Vote: 4-1-0 (Bacon voted NO)

- B. Motion Booklet Discussion, procedures for making and seconding motions
Silverman explained that there will be a motion booklet for the meeting, and if anyone wanted a handout in the booklet, it needed to be given to the administration no later than Thursday September 7, 2023. He explained that it would be going to be printed the following day.

The reading of the motions was discussed as a round robin.

- C. The provisions for childcare

Silverman spoke to the board and public that there would be childcare at the town meeting and that Suzanne Thomas was the person to get this together. He wanted to be sure she received the credit. HE explained there is a fillable form on the town's website. He explained that drop off would be from 5-6pm at the elementary school.

IV. ***Public Hearings***

Chair Carboni spoke to the board before she opened the hearing, she apologized for posting the regulations before going through them and then she explained she had asked town counsel to review and just make comments and changes on the corporations. It was agreed by the board that they would only take comments from the public pertaining to corporations.

The board discussed just discussing corporations tonight and not discussing any other changes or amendments.

A. Shellfish Proposed Regulation Amendments

Board Member DeVasto Recused himself from all shellfish discussions.

Corbo went over the beginning part of the changes, explaining where he made changes in the definitions. Once he finished Curley made comments on the definitions, he explained the issues he had with the definitions. The board discussed the changes under definitions. Curley stated that he had worded his definition of institutions easier to read than what was in front of the board. The definition of taxpayer was discussed. Curley stated he would prefer to use his definition. Chair Carboni discussed the taxpayer definition and her feeling on it, stating that the definition could impact other areas of the regulations.

Waldo read Curley's definition of taxpayer and his amendment to the definition. Civetta spoke to the board, speaking to the definition of taxpayer. She suggested that they follow what the beach department goes with so that they respect each other. Discussion on taxpayers continued for a while. Wilson spoke to the board regarding definitions. Speaking about renting and owners and taxpayers.

DeVasto spoke to the board as an individual not as a selectboard member. He read previous regulations that began in 1992.

Merl spoke to the board stating that there should be no corporations in the definitions.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to amend the definition of taxpayer to read an individual or officers of a corporation or beneficiaries of trust that owns land in Wellfleet for which they are taxed by the town.

Roll Call Vote: 4-0-1

Corbo discussed the definition of taxpayer further with the board explaining the definition Curley read an individual or officer of a corporation or beneficiary would be qualified but explained that definition would leave out share holders of a corporation, trustees of a trust, and members of LLC's. He suggested that the board discuss this with other departments to make sure it is fair and equal across the board. Civetta spoke to the board stating she would discuss this with the beach director. Johnson asked the board to send these back to the Shellfish Advisory Board, so they can discuss and review them and make their own recommendations.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to adopt the proposed definition of applicant as drafted.

Roll Call Vote: 4-0-1

Wilson spoke to the board, stating there is another type of applicant that she proposed to the board previously. Stating they should include her phrase as well.

Board Member Curley Moved; Chair Carboni Seconded; and it was voted to amend the definition of applicant to read, applicant, a person applying for a license or permit for the renewal of a license or permit or for the transfer of a license or permit or to appeal a determination made by the constable to the selectboard.

Roll Call Vote: 4-0-1

Chair Carboni questioned if Corbo was okay with that revised version, he had no issues. Civetta stated that permits are nontransferable, so she would state transfer of a license and strike the word permit.

Board Member Curley Moved; Chair Carboni Seconded; and it was voted to amend the definition of applicant to read, applicant, a person applying for a license or permit for the renewal of a license or permit or for the transfer of a license or to appeal a determination made by the constable to the selectboard.

Roll Call Vote: 4-0-1

Board Member Curley asked for the board to wait on the definition of institution. Chair Carboni agreed.

The board moved on to license holder which was the next amendment.

Chair Carboni read the definition as it was drafted by town counsel. Curley offered an amendment.

The board discussed Curley changes and Civetta agreed with Curley.

Board Member Curley Moved, Board Member Wolf Seconded; and it was voted to amend the license holder definition to read a natural person or a natural person holding a license issued by the selectboard under the provisions of chapter 130.

Roll Call Vote: 4-0-1

Town Counsel had no issues with this amendment.

The next amendment to be addressed was a new definition to the regulations; being, Natural Person or individual. The new definition was read by Chair Carboni. S then asked the board, the constable, and the public if there were any issues with this definition. Civetta stated that she spoke with the Division of Marine Fisheries, and they stated that when you are defining natural person you shouldn't use natural person as the definition, they suggested changing "Shall mean a natural person only to shall mean a human being only". The board discussed this definition. Wilson stated that in her research she came to a definition which read private person could be included in the definition. Corbo didn't disagree with using the words private person, he stated that it isn't used anywhere else in the regulations.

Board Member Wolf Moved; Board Member Bacon Seconded; and it was voted to approve the language to the amendment of person, natural person definition.

Roll Call Vote 4-0-1

The board moved on to the definition of Resident, Chair Carboni read the definition as amended by town counsel. The board discussed how domicile will be established. Wolf explained his issues with types of proof that a person is domiciled. Car registration was used as an example, as proof that shouldn't be used because a car can be registered in the town and the person can be domiciled in another town or state. Civetta explained to the board how she and her staff came to the decision of a permit holder is a domiciled resident. Corbo explained how he came to this definition. Wilson spoke to this definition. There were no other comments on this definition.

Board Member Curley moved; Board member Bacon Seconded; and it was voted to adopt the definition of resident as drafted y town counsel.

Roll Call Vote: 4-0-1

The board moved on to the definition of transferee. Chair Carboni read the definition with the language that was removed. She then asked about questions of comments from the board or the public. There were none.

Board member Wolf Moved; Board member Bacon Seconded, and it was voted to accept the language included in the shellfish policies and regulations as drafted by town counsel.

Roll Call Vote: 4-0-1

The next group of amendments that were discussed included these definitions in the regulations. 5.2.1 which was adding the language to specify natural person.

Board member Curley Moved, Board Member Bacon Seconded, and it was voted to adopt the amendment to section 5.2.1 as drafted by town counsel.

Roll Call Vote: 4-0-1

Attorney Corbo moved to section 6.1 adding the word natural to the regulation. There were no issues of comments with this change.

Civetta stated that the issue with 7.8.1 that the shellfish department has is the eligibility now says, “to get named to a shellfish grant license you must hold a commercial shellfish permit, she stated this means if someone didn’t get their permit during the allotted time the person would need to obtain a hardship exemption, which she stated it doesn’t fit the definition of hardship.

DeVasto stated that the board has never discussed the merits of this argument. He stated it was brought to the Shellfish Advisory Board in the middle of the summer which is the busiest season for shellfishermen. He continued to discuss with the board the language being discussed and having the public engage in this discussion. He spoke about the unlimited liability regarding the license. He gave his opinion on being able to have his business property. Wolf spoke to the board stating that he has photos of the company ARC working on a grant and this company is not a “mom & pop” business.

Merl spoke to the board refuting what DeVasto said about just discussing this issue during the summer months, he stated they have been discussing this since the middle of February.

Bacon stated that the board isn’t moving fast on this decision stating they have gone to great effort to engage town counsel to add language and define this.

There was discussion among the board and public about DeVasto being able to speak on behalf of himself as an individual.

Section 7.2 was the next definition to be discussed. Attorney Corbo explained the change that he made. The manager of ARC came to speak to the board and explained ARC is not that type of company. He stated they have no “skin in the game”.

Board Member Curley Moved; Chair Carboni seconded, and it was voted to refer 7.8.5 and 7.9 to the shellfish advisory board and the shellfish department for recommendations in terms of language and more.

Roll Call Vote: 4-0-1

This was the end of the amendments made to corporations. Attorney Corbo was thanked for his effort in this matter.

Civetta questioned 11.3 authority to revoke aquaculture license, she asked remove verses revoke. She asked the board for clarification and direction. Chair Carboni stated that maybe they should send 11.3 over to SAB to discuss remove verses revoke so they are able to clarify for them.

Board Member Bacon Moved; Board Member Wolf Seconded, and it was voted to accept the amended language of 7.2.

Roll Call Vote: 4-0-1

Wilson spoke to the board and public stating that none of the proposed amendments address the concern that has been heard repeatedly from the community. She stated that outside entities can be identified, she stated the selectboard shouldn't be telling the people how to run their businesses.

Merl spoke again, stating that holding a shellfish grant is a privilege.

Board Member Curley Moved; Board member Bacon Seconded, and it was voted to adopt the amendments to section 6.1.1 as drafted by town counsel.

Roll Call Vote: 4-0-1

The board moved on to the next section 7.5 adding the language natural person instead of individual.

Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to adopt the amendment as drafted by town counsel to Section 7.1.5; conditions for the use of areas licensed for aquaculture.

Roll Call Vote: 4-0-1

7.8.1 – Eligibility requirements were discussed next, and Attorney Corbo explained his changes to this section which was adding some additional language. Board Member Curley asked to advance a separate motion to ask the shellfish department and the Shellfish advisory Board to evaluate different types of permits, (farm permits were used as an example).

Board Member Curley Moved; Board Member Wolf Seconded and it was voted to defer the definition of the term Institutions to the Shellfish Advisory Board.

Roll Call Vote: 4-0-1

Curley questioned Attorney Corbo asking to amend the commercial permit fee. He explained his reasoning to want to change the parentheses in this section. The board discussed the need to delete this wording.

Board Member Curley Moved Board Member Bacon Seconded, and it was voted to request the Shellfish Department and the Shellfish Advisory Board to evaluate different types of permits that might be used in place of a commercial shellfishing permit as an eligibility requirement for a commercial license.

Roll Call Vote: 4-0-1

Board Member Curley Moved; board Member Wolf Seconded; and it was voted to adopt the proposed amendments to section 7.8.1 as drafted by town counsel.

Roll Call Vote: 4-0-1

The above motion will be sent to the Shellfish Advisory board as a draft for comment.

Attorney Corbo moved to Section 7.8.8; he explained his changes and amendments.

Wilson had some more comments on this amended language. Board member Bacon stated she felt this language should be reviewed and commented on by the SAB.

Johnson spoke to the board about the projects be school related not corporation related. The board agreed. Civetta stated these permits are issued by DMF. Sayre spoke to the board about the SAB not wanting this in their regulations not being detailed and informative enough. Attorney Corbo stated that he knew this was a different license than other licenses but had no objection to 7.8.5 being referred to the SAB.

Board Member Wolf Moved; Board Member Bacon Seconded and it was voted to refer section 7.8.8 to the Shellfish Advisory Board for discussion, subject of aquaculture research and development and requirements and definitions.

Roll Call Vote: 4-0-1

Attorney Corbo moved on the definition 7.9 explaining natural persons. He explained the amendments that were made and the items that were stricken. Board Member Curley stated that in the second paragraph it stated licenses may transfer the rights and responsibilities assigned to their license to any other natural person or persons natural persons; stating that they can transfer it to a single person. There were no issues with Curley's change. DeVasto spoke to the board about liability insurance, he stated he is asking the town not to be able to prevent people from protecting themselves. He continued explaining his concerns and protecting the shellfishing community.

Attorney Corbo moved on to the other amendments made to Section 7.9. Curley stated he felt this section should also be deferred to SAB, explaining his reasoning. Alfred Pickard spoke to the board about having this language that has been drafted stay in the regulations.

DeVasto questioned do they now need to hire people who live in Wellfleet? Can there be partnerships with other grant holders? The discussion on the proposed language continued with many public comments and comments from the board.

Attorney Corbo moved on to 7.8.5 and he explained the amendments he made within this section. The board discussed the changes in this section at great length, The board decided that they would be referring this section to the SAB

as well so they can get a better community sense. Sirucek spoke to the board about the changes. Karen Johnson spoke to the board with Nathan Johnson stating that a lot of his employees are not domiciled residents. Wilson spoke again to the board about some of the changes in this paragraph. Bacon stated that most of the proposed changes from town counsel were approved and voted on tonight and that there wasn't a lot left.

Board Member Curley moved; Board Member Wolf Seconded; and it was voted to refer the definition of the term institutions for discussion to Shellfish Advisory board.

Roll Call Vote: 4-0-1

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to close the public hearing.

Roll Call Vote: 4-0-1

Public Hearing closed at 11:06pm

V. ***Use of Town Property***

- A. Brain Friedman ~ Homerun Baseball Camp ~ Wellfleet Elementary School Baseball Field ~ Tuesday-Thursday Summer of 2024, 8:30am-11:30am.

This was moved to the September 19, 2023

- B. Second Summer Cycle, LLC (Patrick Lentell) ~ Cape Cod Chamber of Commerce; Parking Lot of White Crest Beach for water stop; September 17, 2023; 10:30am-3:00pm.

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to approve the use of White Crest Beach on September 17, 2023; from 10:30am-3:00pm for water stop to Second Summer Cycle, LLC (Patrick Lenten, applicant).

Roll Call Vote: 5-0

- C. Wellfleet Conservation trust ~ Dennis O'Connell ~ Mayo Beach Parking Area for 2023 Coast Sweep ~ October 9, 2023; 9:30am – 12:00pm

Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the use of Mayo Beach Parking Area to Wellfleet Conservation Trust on Monday October 9, 2023, from 9:30am to noon for the 2023 Coast Sweep.

Roll Call Vote: 5-0

VI. ***Business***

- A. Vote to approve issuance of bonds ~ Rich Waldo & Lynne Welsh, Bon Counsel Waldo gave a brief description of the documents that were in front of the board. He explained the need to issue bonds. He explained there are two series of bonds a tax exemption and a non-tax exempt. Welsh explained the issuance of the bonds and the importance of the selectboard's vote. She explained that there was a great deal of interest on these bonds, stating that this is a good financial move for the town.

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted that the sale of the 9, 955,00 General Obligation Municipal

Purpose Loan of 2023 Bonds, Series A of the town dated September 12, 2023, (the “Series A Bonds”), to Piper Sandler & Co. at the price of \$10,573,139.94 and accrued interest is hereby approved and confirmed. The bonds shall be payable September 1 of the year’s and in the principal amounts and bear interest at the respective rates (Full text in the attached documents).

Roll Call Vote: 5-0

Board Member Wolf Moved; Board Member DeVasto Seconded; and it was voted that the sale of the \$1,030,000 General Obligation Land Acquisition Bonds, Series B (Subject to Federal and Massachusetts Income Taxation) (Unlimited Tax) of the town dated September 12, 2023, (the “Series B Bonds” and together with the Series A Bonds, the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$1,065,468.85 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on September 1 of the year’s and in the principal amounts and bear interest at the respective rates. (Full text and interest breakdown attached).

Roll Call Vote: 5-0

B. Art Shacks on Mayo Beach ~ Kai Potter ~ Discussion with the board ~ **This was moved before Issuance of Bonds.**

Potter gave a presentation about having art shacks at Mayo Beach. He gave reasons why this would be good for the Wellfleet Art Community and residents. He gave the benefits of having these art shacks at Mayo Beach, siting revenue for the town and revenue for residents of the town. He gave details on cost to the town and possible revenue for the town. He stated it aligns with the values of the art community, stating they are a collection of people who have the desire to create and share things.

The board discussed the shacks. DeVasto stated he loves the idea, the only concern he has is with parking.

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to support the art shacks.

Roll Call Vote: 5-0

C. Habitat for Humanity Housing ~ Old King’s Highway deed transfer ~ **Moved to after the art shacks.**

Mclroy spoke to the board asking them to act on the town meeting vote to transfer the deed to the housing authority. She explained the quick claim deed and explained that t

Board Member Curley Moved; Board Member Wolf Seconded; And it was voted to approve the deed transfer of Old King’s Highway to the housing authority.

Roll Call Vote: 5-0

D. Town Planner Job Description - Special Town Meeting Handout ~ Rich Waldo

Chair Carboni spoke to the board, about the planner position, Bacon stated it needed to be simplified. The board discussed the need to a town planner and not making it a job description, rather than crafting a message as to why the town needs a planner not the job description. Board Member Curley had amendments. The board continued to discuss some amendments to the document but the consensus was to simplify it so the town knows why we need a town planner. Chair Carboni stated she does this for Truro and stated she would put together a narrative to be able to explain to the town why we need a town planner and the bandwidth a planner would give the town.

The board agreed that the rest of the agenda items would be moved to the meeting of September 19, 2023.

- E. Reorganization of the Health and Conservation Department ~ Rich Waldo
- F. Intermunicipal Agreement ~ Conflict of Interest Disclosure ~ KP Law Eastham/Wellfleet for budgetary Support
- G. Memorandum of Agreement w/ Town of Eastham for Budgetary Support.
- VII. ***Selectboard Reports***
 - A. Prior Affiliations ~ Chair Barbara Carboni
 - B. Selectboard Goals FY2024 – Review and prioritize Town-wide goals.
- VIII. ***Topics for Future Discussion***
- IX. ***Town Administrator's Report***
 - A. Proposed Appointment of Assistant Town Administrator
- X. ***Vacancy Reports***
- XI. ***Minutes***
 - A. August 8, 2023
 - B. August 15, 2023
 - C. August 22, 2023
- XII. ***Adjournment***

Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting adjourned: 12:00am



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: September 19, 2023

XIV

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Barbara Carboni
DESIRED ACTION:	To Adjourn the meeting
PROPOSED MOTION:	I move to adjourn
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____