



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, November 07, 2023, at 7:00 p.m.** The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

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

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

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

By Phone: +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 three minutes per speaker.

The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments

II. *Consent Agenda*

- A. Wellfleet Chamber of Commerce, Brianna Sullivan ~ Lawn area in front of Town Hall for the annual tree lighting and sing along ~ Saturday December 9, 2023, 3:30pm – 5:30pm.
- B. Appoint Nancy Gralla as an alternate to the Energy and Climate Action Committee for a term of three years.
- C. Appointment of John Portnoy to the Conservation Commission for a term of three years.

- III. ***Watershed Permit Update***
 - A. Scott Horsley & Anastasia Rudenko to present and update the board on Town's Watershed Management Permit ~ Scott Horsley
- IV. ***Public Hearings***
 - A. Tek Restaurant Group Inc.; dba: The Wicked Oyster, Application received Monday October 23, 2023; change liquor license from year-round to seasonal and to seek approval for closing November 2023 for the winter season.
- V. ***Business***
 - A. Mill Creek Access Easement & License off Old Chequessett Neck Road
 - B. Presentation from the Wellfleet Cultural District, to install 6 small informational signs around the harbor walk focusing on fishing and shellfishing in Wellfleet.
 - C. Staff update ~ Rich Waldo
 - D. Selectboard 2024 Agenda ~ Issue with dates ~ Ryan Curley
 - E. Meeting Time Change ~ Selectboard will discuss changing meeting time.
- VI. ***Selectboard Reports***
- VII. ***Town Administrator's Report***
- VIII. ***Oysterfest Reports***
 - A. Fire Department Report
 - B. Police Department Report
- IX. ***Topics for Future Discussion***
- X. ***Minutes***
 - A. September 5, 2023
 - B. October 3, 2023
 - C. October 17, 2023
 - D. October 25, 2023, working meeting.
- XI. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 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 three minutes per speaker, and be allowed to speak twice.</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: November 7, 2023

II

CONSENT AGENDA

| | |
|------------------------|--|
| REQUESTED BY: | Various Parties |
| DESIRED ACTION: | To approve the following without objection |
| SUMMARY: | <p>I move to approve the following items with no objection:</p> <ul style="list-style-type: none">• Wellfleet Chamber of Commerce Application for use of town property, December 9, 2023; 3:30pm-5:30-pm; town hall front lawn for tree lighting.• Appointment of Nancy Gralla as an alternate member to the Energy and Climate Action Committee for a term of three years.• Appointment of John Portnoy to the Conservation Commission for a term of three years. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Conditions: |
| VOTED: | Yes _____ No _____ Abstain _____ |

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant: **Brianna Sullivan**

Affiliation or Group: **Wellfleet Chamber of Commerce**

Telephone Number: **508-349-2510**

Mailing Address: **PO Box 571, Wellfleet 02667**

Email address **info@wellfleetchamber.com**

Town Property to be used (include specific area) **Lawn area in front of Town Hall**

Date(s) and hours of use: **Saturday, December 9, 2023 – 3:30-5:30pm**

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

This gathering is the Chamber’s annual Tree Lighting and Sing Along! We expect about 50-60 attendees at the short tree lighting ceremony, followed by a holiday themed sing along. Equipment used will include a PA system for the musicians, various instruments, spotlight, 10x10 pop-up tent (in case of inclement weather.)

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

Use of outside electrical outlet to run an extension cord for musicians to plug into their equipment and spotlight and permission to “light” (plug in) the trees in front of Town Hall.

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: _____

Processing Fee: \$50.00

Fee: _____

(over)

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

| | |
|---|--|
| Health/Conservation Agent: N/A Comments/Conditions: Permits/Inspections needed: | Inspector of Buildings: N/A Comments/Conditions: Permits/Inspections needed: |
|---|--|

| | |
|--|--|
| Police Department: ok - Kevin LaRocco 10-25-23 Comments/Conditions: | Fire Department: ok - Chief Pauley Comments/Conditions: |
|--|--|

| | |
|---|---|
| DPW: ok - Jay Norton Comments/Conditions | Community Services Director: Comments/Conditions: |
|---|---|

| | |
|--|---|
| Harbormaster: N/A Comments/Conditions | Shellfish: N/A Comments/Conditions |
|--|---|

| | |
|---|---|
| Recreation: Comments/Conditions | Town Administrator: Comments/Conditions |
|---|---|



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 10/25/23

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: Background in public health administration, program planning, grant development + management, needs assessment,
Became an alternate on Wellfleet Recycling Committee in Oct '23.
Involved in climate group, Third Act Massachusetts.

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 in Public Health

Specialized courses in organizational management, budgeting.

Committees/Boards of Interest: 1) Energy & Climate Action Committee -
2) Alternate
3) _____



**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 John Portnoy Date 1 Nov. 2023

Mailing Address 60 Narrowland Rd

Phone (Home) 508 349 9618 (cell) 774 722 9995

E-mail jp.wellfleet@gmail.com

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

Lived here year-round since 1979, 29 years as ecologist at C&N Seashore. Served town on NRAB, Open Space Comm. (10 yrs), Mayo Creek Committee, etc. & Conservation Commission (10 yrs).

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

Wetland ecologist + biogeochemist.
MS in wildlife biology. PhD in marine ecology
Familiar with Wellfleet's wetland resources.

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023



WATERSHED PERMIT UPDATE

~ A ~

| | |
|--|---|
| REQUESTED BY: | Scott Horsely & Anastasia Rudenko, GHD ~ Consultants for the town's watershed permit |
| DESIRED ACTION: | To give an update to the board and public regarding the town's watershed Management permit |
| PROPOSED MOTION: SUMMARY: | There is no motion needed for this agenda item. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



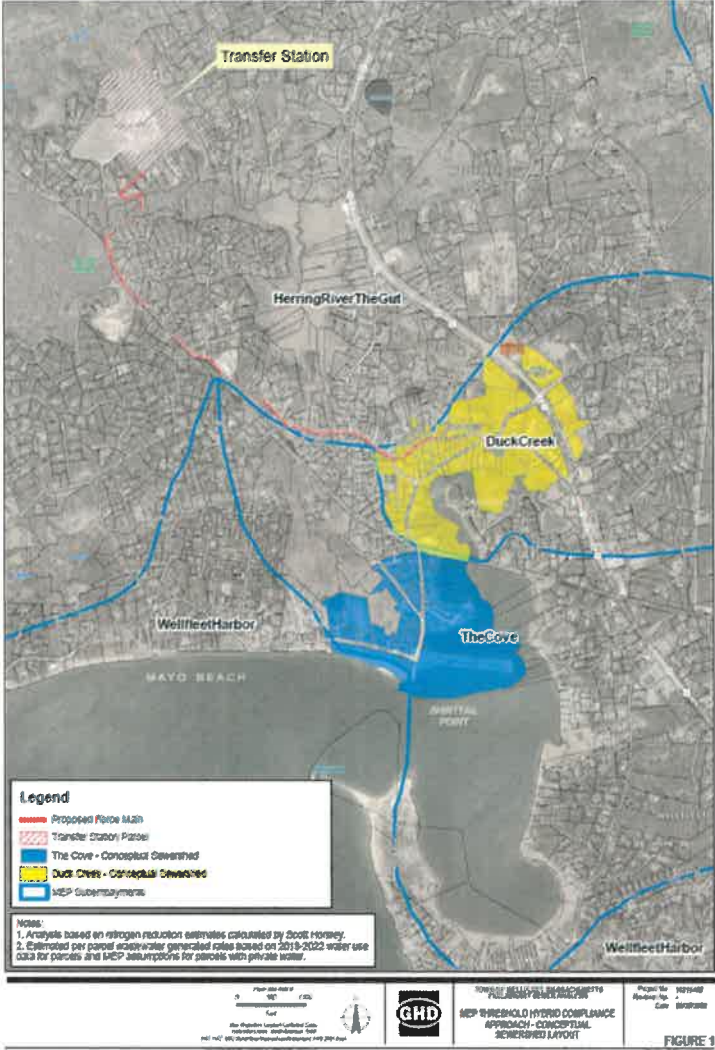
Wellfleet Targeted Watershed Management Plan (TWMP) Update
October 17, 2023
Scott Horsley, Water Resources Consultant
Anastasia Rudenko, GHD

WELLFLEET TARGETED WATERSHED PLAN



- 95 Lawrence Project
- Woodard & Curran Phase 1
- Woodard & Curran Phase 2
- Structure Footprint
- SubEmbayment Boundary
- Subwatershed Boundary
- Aquaculture
- Coastal Habitat Restoration
- Fertilizer Management
- Stormwater Projects
- Enhanced I/As





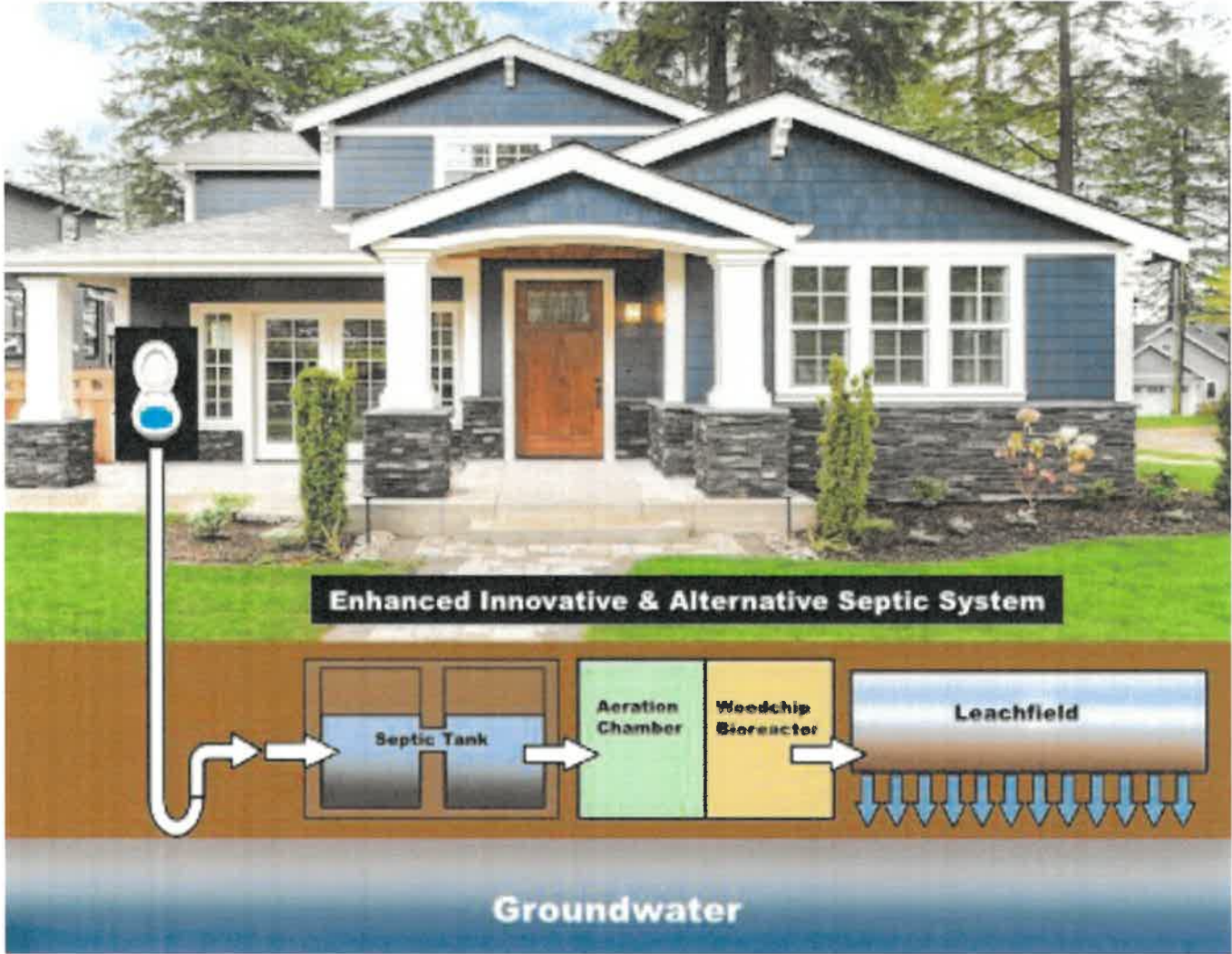
95 Lawrence Road Affordable Housing Project



Option A – Neighborhood System



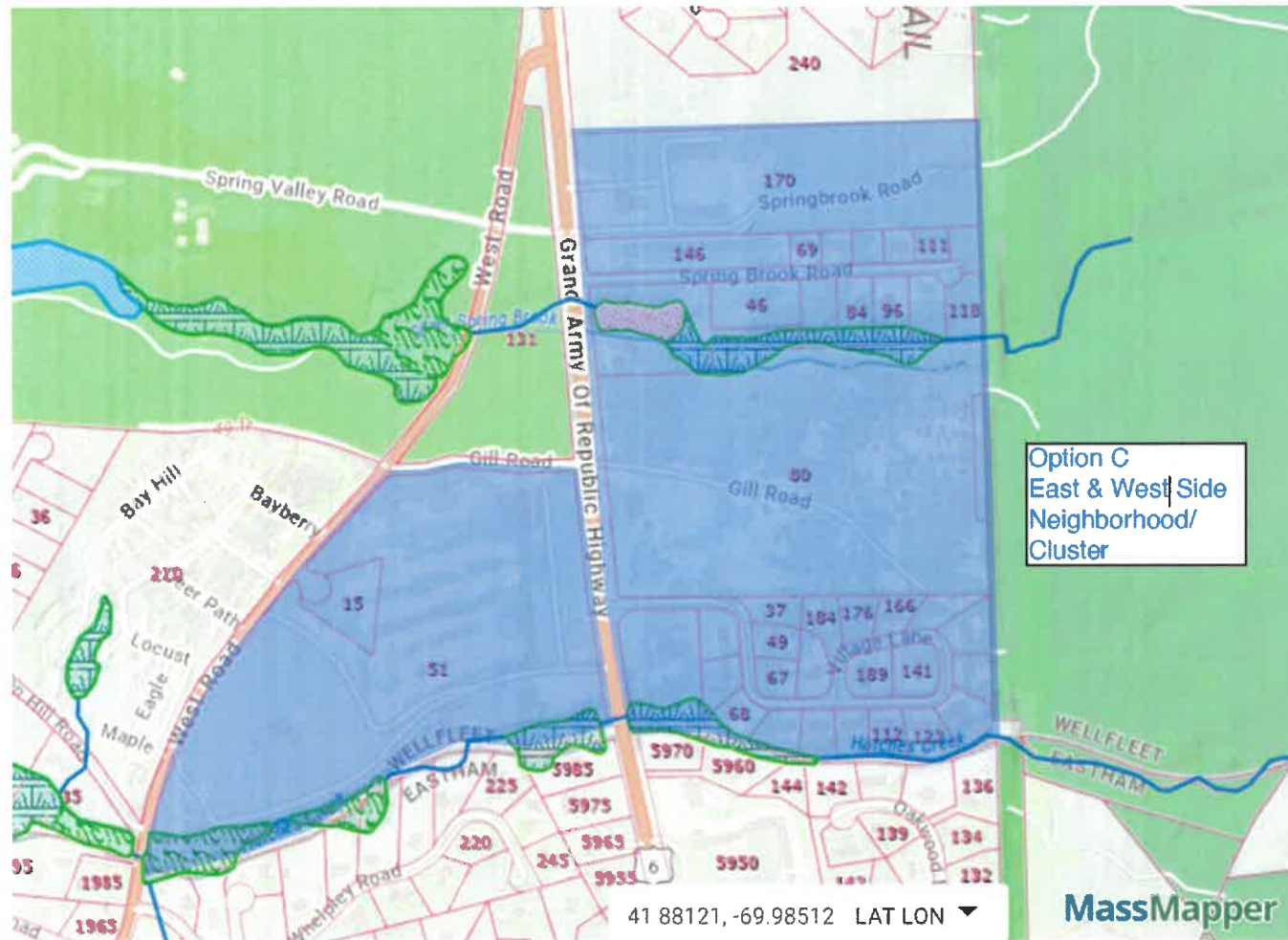
Option B – Municipal Buildings



Wellfleet TWMP Costs (\$ M)

| | | Scenario A Hybrid | Scenario B Traditional |
|--|---|----------------------|---------------------------|
| Sewer Collection & Treatment | Collection System | \$9.4 | \$80.4 |
| | Wastewater Treatment | \$10.9 | \$32.7 |
| | Sewer Laterals | \$3.2 | \$27.5 |
| | Design | \$2.0 | \$11.3 |
| | Construction Services | \$5.0 | \$30.7 |
| | Total Municipal Centralized Infrastructure | \$30.5 | \$182.6 |
| 95 Lawrence Road Affordable Housing WWTF | Collection System | \$0.8 | \$0.8 |
| | Wastewater Treatment | \$0.9 | \$0.9 |
| | Leaching System | \$0.2 | \$0.2 |
| | Design & Contingencies | \$0.6 | \$0.6 |
| | Total 95 Lawrence Capital Costs | \$2.5 | \$2.5 |
| I&A Septics | I&A Septics | \$63.0 | \$44.9 |
| | Design | \$10.6 | \$7.5 |
| | Total I&A Septics | \$73.6 | \$52.4 |
| TOTAL COSTS (millions) | | \$106.6 | \$237.5 |





| Summary Table | | Design Flow | Nitrogen Load Reduction |
|---------------------|-----------|-------------|-------------------------|
| | | (gals/day) | (kg/yr) |
| Option A | 200 units | 55108 | 252 |
| Site Redevelopment | 300 units | 82608 | 162 |
| Option B | 200 units | 69898 | 436 |
| Cluster East Side | 300 units | 97398 | 346 |
| Option B | 200 units | 99219 | 771 |
| Cluster East & West | 300 units | 133594 | 681 |

Note: Required N Reduction for Wellfleet Harbor = 3856 kg/yr

TWMP – Next Steps

- Finalize revised draft TWMP
- Submit to MEPA
 - Publication in the Environmental Monitor initiates 20-day public review
 - MEPA reviews all public comments received and establishes scope to finalize the TWMP
 - Submit final TWMP to MEPA
 - MEPA Certificate Issued

SRF Financing

- Low interest financing through the Massachusetts Clean Water Trust and MassDEP to assist communities in complying with the Clean Water and Safe Drinking Water Acts
- SRF financing applications submitted for 95 Lawrence Road – Phase 1 and Enhanced I/A Septic System Program projects in October 2023
- Construction contracts for 95 Lawrence Road – Phase 1 will need to be executed by June 30, 2024

Regulatory Changes – Title 5 and Watershed Permits

- Title 5 revisions and new watershed permit regulations promulgated July 7, 2023
- Wellfleet Harbor final TMDL issued August 2023
 - Designates watershed as a Nitrogen Sensitive Area
- 2 year Notice of Intent and Application Period, after which community needs to either:
 - Upgrade all existing septic systems within a nitrogen sensitive area to the Best Available Nitrogen Reducing Technology within 5 years,
 - Implement a 20 year watershed permit for each watershed designated as a Nitrogen Sensitive Area
 - Need to meet 75% of nitrogen load reductions in each watershed within first 20 year permit (unless alternative schedule is approved)

Next Steps

- WP94 – Notice of Intent to file a Watershed Permit Application
 - Outlines proposed milestone schedule to apply for a Watershed Permit (within 7 years of being designated a Nitrogen Sensitive Area)
 - MassDEP recommends filing by January 2024
- WP95 – Watershed Permit Application
 - Based on final Targeted Watershed Management Plan

Questions?



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

IV

PUBLIC HEARINGS

~ A ~

| | |
|--|--|
| REQUESTED BY: | The Wicked Oyster Restaurant |
| DESIRED ACTION: | Approve the amendment of the year-round liquor license to a seasonal Liquor license and approve the closing of the restaurant in November of 2023. |
| PROPOSED MOTION: SUMMARY: | I move to approve the amendment of TEK Restaurant Group, Inc. DBA: the Wicked Oyster to change from an annual liquor license to a seasonal liquor license and to close the restaurant in November 2023 for the winter season. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



TEK Restaurant Group Inc.

d/b/a

the wicked oyster

50 main street
wellfleet, ma 02667

October 23, 2023

Dear Board Members,

We are requesting two things this year: permission to close for the winter, beginning November 13th, 2023, and to change our liquor license from annual to seasonal.

Closing for the past few winters has been a *very* difficult decision for us. However, each year the financial and staffing realities make themselves known even *before* oyster fest and it only gets harder as the days get shorter. Since our opening in 2004, we have tried various methods of enticement, prix fixe, BOGO, wings & football, activity nights, etc. We have also tried closing different months, changing with the times. However, all have fallen short of remotely coming *close* to breaking even. In all these winters open to the community we needed to take out a line of credit to get through (as nearly all lower cape restaurants do), which we would then pay back through the summer. This felt feasible when the rates were in the low single digits but now rates are nearing 11%. This, compounded with the money we have had to pay for the "Covid recovery fee" which raised taxes by 40%, has taken away any financial cushion for decision-making time.

As we come to the end of our 20th season, we are trying to make more prudent business decisions. So, in conjunction with our annual request to close, we are also asking to change the class of our liquor license from Annual to Seasonal. If we want to open for the holidays in the future, it makes more sense for us to ask for an extension to be *open* (as other seasonal restaurants have done), rather than asking for permission to close.

We thank you in advance for your understanding and consideration and we hope you can appreciate the predicament of the year-round outer cape restaurants. If you have any questions or concerns, please feel free to contact Ken Kozak at (508) 221-4197.

Sincerely,

Eliza Fitts and Ken Kozak

President and Treasurer / Manager

TEK Restaurant Group, Inc. d/b/a/ The Wicked Oyster



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR AMENDMENT-Change of License Classification

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input checked="" type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/ Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest (LLC Members/ LLP Partners, Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully.

INVOICE #: 714b93ba-946d-4610-be17-760f1330feab

| Description | Applicant, License or Registration Number | Amount |
|--------------------|---|-----------------|
| FILING FEES-RETAIL | 00040-RS-1348 | \$200.00 |
| | | \$200.00 |

Total Convenience Fee: **\$4.70**

Date Paid: **10/23/2023 11:43:11 AM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of

License Number or Business Name:
00040-RS-1348

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
ken

Last Name:
kozak

Address:
50 main st

City:
Wellfleet

State:
MA

Zip Code:
02667

Email Address:
info@thewickedo.com



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1671813920
Notice Date: October 19, 2023
Case ID: 0-002-220-413



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



TEK RESTAURANT GROUP INC
50 MAIN ST
WELLFLEET MA 02667-7433



Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, TEK RESTAURANT GROUP INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



Certificate of Compliance

Date: October 20, 2023

Letter ID: L0000103051

Employer ID (FEIN): XX-XXX9454

TEK RESTAURANT GROUP INC
50 MAIN ST
WELLFLEET MA 02667-7433

Certificate ID: L0000103051

The Department of Unemployment Assistance certifies that as of 19-Oct-2023, TEK RESTAURANT GROUP INC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

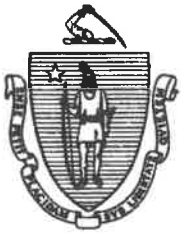
This certificate expires in 30 days from the date of issuance.

Sincerely,

Katie Dishnica, Director
Department of Unemployment Assistance

Questions?

Revenue Enforcement Unit
Department of Unemployment Assistance
Email us: Revenue.Enforcement@detma.org
Call us: (617) 626-5750



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR AMENDMENT-Change of License Classification

Change of Category

(e.g. All Alcohol, Wines and Malt)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Category Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of Class

(e.g. Seasonal /Annual)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Classification Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

Change of License Type

(§12 ONLY, e.g. general on premises, tavern, inn, restaurant)

- Payment Receipt
- Monetary Transmittal Form
- Change of License Type Application
- Vote of the Entity
- Advertisement*
- Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

| | | |
|-------------------|-------------------|---------------------|
| Entity Name | Municipality | ABCC License Number |
| The Wicked Oyster | Town of Wellfleet | 00040-RS-1348 |

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Change our liquor license from annual to seasonal

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

| | | | |
|--------------|-------------------|---------------------|-------|
| Name | Title | Email | Phone |
| Ken W. Kozak | Treasurer/Manager | info@thewickedo.com | |

2. LICENSE CLASSIFICATION INFORMATION

| | | |
|---|--------------------------------|-------------------------|
| 2a. Change of License Category | Last-Approved License Category | All Alcoholic Beverages |
| All Alcohol, Wine and Malt, Wine Malt and Cordials | Requested New License Category | All Alcoholic Beverages |
| 2b. Change of License Class | Last-Approved License Class | Annual |
| Seasonal or Annual | Requested New License Class | Seasonal |
| 2c. Change of License Type* | Last-Approved License Type | §12 Restaurant |
| E.g. Restaurant to Club *Certain License Types CANNOT change once issued* | Requested New License Type | §12 Restaurant |

APPLICANT'S STATEMENT

I, the: sole proprietor; partner; corporate principal; LLC/LLP manager

Authorized Signatory

of

Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Date:

Title:

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Other

“VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

A true copy attest,

For Corporations ONLY

A true copy attest,

ESFitts, PRESIDENT
Corporate Officer /LLC Manager Signature

[Signature]
Corporation Clerk's Signature

Eliza S. Fitts
(Print Name)

Ken W. Kozak
(Print Name)



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

V

BUISNESS

~ A ~

| | |
|-------------------------|---|
| REQUESTED BY: | Rich Waldo |
| DESIRED ACTION: | Mill Creek Access Easement & License off Old Chequesett Neck Road |
| PROPOSED MOTION: | I move to enter into an easement agreement with the Wellfleet Conservation Trust for access off Old Chequesett Neck Road to National Park Service Land and to enter into a license agreement to the U.S. National Park Service for access over Wellfleet Conservation Trust land to adjacent National Park Service Land |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

EASEMENT AGREEMENT

This EASEMENT AGREEMENT (this "Agreement") is entered into as of this ____ day of _____, 2023, by and between the **Wellfleet Conservation Trust**, u/d/t dated September 5, 1984 and filed with the Land Court Department of the Barnstable County Registry of Deeds (the "Registry") as Document No. 430081 on Certificate of Title No. 109592, with a mailing address of P.O. Box 84, Wellfleet, MA 02667 ("Grantor"), and the **Town of Wellfleet**, a Massachusetts municipal corporation, acting by and through its Selectboard, with a mailing address of Town Hall, 300 Main Street, Wellfleet, MA 02667 ("Grantee").

WHEREAS, pursuant to that certain deed dated as of December 20, 2005, filed with the Registry as Document No. 1022349 on Certificate of Title No. 178899, the Grantor is the owner of that parcel of land known and numbered as 575 Old Chequessett Neck Road, Wellfleet, Massachusetts (the "Property");

WHEREAS, the United States of America owns and the National Park Service ("NPS"), a bureau of the United States Department of the Interior, administers as part of the Cape Cod National Seashore ("CCNS"), the land abutting the Property, shown as "Cape Cod National Seashore" on a plan entitled "Easement License Plan – Herring River Restoration Project – Mill Creek Water Control Structure Access Road" Prepared for the Town of Wellfleet and the Wellfleet Conservation Trust, dated October 2, 2023, a copy of which is attached hereto and incorporated herein as Exhibit A (the "Plan");

WHEREAS, NPS intends to construct and operate a water control structure, known as the Mill Creek Water Control Structure (the "Structure") on that abutting land, or land adjacent thereto, owned by the United States of America, and the Structure is an integral part of the Herring River Restoration Project, a significant wetlands restoration project that will conserve existing wetlands and enhance salt marsh habitat in a vital Wellfleet estuary;

WHEREAS, Grantor has agreed to grant to Grantee, and Grantee desires to accept from Grantor, certain easements in, over, across, upon, and under certain portions of the Property shown as "199.91 +/- Sq. Ft. Easement from Wellfleet Conservation Trust to Town of Wellfleet" (the "Easement Area") on the Plan, for the purpose of constructing, accessing, and maintaining the access road to the Structure and property of the United States of America, pursuant to the terms and conditions of this Easement; and

WHEREAS, Grantee intends to issue a license to the United States of America (by and through the NPS) (the "License") to use the Easement Area to construct, access, use and maintain

such access road, consistent with the scope of this Agreement, and Grantor acknowledges and consents to the issuance of this license as agreed to by the parties subject to the terms and conditions set forth below. An executed copy of the License shall promptly be provided to Grantor.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Grantor hereby grants to Grantee a non-exclusive right and easement (the “Easement”) over, under, through, across, within, and upon the Easement Area, subject to the terms of this Agreement (including Section 10 below). In addition, Grantor hereby grants the following rights and easements to Grantee in connection with the Easement:

- a. The right to construct, access, use, and maintain a gravel (not a paved) road in a workmanlike manner within the Easement Area to build and access the Structure as shown in the Plan;
- b. The right and easement from time to time to clear and keep cleared the Easement Area of all vegetation, including trees and underbrush, as well as any other obstructions on or beneath the gravel road described above, and no structures of any kind shall be constructed or placed in the Easement Area;
- c. The right and easement to pass and repass on foot and with vehicles and equipment along the Easement Area as reasonably required in connection with the exercise of the rights and easements herein granted, but no other land of the Grantor adjacent to the Easement Area shall be disturbed or used; and
- d. Any and all incidental rights, e.g., snow plowing, over, under, through, across, within, and upon the Easement Area reasonably necessary to exercise the rights set forth in Subsections 1(a)-1(c).

2. Grantee’s access shall be limited to its employees, agents, contractors, subcontractors, invitees, and licensees, and public pedestrian access, but not vehicular access by the public.

3. Contractors hired by Grantee or its licensee to perform work in the Easement Area shall maintain insurance as follows:

- a. commercial general liability insurance that is acceptable to the Grantor and meets Massachusetts statutory requirements be written on an occurrence basis to afford protection:
 - i. in the amount of two million dollars (\$2,000,000) per occurrence, three million dollars (\$3,000,000) in the aggregate, combined single limit for personal and bodily injury and death and property damage and for Easement Area damage, or

- ii. in the amounts required under subsection 3(a)(i) under any commercial general liability insurance policy affording coverage categories equivalent to subsection 3(a)(i);
- b. worker's compensation insurance in compliance with appropriate federal and Commonwealth of Massachusetts laws, and employers' liability insurance with limit of not less than \$1,000,000 per accident or disease for each employee;
- c. automobile liability insurance covering all owned, non-owned and hired vehicles in accordance with applicable laws, with limits of \$200,000 per person; \$500,000 for bodily injury per occurrence and \$20,000 for property damage per occurrence.
- d. the insurance described in this Section 3 shall:
 - i. name Grantor and Grantee as additional insureds and provide in said insurance that no deductible or self-insured retention applies to Grantor or Grantee; and
 - ii. provide that such coverage shall not be cancelled without at least sixty (60) days' written notice to Grantor and Grantee (and if such coverage is cancelled, work under this Easement shall not occur until such coverage is reinstated).
- e. Grantee or its licensee shall provide evidence of satisfactory insurance compliant with this Section 3 to the Grantor at least fifteen (15) days before beginning any work at the Easement Area.

4. No acts are permitted within the Easement Area that are inconsistent with the rights and easements hereby conveyed. This Agreement is not intended to prohibit the use of the Easement Area by Grantor and Grantor's employees, licensees, and invitees, provided that such use does not unreasonably interfere with or prohibit the full and reasonable use and enjoyment by Grantee of the rights and easements hereby conveyed. Each party (including Grantee's licensee) agrees not to relocate the Easement Area or grant any other easements, leases, deeds, licenses (other than the contemplated License to CCNS) or any other rights to the Easement Area that will interfere with the other party's rights under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld. Before work at the Easement Area commences, Grantee and/or its licensee shall provide physical markings of the boundaries of the Easement Area to the satisfaction of the Grantor.

5. In exercising its rights hereunder, Grantee shall use reasonable efforts to minimize any interference with Grantor's use of the Property and the Easement Area and shall promptly repair any damage to the Property caused by Grantee's or its licensee's exercise of its rights hereunder.

6. Grantee shall not cause or permit any liens, including without limitation mechanics' or materialmen's liens, to be recorded against the Property, and Grantee shall take all steps and actions to remove such liens at Grantee's sole cost.

7. Grantee agrees that it shall, to the fullest extent permitted by law, indemnify and hold the Grantor harmless from and against any and all claims, demands, suits, actions, costs, expenses, debts, damages, judgments, and liabilities (including, without limitation, reasonable attorneys' fees) arising out of the Grantee's use of and/or activities (including the activities of Grantee's licensees, employees, contractors, agents, successors, assigns and anyone else in privity with it) on the Grantor's Property, except to the extent caused by the gross negligence or willful misconduct of the Grantor and/or its licensees, employees, trustees, representatives, agents, successors or assigns.

8. Grantee shall ensure that the costs associated with the preparation, negotiation and recording of this Easement, as well as all work to construct and complete the road within the Easement Area, occurs at no cost or expense to Grantor. Grantor agrees to cooperate with Grantee to provide information necessary to support any necessary permit applications for such work or other approvals, also at no cost or expense to the Grantor. Grantee agrees to provide written confirmation, within ninety (90) days of completion of the work in the Easement Area, that the access road is located within the boundaries of the Easement Area.

9. If either party becomes aware of any non-compliance with this Agreement, it may give the other party reasonable notice of such non-compliance and request corrective action. If the parties do not resolve the non-compliance issues within ninety (90) days after any such notice, they may pursue all available legal and equitable rights and remedies.

10. The term of this Agreement is sixty (60) years (the "Term"), provided, however, the intent is for the Agreement to be coterminous with a license between the Grantee and the United States of America (the "License"), and, in the event the License is extended beyond the Term, this Agreement shall automatically be renewed upon the same terms and conditions without the need to record or file any further instrument with the Registry of Deeds. This Agreement shall terminate, however, in the event: (a) construction of the Structure does not commence within ten (10) years from the date this Agreement is recorded with the Registry of Deeds; (b) the License expires and/or is terminated or (c) the environmental restoration purpose of the Herring River Restoration Project ceases and the Structure is removed. In that event, by mutual written agreement of the parties, the Town of Wellfleet shall give ninety (90) days' written notice to the United States of America. After an additional ninety (90) days, if no action is taken by the Grantee and the United States of America pursuant to the terms of this Agreement, the Grantee shall sign and record a termination of this Agreement and Grantee shall restore the Easement and Access Road, as shown on the Plan, to its prior condition, including by removing all the gravel and vegetating the area, as close as reasonably practicable, within ninety (90) days from recording of a termination with the Registry of Deeds. Notwithstanding the foregoing, this Agreement shall not terminate or expire due to an unintentional lapse or expiration of the License between Grantee and the United States of America, unless the Grantee and the United States of America fail to remedy such lapse or expiration within one hundred eighty (180) days from the discovery thereof.

11. All notices provided for in this Agreement shall be in writing and shall be sent to the addresses set forth below (or such other address as a party may hereinafter designate in writing by written notice to the other), and shall be sufficient if sent by registered or certified mail, return receipt requested, postage prepaid; by hand delivery; by overnight courier service; or by electronic

transmission with proof of receipt with an original by regular mail. Any such notice shall be effective when delivered or when delivery is refused.

If to Grantor: Wellfleet Conservation Trust
PO Box 84
Wellfleet, MA 02667
Attn: President

If to Grantee: Town of Wellfleet
Town Hall
300 Main Street
Wellfleet, MA 02667
Attn: Town Administrator

A copy of any notice under this Agreement shall also be provided to the United States of America at:

Superintendent
Cape Cod National Seashore
99 Marconi Site Road
South Wellfleet, MA 02667

12. Grantee shall give thirty (30) days' advance written notice to the Grantor of any proposed amendment to the License, and shall provide prompt notice of any renewal.

13. Miscellaneous.

- a. The rights, obligations, and easement described herein constitute an easement for the benefit of Grantee, its successors and assigns, and these provisions shall run with the land and shall inure to the benefit of and bind the respective legal representatives, successors and assigns of Grantor and others holding rights in the Property, and Grantee for the duration of this Easement. Grantee agrees that the terms and conditions of this Agreement shall be binding upon and referenced in the License between the Grantee and the United States of America, and in the event of any conflict, this Agreement shall control said terms and conditions.
- b. The parties hereby agree that the parties may apply to any court, state or federal, for specific performance of this Agreement, or an injunction against any violation of this Agreement, or for such other relief as may be appropriate, since the amount of damages arising from the default under any terms of this Agreement would be difficult to ascertain and may not be compensable by money alone.
- c. Grantor warrants and represents that the person executing this Agreement has authority to do so, as authorized by a vote of the Board of Trustees on October 23, 2023.

- d. Grantee warrants and represents that the individual executing this Agreement is duly authorized and fully qualified to execute this Agreement on its behalf, pursuant to a vote taken under Article 36 of the April 29, 2023 Annual Town Meeting, a copy of which is recorded herewith.
- e. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. The terms, provisions and agreements herein contained may be amended only by a duly executed instrument in writing thereafter filed in the Registry. If any term or provision of this Agreement is held to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby. This Agreement may be executed in one or more counterparts, each of which shall constitute a part of the same instrument.
- f. No Massachusetts Deed Excise Stamps have been affixed hereto as Grantee is a municipality.

[Signature Pages Follow]

EXECUTED under seal as of this ____ day of _____, 2023.

WELLFLEET CONSERVATION TRUST

By: _____
Name: Dennis O'Connell, as President and not
individually, Duly Authorized

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

On this ____ day of _____, 2023, before me, the undersigned Notary Public, personally appeared Dennis O'Connell, President of the Wellfleet Conservation Trust, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF EASEMENT AGREEMENT

The Town of Wellfleet, acting by and through its Selectboard, hereby accepts the foregoing Easement Agreement from the Trustees of the Wellfleet Conservation Trust pursuant to the vote taken under Article 36 of the Annual Town Meeting held on April 29, 2023, a copy of which is recorded herewith..

TOWN OF WELLFLEET
By its Selectboard

Barbara Carboni, Chair

John A. Wolf, Vice Chair

Michael DeVasto, Member

Timothy Sayre, Member

Ryan Curley, Member

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, Member of the Wellfleet Selectboard, proved to me through satisfactory evidence of identification, which was personal knowledge, 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:

EXHIBIT A

PLAN

[See Attached]

LICENSE AGREEMENT

This License Agreement is executed as of this ___ day of _____, 2023 by and between the **Town of Wellfleet**, a Massachusetts municipal corporation, acting by and through its Selectboard, with a mailing address of Town Hall, 300 Main Street, Wellfleet, MA 02667 (“Town”), and the **United States of America**, acting by and through the U.S. Department of the Interior, National Park Service, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA, 02667 (“NPS”).

WHEREAS, per an Order of Taking dated May 24, 1977 (Land Court Document No. 221384), the Town has an easement in the public way known as Old Chequessett Neck Road (the “Town Property”), as shown in the plan entitled “Easement License Plan – Herring River Restoration Project – Mill Creek Water Control Structure Access Road” Prepared for the Town of Wellfleet and the Wellfleet Conservation Trust, dated October 2, 2023, a copy of which is attached hereto and incorporated herein as Exhibit A (the “Plan”); and

WHEREAS, the Town has entered into an Easement Agreement dated _____, 2023 (the “Easement Agreement”) with the Wellfleet Conservation Trust (“WCT”) concerning that parcel of land known and numbered as 575 Old Chequessett Neck Road, Wellfleet, Massachusetts (the “WCT Property”), shown on the Plan as the “Easement Area”; and

WHEREAS, the United States of America owns the land abutting the WCT Property to the west (Barnstable County Registry of Deeds Book 1690, Page 276) as part of the Cape Cod National Seashore (“CCNS Property”), shown on the Plan, and NPS intends to construct and operate a water control structure, known as the Mill Creek Water Control Structure (the “Structure”) on that land or land adjacent thereto; and

WHEREAS, the Structure is an element of the Herring River Restoration Project, a joint endeavor of the Town and NPS to restore tidal flow to the Herring River Estuary; and

WHEREAS, the Town desires to issue this License to NPS, consistent with and subject to the Easement Agreement, so that NPS may construct and maintain a gravel road to access the CCNS Property from the existing Old Chequessett Neck Road (through the Town Property and the WCT Property) and to facilitate the construction, operation and maintenance of the said Structure.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and NPS hereby agree as follows:

1. The Town hereby grants to NPS a non-exclusive license (the “License”) over, under, through, across, within, and upon: (i) a portion of the Town Property, shown on the Plan as “Access Road Area,” and (ii) the Easement Area, for the purpose of constructing, accessing, and maintaining an access road to the CCNS Property and Structure. The area authorized under this License (the “License Area”) includes both the Access Road Area and the Easement Area. NPS’s licensed use encompasses the following rights and obligations:

- a. The right to access, construct, use, and maintain a gravel (not a paved) road in a workmanlike manner within the License Area as shown in the Plan attached as Exhibit A, and no structures of any kind shall be constructed or placed in the License Area, except as necessary for temporary construction staging within the Access Road Area, which shall be removed when access has been constructed to the CCNS Property;
- b. The right from time to time to clear and keep cleared the License Area of structures, trees, underbrush, and any other obstructions on or beneath the gravel road described above;
- c. The right to pass and repass on foot and with vehicles and equipment along the License Area as reasonably required in connection with the exercise of the rights herein granted;
- d. Any and all incidental rights, e.g. snow plowing, over, under, through, across, within, and upon the License Area reasonably necessary for the purposes of this Agreement;
- e. This Agreement is subject to the terms and conditions of the Easement Agreement, insofar as applicable, and in the event of a conflict as to the use of the Easement Area, the Easement Agreement shall control.

2. Any access or use of the Access Road Area, the WCT Property, or the License Area not expressly permitted under this Agreement shall be prohibited.

3. NPS shall subject to the availability of funds, install a locked security gate on the portion of the access road on CCNS Property. The gate shall be accessible to NPS and to Town emergency services personnel. If necessary after construction, the Town may install signs prohibiting parking outside of such security gate.

4. NPS shall construct the access road between the hours of 8:00 AM and 6:00 PM Monday through Friday, consistent with Town construction hour and noise bylaws, unless NPS obtains approval from the Town for different hours, in which case such approved hours shall be authorized by this Agreement. NPS users and Town emergency services personnel shall be authorized to use the access road twenty-four (24) hours per day.

5. NPS shall be exclusively responsible for any maintenance and care of the gravel road (including plowing and sanding) that NPS deems necessary within the License Area, and shall promptly repair the road as necessary. The Town shall make reasonable efforts, when plowing Old Chequessett Neck Road, to avoid stockpiling snow at the access to the NPS Property. Such responsibilities of NPS shall be subject to the availability of appropriations. Should the NPS not be able to maintain the gravel road in the Easement Area, it shall notify WCT and the Town in writing with the reasons therefore. To the extent that the construction of the access road requires additional permitting after the Effective Date of this Agreement, NPS and the Town shall coordinate to obtain such permits.

6. NPS's access shall be limited to its employees, agents, invitees, contractors, and subcontractors, but not vehicular access by the general public.

7. The term of this License shall commence upon the Effective Date and shall continue for thirty (30) years after the Effective Date. The term shall automatically renew for one (1) additional term of thirty (30) years, if not previously terminated or released. Thereafter, the term of this License may be renewed by mutual written agreement of the parties upon the same terms and conditions, and prompt written notification to WCT. WCT shall receive prompt written notification of non-renewal, expiration or termination of this License. NPS may release or terminate this License upon prior written notification to the Town. At the expiration or termination of this License, NPS shall, subject to an appropriation of funds, restore the Easement Area and Access Road Area to its prior condition, including by removing all of the gravel and vegetating the area, as close as reasonably practicable.

8. Contractors hired by NPS to perform work in the Easement Area shall maintain insurance as follows:

- a. commercial general liability insurance that is acceptable to the Town, and meets Massachusetts statutory requirements and which shall be written on an occurrence basis to afford protection:
 - i. in the amount of two million dollars (\$2,000,000) per occurrence, three million dollars (\$3,000,000) in the aggregate, combined single limit for personal and bodily injury and death and property damage and for Easement Area damage, or
 - ii. in the amounts required under subsection 8(a)(i) under any commercial general liability insurance policy affording coverage categories equivalent to subsection 8(a)(i);
- b. worker's compensation insurance in compliance with appropriate federal and Commonwealth of Massachusetts laws, and employers' liability insurance with limit of not less than \$1,000,000 per accident or disease for each employee;
- c. automobile liability insurance covering all owned, non-owned and hired vehicles in accordance with applicable laws, with limits of \$200,000 per person; \$500,000 for bodily injury per occurrence and \$20,000 for property damage per occurrence.

- d. the insurance described in this Section 8 shall:
 - i. name the Town and WCT as additional insureds and provide in said insurance that no deductible or self-insured retention applies to the Town or WCT;
 - ii. provide that such coverage shall not be cancelled without at least sixty (60) days' written notice to the Town and WCT (and if such coverage is cancelled, work under this License shall not occur until such coverage is reinstated); and
 - iii. if such coverage is reasonably available, state that this Agreement is an insured contract covered by the scope of insurance provided.
 - e. NPS shall provide evidence of satisfactory insurance compliant with this Section 8 to the Town at least fifteen (15) days before beginning any work.
9. The liability of NPS pursuant to this Agreement shall be governed by applicable federal, state, and local law.
10. In exercising its rights under this License, NPS shall use reasonable efforts to minimize any interference with the Town's use of the Town Property and WCT's use of the WCT Property.
11. The Town and the WCT shall retain their respective rights to use the License Area to the extent such use does not interfere with use by NPS under this Agreement.
12. In exercising its rights under this Agreement, NPS shall at all times and in all respects comply with all applicable laws, ordinances, rules, regulations, licenses, permits and other approvals issued by governmental authorities having jurisdiction over NPS and its activities.
13. This License is personal to NPS, and NPS shall have no right to assign or transfer its rights and obligations hereunder, in whole or in part, to any other person or entity.
14. NPS shall use all commercially reasonable efforts so as not to cause or permit any liens by contractors and/or laborers performing work or providing materials for the License Area, including without limitation mechanics' or materialmens' liens, to be recorded against the Town Property or WCT Property. In the event that any are recorded, NPS shall promptly work with the Town to address any such lien.
15. If either party becomes aware of any non-compliance with this Agreement, it may give the other party reasonable notice of such non-compliance and request corrective action. If the parties do not resolve the non-compliance issues within ninety (90) days after any such notice, they may pursue all available rights and remedies.
16. All notices provided for in this Agreement shall be in writing and shall be sent to the addresses set forth below (or such other address as a party may hereinafter designate in writing by written notice to the other), and shall be sufficient if sent by registered or certified mail, return

receipt requested, postage prepaid; by hand delivery; by overnight courier service; or by electronic transmission with proof of receipt with an original by regular mail. Any such notice shall be effective when delivered or when delivery is refused.

If to Town: Town of Wellfleet
Town Hall
300 Main Street
Wellfleet, MA 02667
Attn: Town Administrator

If to NPS: Superintendent
Cape Cod National Seashore
99 Marconi Site Road
South Wellfleet, MA 02667

Notice of the renewal, non-renewal, termination or expiration of, or an amendment to, this License shall promptly be provided to the Wellfleet Conservation Trust at:

Wellfleet Conservation Trust
PO Box 84
Wellfleet, MA 02667
Attn: President

17. Miscellaneous.

- a. The Town grants to NPS by this Agreement a license only. It is not an interest in real property and does not run with the land. To the extent permitted by law, this Agreement does not create the relationship of landlord and tenant and is not subject to the laws of the Commonwealth of Massachusetts relating to leasing or the landlord and tenant relationship.
- b. The parties hereby agree that the parties may apply to any court, state or federal, as applicable, for specific performance of this Agreement, or an injunction against any violation of this Agreement, or for such other relief as may be appropriate, since the amount of damages arising from the default under any terms of this Agreement would be difficult to ascertain and may not be compensable by money alone. Notwithstanding the foregoing, NPS and the Town explicitly do not waive any sovereign immunity or applicable protection that applies to this Agreement by virtue of their governmental status.
- c. NPS and the Town each warrant and represent that the individual executing this Agreement is duly authorized and fully qualified to execute this Agreement on its behalf.
- d. This Agreement shall be governed by the laws of the Town of Wellfleet, the Commonwealth of Massachusetts and the United States of America, as applicable.

- e. This Agreement may be amended only by written agreement signed by both parties, with thirty (30) days' advance written notice to the Wellfleet Conservation Trust.
- f. If any provision of this Agreement or its application to any circumstances is declared invalid or unenforceable by the final ruling of a court of competent jurisdiction, the remaining provisions and their application to other circumstances shall not be affected. In place of such invalid or unenforceable provision, there shall be substituted a valid and enforceable provision that most nearly accomplishes the parties' original intention.
- g. Pursuant to 31 U.S.C. § 1341, nothing in this Agreement shall be construed to obligate NPS, the Department of the Interior, or the United States of America to any current or future expenditure of funds in advance of the availability of appropriations from Congress and their administrative allocation for the purposes of this License Agreement, nor does this Agreement obligate NPS, the Department of the Interior, or the United States of America to spend funds on any particular project or purpose, even if funds are available.
- h. It is further mutually agreed that no Member of or Delegate to Congress shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon.
- i. This Agreement may be executed in one or more counterparts, each of which shall constitute a part of the same instrument.

[Signature Pages Follow]

EXECUTED under seal as of this _____ day of _____, 2023.

**NPS, CAPE COD NATIONAL
SEASHORE**

TOWN OF WELLFLEET
By Its Selectboard

Name:
Superintendent

Barbara Carboni, Chair

John A. Wolf, Vice Chair

Timothy Sayre, Member

Michael DeVasto, Member

Ryan Curley, Member

EXHIBIT A

PLAN

[See Attached]



ALFRED L KRAFT & MADALON C. MEANY
580 OLD CHEQUESSETT NECK ROAD
ASSESSORS MAP 19 PARCEL 601
DEED BOOK 24961, PAGE 46

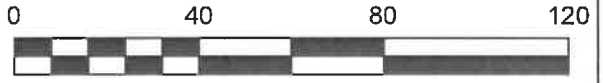
Easement Area = 199.91± Sq.Ft.
Wellfleet Conservation Trust
To Town of Wellfleet

UNITED STATES OF AMERICA
CAPE COD NATIONAL SEASHORE
DEED BOOK 1690, PAGE 276



WELLFLEET CONSERVATION TRUST
575 OLD CHEQUESSETT NECK ROAD
ASSESSORS MAP 19 PARCEL 6
LOT 4, LCP 38228B SHT 1 OF 2
CERT. #178,899

Easement License Plan
Herring River Restoration Project
Mill Creek Water Control Structure Access Road
Wellfleet, MA
prepared for
The Town of Wellfleet, and
The Wellfleet Conservation Trust
Scale 1" = 40' Oct. 2, 2023
ols #794004



A = 273.63'
R = 105.00'

N 00°07'25" W
52.10'

N 00°13'29" E

S 00°13'29" W
43.41'

N 00°13'29" E
24.20'

S 00°13'29" W
453.69'

N 86°10'27" W
21.07'

R = 56.66'
A = 33.55'

R = 56.66'
A = 60.62'

A = 40.92'
R = 100.06'

N 85°15'30" E
5.18'

DIRT DRIVE

Access Road Area
(Town of Wellfleet License
to United States of America)

EDGE OF PAVEMENT
Old Chequessett Neck Road ~ 40' Public Way
See Doc. #221384 MA Land Court (Easement Taking)
EDGE OF PAVEMENT



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

V

BUSINESS

~ B ~

| | |
|--|---|
| REQUESTED BY: | Wellfleet Cultural Council ~ Kevin McMahon |
| DESIRED ACTION: | To discuss and get approval for 6 small informational signs around the Wellfleet Harbor walk focusing on fishing and shellfishing in Wellfleet. |
| PROPOSED MOTION: SUMMARY: | I move to approve the Wellfleet Cultural Council to install 6 small informational signs explaining and focusing on Wellfleet's fishing and shellfishing culture. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



October 30, 2023

Dear Select Board,

For those of you who don't know me, I'm Kevin McMahon, the project manager of our Cultural District. I'm sending this information in advance of the November 7th meeting, at which I am scheduled to make a very brief presentation on a project we've been working on.

As you all know, Cultural District designation is granted by Mass Cultural to towns and cities in MA with a significant density of cultural assets. In 2017, Wellfleet received this honor and created a geographic cultural "Loop" to honor our town's unique ability to blend our rich cultural scene with our historic marine industries. The Loop includes our working Marina.

Initiatives started strong in 2018, but things went dormant for several years due to the changes in town staff and the pandemic. Thankfully, we are back working on projects. Our first major undertaking was our website, which highlights the assets within the District and lists all the many events taking place in town. I hope you are all aware and taking advantage of it:

www.wellfletculturaldistrict.org

This project, which came from speaking to merchants and cultural leaders within the District, creates a series of six interpretive signs to place around the existing outer Marina walk that would illustrate the rich history of Wellfleet with a special focus on the importance of our aquaculture and fishing industries. The goal is to use this local asset to educate visitors and locals about our town's history with photos from the Historical Society's archive. These small signs (probably 18"x 24" max) would be placed on the existing rail posts and would not obstruct anything. I've attached a PDF with photos of the site and a rudimentary draft mock-up of how one will look installed.

Our working group, which consists of Lauren Kaufmann, former museum director at Truro's Highland House, graphic designer Josh Yeston, and myself, are working with the Wellfleet Historical Society to create the content and with Outer Cape Health to help promote the health benefits of the walking tour.

I have met with the Marine Advisory Committee and have communicated with Jay Norton at DPW; both are supportive (see attached emails). We have also spoken with the Harbormaster's office.

I have also met with John Connors and Seth Robein, as they tried several years ago to get a similar project off the ground but were unable to complete it.

Funding for this project is 100% from Mass Cultural and has already been allocated within our 2023 grant. After they are installed, the signs will not require ongoing maintenance. The two vendors we are considering each offer a ten-year warranty.

Of course, we have additional steps to complete this project, including working closely with the Historical Society, sign-offs from the Marina Advisory Committee on text content, and seeking input from our Wampanoag community to ensure we accurately reflect their history. If we get your go-ahead, we hope to complete and install this by next Spring.

Thanks for your time and consideration, and I look forward to speaking with you next week. If you have any questions I can answer in advance, please reach out to me at WellfleetCD@gmail.com

Best,
Kevin McMahon
WellfleetCD@gmail.com
www.wellfleetculturaldistrict.org



Jay Norton

October 18, 2023 at 9:55 AM

Re: Cultural District Marina walking loop signs
To: Wellfleet Cultural District, Cc: Peter Morris

[Details](#)

Hi Kevin!

Absolutely, this is a great idea. We'd be happy to help and doesn't seem to be a heavy lift. Just keep me posted on your timeline once the signs are ready to go and we will schedule the installation. Good to hear from you.

Jay R. Norton – DPW Director
Department of Public Works
Town of Wellfleet
220 West Main Street
Wellfleet, MA 02667
508-349-0315
jay.norton@wellfleet-ma.gov



Joseph Aberdale

October 23, 2023 at 8:08 PM

Re: Wellfleet Marina - Wellfleet Cultural District project
To: Kevin McMahon

Hi Kevin,

As you know the MAC supports your plan for the signs at the marina and you can confirm that to the Selectboard.

I will present this at our next MAC meeting on November First with the understanding that our final support is pending our review of the sign content.

[See More](#) from Kevin McMahon

Marina Interpretive Sign Project





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

V

BUSINESS

~ C ~

| | |
|--|---|
| REQUESTED BY: | Rich Waldo ~ Town Administrator |
| DESIRED ACTION: | To give the board and public an update on new staffing position filled |
| PROPOSED MOTION: Summary: | If a motion is needed one will be made at the time of the meeting. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

V

BUSINESS

~ D ~

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|-------------------------|---|
| REQUESTED BY: | Board Member Ryan Curley |
| DESIRED ACTION: | To discuss issues that he has come across with the Selectboard 2024 meeting schedule |
| PROPOSED MOTION: | No motion is needed for this agenda item, the board may change the dates of their upcoming 2024 meetings. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

| 2024 Selectboard Meeting Dates | Time and Location of Meeting | Filing Deadline General Agenda Items |
|---------------------------------------|-------------------------------------|---|
| 2 - January | 7pm-Com Cent. - Zoom | 28 – December |
| 16 - January | 7pm-Com Cent. - Zoom | 11 – January |
| 6 - February | 7pm-Com Cent. - Zoom | 1 – February |
| 20 - February | 7pm-Com Cent. - Zoom | 15 – February |
| 5 – March | 7pm-Com Cent. - Zoom | 29 – February |
| 19 – March | 7pm-Com Cent. - Zoom | 14 – March |
| 2 – April | 7pm-Com Cent. - Zoom | 28 – March |
| 16 – April | 7pm-Com Cent. - Zoom | 11 – April |
| 7 – May | 7pm-Com Cent. - Zoom | 2 – May |
| 21 – May | 7pm-Com Cent. - Zoom | 16 – May |
| 4 – June | 7pm-Com Cent. - Zoom | 30 – May |
| 18 – June | 7pm-Com Cent. - Zoom | 13 – June |
| 2 – July | 7pm-Com Cent. - Zoom | 27 – June |
| 16 – July | 7pm-Com Cent. - Zoom | 11 – July |
| 6 – August | 7pm-Com Cent. - Zoom | 1 – August |
| 20 – August | 7pm-Com Cent. - Zoom | 15 – August |
| 3 – September | 7pm-Com Cent. - Zoom | 29 – August |
| 17 – September | 7pm-Com Cent. - Zoom | 12 – September |
| 1 – October | 7pm-Com Cent. - Zoom | 26 – September |
| 15 – October | 7pm-Com Cent. - Zoom | 10 – October |
| 12 - November | 7pm-Com Cent. - Zoom | 7 – November |
| 26- November | 7pm-Com Cent. - Zoom | 19 – November |
| 3 – December | 7pm-Com Cent. - Zoom | 27 – November |
| 17 – December | 7pm-Com Cent. - Zoom | 12 – December |

ADDITIONAL MEETING MAY BE SCHEDULED AS NEEDED

LEGAL HOLIDAYS WHEN TOWN OFFICES WILL BE CLOSED

| New Year’s Day | Martin Luther King Day | President’s Day | Patriot’s Day |
|-----------------------|------------------------------------|-------------------------|----------------------|
| 1 – January | 15 – January | 19 – February | 15 – April |
| Memorial Day | Juneteenth Independence Day | Independence Day | Labor Day |
| 27 – May | 19 – June | 4 – July | 02 – September |
| Columbus Day | Veteran’s day | Thanksgiving Day | Christmas Day |
| 14 – October | 11 – November | 28 & 29 – November | 25 – December |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

V

BUSINESS

~ E ~

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|-------------------------|---|
| REQUESTED BY: | Wellfleet Selectboard |
| DESIRED ACTION: | To discuss and possibly change the time of the Selectboard Meetings moving forward. |
| PROPOSED MOTION: | I move to approve the selectboard meetings to be held at |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

VI

SELECTBOARD REPORTS:

| Reported by: | Topic: |
|--------------|--------|
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SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

VII

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 November 7, 2023 Select Board Meeting
Date: November 1, 2023

Administration

- Our new Assistant Town Administrator Silvio Genao started on October 23rd and has been a welcomed addition to the team. Silvio's focus will be on personnel administration, grant project management, assist with budget development, and other important administrative tasks.
- The administration is working on the development of the FY25 Capital and Operating budget. Our goal is to be able to deliver a more comprehensive budget with greater transparency of our revenue sources and expenses.
- The Town has been awarded a \$3 million dollar grant from the State's MassWorks grant program. The funds will be used to offset the construction cost of installing a treatment and collection system to serve wastewater from the housing project at Lawrence Hill, our public safety buildings, and the Wellfleet Elementary School.
- The fire suppression system at the Wellfleet elementary school has been installed and the project is considered substantially completed. The project will continue to work through the remaining punch list items and testing of the system.
- The first 100 foot span of temporary bridge structure over Herring River has been installed.
- The Dredging Task Force anticipates being before the Selectboard on November 21st to discuss options to move forward with dredging area II and to get guidance from the selectboard on where to focus their efforts.

Building

- No Update

Community Services

- On vacation

Harbormaster

- The Season officially came to close on October 15th. We thank all our loyal boaters for contributing to another great season. We had a successful Oysterfest as well to close out our season. The dock removal process has begun, and we encourage everyone who still has a boat in the water to wrap up their season so we can move swiftly to remove the

docks in a timely manner. And for the moorings, well.... let's just say that they are stuck in the mud. Please note that In the dock removal process, electric, water and pump out services have all already ended to the docks.

- To continue the winterizing process, all water lines have been blown out and the gangways have been prepped for removal, we had started removing docks in the outboard section with the help and cooperation of the Department of Public Works. As a reminder, winter in and out of water storage is strictly commercial vessels only. Any non-commercial boats must be removed along with any accessory dock items (stand-offs, fenders, dock boxes, dock lines, etc.).
- As the Hunter's Moon Illuminates the night's sky for a moment leading us to the second spookiest night of the year, where the children of Wellfleet fill the streets in search of the holiest of grails, we are reminded that we must prepare for winter and the dark day's ahead. The midnight boaters and of course Nightwalkers shall rejoice as now we shine brightly into the evening with brand new led lighting on the Harbormasters' building adding a greater sense of safety for all.
- The fuel system will remain open to cater to commercial and municipal use in the off season. In the absence of the docks in front of the vessel fueling pumps, there will be a system in place that allows for hoses that extend down to the vessels from the parking area of the L Pier. On our other pump, We are making headway with setting up the self-service system for municipal use for our fellow town departments to use as needed. More coordination and set up is coming, however we are hoping to be able to get it up and running soon.
- Our off-season hours have resumed, we are open Monday through Friday 8am- 4pm. Bathrooms, Fuel and other Harbormaster services will be operational between these hours. Any emergencies outside of operational hours are to be directed to 911, which will reach us as we are always on call. As a reminder, during operational hours we are reachable at 508-349-0320, as well as VHF 9 and 16.

Human Resources

- A Recruitment and Selection Process is being developed for implementation effective 1/1/2024. Human Resources, along with Assistant Town Administrator, will be responsible for coordinating all aspects of all recruitment and selection for the Town.
- Heith Martinez, our new Public Health Agent, began employment on 10/30/23.
- Beth Pyles, our new Conservation Agent, will begin employment on 11/6/23.

Fire

- This Department provided the necessary Fire and Medical services to this year's 2023 Oyster Festival on October 14th and 15th. As in previous years, this event was highly successful and the positive cooperation of all involved is greatly appreciated.
- Deputy Chief Cappello is attending the ten week (one day per week) Chief Fire Officer Training program at the Massachusetts Fire Academy, Stow campus. This is an excellent, comprehensive training program that includes fire service classes on leadership, budgeting, personnel management, operational issues, etc.

- Firefighter/EMT Ernie Cox is starting his seventh week in the Firefighter I/II recruit training at the Massachusetts Firefighting Academy, Bridgewater campus. This is an intense ten (10) week program of classroom time and hands on/practical evolutions.
- The outfitting of our new Squad 80 which is a 2023 Ford F-150 pickup truck (to replace our current 2015 pick up truck) is in progress and we hope to have delivery of this unit in two months.
- We are anticipating delivery of our “new to us” 2005 Seagrave 75’ aerial ladder/quint truck from Greenwood Emergency Vehicles. This project has taken longer than anticipated as a result of equipment and parts delays, however, we are sure that when delivered to us in the next week or two, this truck will serve the Town very well for the next fifteen years.
- We have been working with Rich Bienvenue to put together the Department’s Capital Improvement Plan for FY-2025. Rich has been very helpful and a great resource in this regard.
- As we have concluded the very busy Summer season, Department personnel are working on various projects to include annual testing of equipment, required re-certification (Paramedic and EMT) and preparation for the next Spring/Summer season.

Library

- Beginning Sunday, November 5th the Wellfleet Library will be open 7 days/week. We will be open from 2-5 on Sundays (although we often open earlier for programs; check our calendar). We love offering these hours to our year-round population, as we are often the only light on in town. Please come down and join us.
- I finished my Financial/State Aid report before vacation - I'm happy to share that we are 100% in compliance with our materials requirement under state law (19.5% of our overall operating budget going to materials). This is an important program and I'm always thrilled to be in compliance.
- I had a productive meeting with Jay Norton and Pete Williams from the DPW about our building and based on one conversation, they came in and did several upgrades in our staff kitchen, had some of our carpet tiles replaced in our meeting room, and are dealing with some other ongoing concerns. We are so lucky to have them working with us!
- The Library Board of Trustees passed a "Sharing the Library/Conduct Policy" at their October Meeting. It is on our website and is printed around the library. Here is the text:

Sharing the Library

The Wellfleet Library is for everyone. The Board of Trustees have established some guidelines to manage expectations and allow for the best possible Library experiences for all.

1. *The Library Board of Trustees has the authority, under state law, to establish rules for the Library and to exclude any person who violates the rules.*
2. *Sometimes the Library can be noisy, and sometimes it is quiet. It is usually most quiet midday, and in the evenings, when school is in session.*

3. *We want everyone, including families with young children, to feel welcome.*
4. *The modern public library is a busy community space as well as a place for traditional library pursuits. Quiet conversation and group study are permitted in all areas of the building. Should this become a problem for you, we suggest the following:*
 - o *Headphones (we have headphones for you to borrow if you need them)*
 - o *Move to another area of the Library*
 - o *Use the Library at a quieter time of day*
 - o *Reserve our conference room*
5. *Where possible, help others who are trying to sit quietly by having social conversations away from Library patrons who are engaged in reading, work, computer use, and study.*
6. *Please avoid speaking loudly on mobile phones.*
7. *Parents must accompany children under the age of nine.*
8. *Harassment of Library staff or other patrons will not be tolerated. This includes verbal or physical harassment. If harassment occurs, the Library staff may ask you to leave the Library. If you do not comply, the Library staff may contact the police.*

Adopted by the Wellfleet Library Board of Trustees October 16th, 2023.

Police

Staffing update:

- Two Officers have accepted positions with other Police Departments. Sarah Chase has accepted a position with the Yarmouth Police Department, and Officer Eric Daley has accepted a position with the Northeastern University Police Department.
- Jack Richards has completed all pre-entrance requirements and is scheduled to begin the Northern Essex Community College Municipal Police Academy on November 13,2023.
- Anthony Emmott has completed most of the pre-entrance requirements and is scheduled to begin at the Randolph Police academy on December 4,2023.

Operational update:

- Oyster Fest weekend passed with almost no incidents, thanks in large part to strong event control, including the pre-sale of entrance tickets, improved public safety measures, enhanced event security with gated security points, and a solid working relationship with the SPAT organizers. Letters of appreciation have been sent to all Law Enforcement Department heads of agencies that assisted with the event.
- The Wellfleet Police Department responded to numerous calls for service since the last update, with two of them being particularly noteworthy. One involved Domestic Disturbance where a firearm was reportedly displayed. The other involved a stolen vehicle where the driver refused to stop for the Eastham Police Department. While being monitored by the Wellfleet Police Department, the vehicle traveled through town into Truro eventually crashing in Provincetown. The operator was arrested by the Provincetown Police Department after a brief foot chase, with the assistance of Wellfleet Police Sergeant Jeremiah Valli.

- The Wellfleet Police Department applied for the Municipal Road Safety Grant Program with the Massachusetts Executive Office of Public Safety and Security Office of Grants and research, we were awarded \$19,992.50 for equipment and traffic enforcement.

Public Works

- DPW Administration
 - a. Submitted a MassDOT Shared Streets and Spaces program grant for \$114,000 to extend sidewalks on Lawrence Road to improve public safety to the Wellfleet Elementary School and the proposed 95 Lawrence Road affordable housing development.
 - b. We continue to move forward with NRCS drainage projects at Kendrick Ave (25% design), Powers Landing (25% design), and Lt Island Road (100% design), as well as the culvert replacement project at Briar Lane/Ryder Ct. (25% design). We are currently developing construction specifications for Lt. Island Road and anticipate soliciting bids for a Spring 2024 construction commencement.
 - c. Director Norton and Assistant Director Morris attended the virtual preconstruction meeting for Rt 6/Main Street Intersection Project that MassDOT coordinated. Not much to report yet as the schedule has not been prepared, but we made sure to relay concerns we've heard from the public and board and will continue to be transparent through the process. In the meantime, concerns can be sent directly to the MassDOT District 5 construction office.
 - d. Herring River Restoration Project is ongoing and the DPW continues to post monthly updates on Facebook to inform the public of the progress.
 - e. Director Norton met with Eastham Assistant Town Administrator/Finance Director Bienvenue multiple times to prepare the Town wide infrastructure and DPW Capital Improvement Plans.
 - f. Assistant Director Morris and staff assisted with Oysterfest preparations and take down.
 - g. Administrative Assistant Leidenfrost will be on vacation from 11/6/23 - 11/27/23 so please be aware response times may be delayed on certain requests.
- Facilities/Grounds
 - a. We continue to have one custodial position on medical leave and are spreading out the duties amongst staff.
 - b. Repaired walkway railings in the rear of Town Hall.
 - c. Currently repairing the front steps at Town Hall with updated brick and stone. (In progress)
- Highway Department
 - a. All vehicles have been inspected for emissions for this upcoming year.
 - b. We are preparing the snow removal equipment for winter 2023-2024.
 - c. Plow routes have been finalized after conducting final private paved road inspections
- Transfer Station
 - a. May Lenny Federico rest in peace, seasonal transfer station employee for 10+ years. He was a great man and will be missed. Our sincere condolences to his family and friends.
 - b. Proposed rate increases are anticipated to go into effect December 1, 2023. Information will be sent out prior to that to inform the public.
 - c. We continue to move forward with the planning of the new swap shop.

- d. Received grant funding through the Sustainable Materials Recovery Program in the amount of \$10,800

Recreation

- Newly appointed Assistant Recreation Director Charity Robinson started working full time with the Department in October. Charity has many years of experience living, working and volunteering in the Wellfleet Community, successfully directing the After School Child Care Program as well as being the PTA president at Wellfleet Elementary and Directing the Baker's Field Summer Recreation Program. She has already been a huge asset to our team.
- The five Recreation Soccer teams for grades K-6 are having very successful, fun, and instructive seasons. Many thanks to volunteer coaches: Kevon Campbell, Andy O'Dell, Lauren Hill, Myya Beck, Sarah Matto, Andy and Dominique Ives, Henri Vaitkevicius, Abe Storer and Rachael Finn.
- A variety of activities are being offered at Wellfleet Elementary School including hiking and foraging, arts and crafts and Lego club.
- The Department co-sponsored a trip to a Red Sox Game with the Wellfleet Police Department for 25 middle and high school students as part of the "Community Center without Walls" program, it was a beautiful end of the season night at Fenway Park with many of the kids experiencing their first major league game.
- The Annual Halloween Parade was a huge success with great weather and over 200 participants.
- Pickleball round robins continue at the Baker's Field courts, for all levels of play. With the availability of six courts, pickleball is the fastest growing activity offered.
- Extensive planning is underway for winter activities at the school and for construction of the awning at the end of the pier, funding for which was granted by the community preservation committee.
- Please check the Town website for details about all Recreation Programming

Shellfish Department

Enforcement

- We had multiple discussions with the state and health department about vibrio cases traced back to Wellfleet growers. We met with the shellfishermen involved.
- We followed up on a call regarding oysters potentially being stored in cages in or near grass at Lieutenant Island by the boat house. No oysters were found in the cages. They were on a grant holder's grant.
- We issued a written warning to a commercial shellfisherman for not displaying his catch.

- We confiscated oysters from two recreational shellfishermen at Lt. Island – one because the permit holder thought the area had opened on September 1, but it was still closed to recreational shellfishing, and the other from someone who was not a permit holder.
- We confiscated oysters twice in the commercial fishery, once for vibrio control plan non-compliance, and the other for a seed violation where a citation was issued.
- We received a complaint about a shellfisherman parking on private property by Drummer's Cove. We are hoping to meet with the homeowner in person.
- We continued to do random full state vibrio checks on farmers and commercial shellfishermen. The Vibrio control plan ended on Oct. 19.
- We received complaints about Eastham boats fishing in Wellfleet waters, and a boat fishing at night. We took our boat with a Harbormaster down to the Wellfleet-Eastham line and ran along it in front of an Eastham boat and later spoke with the captain. We continue to monitor this.
- We are communicating with Eastham and Orleans Shellfish Departments about landing letters for those town's boats in Wellfleet due to Rock Harbor dredging project.

Commercial Fishery and Grants

- Statements were made at Selectboard and Shellfish Advisory Board meetings that our wild oyster fishery was suffering, and there was no way to make a living in the wild this year. Our observations on the flats tell us differently, so we are analyzing the data in our patrol reports. Report forthcoming.
- On Oct. 1, Lieutenant Island opened for oyster harvest and recreational shellfishing. We worked with Audubon to remove the chain blocking the access road.
- Bay scallop season opened on October 1. Chipman's Cove opened on Oct. 29. We spent a lot of time getting the Cove ready for the opening, distributing oysters, working with the state on quahog testing and removing Shellfish Dept. spat collecting gear.
- We continued to do grant inspections and have only one left!
- Grant holders began taking their hats out of the Cove in early September. Hats had amazing set and growth.
- We spoke to interested applicants about requirements for grant lotteries, answered questions, gave out and assisted with grant applications during the open lottery window. We prepared information for the Selectboard's shellfish grant lottery on Oct. 17.
- The grant lottery closed at 4 p.m. on Sept. 29th. In total we received 12 applications for Field Point and nine applications for the four deep-water Indian Neck grants. The information was sent to the Board of Selectmen and Shellfish Advisory Board. We removed the pages from our website.

- Grant lottery winners were chosen at the October 17 Selectboard meeting: #851 on Field Pt. went to Devon Nunez. The deep-water Indian Neck grants that need to be moved in were chosen as follows: #01-06-B1 went to Danny Ho, #01-06-B2 went to Ray Rowell, #792-B1 went to Zack Doucette and #792-B2 went to Frank Travers. Domicile was again ascertained for all.
- We worked with grant holders on transfer paperwork and the lottery grant winners on site visits, paperwork and their assignment hearings with the Selectboard. We worked with eight grant holders on steps for obtaining local, state and federal permits and certifications for their grant extensions or new grants so they may use them.
- We created a spreadsheet outlining shellfish grant licenses that need to be re-issued: There are 79 extension, transfer and renewal licenses for 50 grant holders in the queue.
- We did a commercial shellfishing orientation for a new commercial shellfishing permit holder who just received his state permit.
- Nancy worked with Town Administration to schedule a shellfish-only Selectboard public hearing on Nov. 14, for grant transfers and assignments.

Propagation

- We finished breaking down our hatchery seed from our grant into lower density bags.
- We also finished breaking down our hat oyster seed and put bags out on our grant. We have had great volunteer help! We are estimating that we have more than 500,000 oyster seed from our hats alone! We deployed 92 stacks this year between Chipman's Cove and our grant.
- We received donations of many bushels of hat seed from multiple grant holders totaling about 200,000 oyster seed.
- We received a large donation of oyster clumps (legal and petite size) from two grant holders, which we put in Chipman's Cove. We also had an anonymous donation of 90 new hat disks!
- We distributed oysters grown on our grant to a commercial-only harvest area at Keller's Corner.
- Statements were made at a Selectboard meeting that we had only cultched in Blackfish Creek. This is not true. We worked on cultch documents for Conservation Commission review. We sent the update to Shellfish Advisory Board as well. ConsComm approved a three-year extension of our cultch permit with new reporting requirements as part of our Orders of Condition.
- We submitted a comprehensive cultch report for the years 2020-2023 to the regulatory authority for this activity, the Wellfleet Conservation Commission. We shared it with the Cape Cod National Seashore (NPS) and MA DEP and MA MEPA, as well. In addition, we sent the report to the Shellfish Advisory Board, and Ms. Jude Ahern who has made numerous complaints about our activities to the Conservation Commission, and MA

DEP and MA MEPA offices. We will present our report at the Nov. 1 ConsComm meeting.

- We marked our cultching Area 5 with buoys and with the help of volunteers and our AmeriCorps member, we emptied the 600+ cultch bags with spat on shell there. These bags had been deployed in Chipman's Cove to catch a set, and it took three days to complete their removal and distribution. After, we collected GPS points and created a track for the boundary so that we can report it to ConsComm and NPS.
- We conducted a site visit with ConsComm members and NPS staff to our cultch area 5 to see our cultch strips as well as the shell with spat we put there. NPS also went to Chipman's Cove.
- We met with Coastal Engineering and MEPA to discuss expanding the areas for our cultching activities and the permitting process we will need to undertake.
- We worked hard to get Chipman's Cove ready for opening day. We, along with the help of volunteers, dumped oysters from our grant there, as well as donations we received from grant holders. All remaining spat collecting gear was removed from the Cove and Blackfish Creek.
- We sent out three Criers to the commercial shellfishing community, plus the closing and opening notices from the state for Storm Lee.

Recreational Fishery

- We broadcast oysters from our grant to Burton Baker Beach in preparation for recreational shellfishing over Labor Day weekend.
- The seasonal Deputy Shellfish Constables prepared another memo for SAB regarding family permits.
- The recreational fishery opened seven days a week and all South Wellfleet areas opened beginning October 1st. Signs were changed throughout the harbor.
- We processed and printed new recreational permits. To date, we have sold a total of 996 recreational shellfishing permits totaling \$57,350.
- We sent out three Town Recreational Shellfishing Criers, one noting October 1 changes, a reminder that seasonal permits are no longer valid and a reminder to report catches.

State

- DMF closed all shellfishing for 36 hours due to Storm Lee. We posted signage and sent out Commercial and Recreational Criers. We lobbied them to open for Sunday morning's tide and they did.
- State divers came and conducted biological surveys with us for four grant extensions that the Selectboard had approved earlier this year. All passed and grant holders were notified about next steps for certifying their extensions for use.

- We have been working with the state on getting the area of Chipman's Cove under the rocks by the Harbormaster's Office open at the same time as the rest of the Cove. Unfortunately, it will take a full sanitary survey to do that, so it is a long-term plan with no short-term fix. It will open on November 1, only when there are less than 10 boats in the south area of the marina and L-pier. We use a yellow flag by the bandstand on a daily basis to let shellfishermen know if it is open or closed.
- We lobbied the state to allow our growers to resubmerge leftover OysterFest product back on their grants. The state does not allow marketed product to be resubmerged, but they acquiesced when we promised that the department would oversee and document all resubbing activities. We were able to offer this service to three grant holders who had leftover product after OysterFest, which avoided them having to destroy it.
- We did a site visit with the Mass Dept. of Agricultural Resources and a variety of international buyers at two grants.
- We took the state out for water quality testing for CCB12 and CCB13.
- We gathered contaminated clam and water samples from Chipman's Cove for state testing prior to the opening of the Cove on Sun., Oct. 29. The state let us know that the contaminated clams passed testing and gave the OK to open Chipman's Cove.

Studies

- Johnny assisted Roger Williams University and Cape Cod Cooperative Extension (CCCE) multiple times with changing nets and replanting clams as part of the neoplasia study we are participating in.
- We communicated with grant holders about the bamboo worm survey being conducted by Cape Cod Cooperative Extension and the Center for Coastal Studies with assistance from Wellfleet SPAT.
- Barnstable County staff dug surface clams for neoplasia testing by a WHOI fellow and also gathered wild oysters from the pier for annual testing.

Town

- At the Sept. 5, Selectboard public hearing, language was added, revised and deleted in the Town of Wellfleet Shellfishing Policy and Regulations to prohibit corporations from holding shellfish grant licenses. The regulations were updated, sent to Mass. Division of Marine Fisheries for approval and to Town Counsel by the Town Administrator, and then, distributed on Oct. 6.
- We had a conversation with Rick Francolini from Orleans regarding pesticides and home rule petition and made the introduction to SAB, which invited him to attend their September meeting.
- We emailed the Orleans pesticide reduction bylaw to Barbara Brennessel and John Portnoy and sent them information about potential town efforts led by SAB to adopt this at the 2024 Annual Town Meeting.
- We met with the Town's accounting consultant and finalized our five-year Capital Plan.

- Nancy attended two SAB meetings, an emergency management team meeting, three Selectboard meetings (one for regulations, one for shellfish grant transfers and one for the lottery of five grants and three grant transfers) and a Conservation Committee public hearing.
- We participated in a Selectboard meeting on Oct. 17, to discuss the addition of a Deputy Shellfish Constable position which will allow the department to achieve: 1) important administrative tasks required for supporting a \$9.5M shellfishing industry – the largest in the state, 2) better coverage for the growing recreational shellfishery, and 3) cross-training to provide a strong foundation for the future, including propagation activities. The Shellfish Department’s budget included this as a full-time summer to part-time winter position and was presented to the Finance Committee on Jan. 18, 2023, at an open and public meeting, where it was approved, and presented to the Selectboard at its March 7, 2023, open and public meeting, where it was approved. On April 26, 2023, the Shellfish Advisory Board discussed the Shellfish Department’s budget, but took no vote. At Annual Town Meeting on April 29, 2023, the public body approved the entire Town budget, including the Shellfish Department’s proposed FY24 budget. On July 13, the Selectboard discussed and approved reorganizing the Principal Clerk’s job description to move shellfish-related responsibilities to the Shellfish Department, thereby creating a full-time, year-round position. At the Oct. 17, meeting, the Selectboard voted to support the Town Administrator’s decision, subject to confirmation by Town Counsel, that the Town Administrator had the authority to do make the position full-time. We are currently waiting to hear Town Counsel’s opinion.

Other

- In preparation for storm Lee, we strapped down bags on the grant, removed empty condos, tied down the barge and took the boat out of the water.
- Our new 2023-2024 AmeriCorps Cape Cod member, Michelle Morrison, started serving with the department. She was instrumental in helping break down our final hats and rebuilding them.
- Johnny and Nancy attended the Barnstable County Shellfish Officers meeting.
- We towed out two trucks that were stuck in the mud at Old Wharf Point.
- We worked with different town bodies and OysterFest presenters to provide updated shellfishing stats for Wellfleet’s industry.
 - In 2022, Wellfleet was first in the state for the value of its shellfish landings with more than \$9.5M earned by hard-working local shellfishermen.
 - Shellfishing is the number one year-round industry in the Town of Wellfleet. It employs roughly 10% of the resident population, or more than 300 people.
 - There are 115 shellfish farms operated by 130 family farmers on 213 acres of intertidal bottom in Wellfleet. More than 10M farmed Wellfleet oysters and 2M farmed Wellfleet quahogs are sold each year.
 - Wellfleet is blessed with natural WILD shellfish reproduction. In 2022, more than 2M WILD oysters were harvested by Wellfleet shellfishermen. They also harvest quahogs, bay scallops, blood clams, steamers and razor clams – by digging by hand or by boat!

- Nancy fulfilled two more public records request for Ms. Jude Ahern; she has received nearly a dozen from her so far this year.
- The office has been closed for ten days while insulators are insulating the building.

Town Clerk

- All mandated reporting to the State after a Meeting/Election has been completed. (Borrowing to the DLS, Zoning & General Bylaws to the AG's office)
- State Initiative Petition papers are circulating (19 total) and my office is responsible for certifying the signatures of Wellfleet voters on them. This is a very time consuming process due to the sheer volume of signatures and pieces of paper.
- Working on 2024 Election races and deadlines.
- Setting up 2024 Census forms to mail out in January, as well as preparing for dog registrations.
- Starting work on both Town Clerk & Elections budgets for FY 25
- Ongoing work on public records requests, vital records, voter registration, and Raffle permits.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

VIII

TOPICS FOR FUTURE DISCUSSION

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

VIII

OYSTERFEST REPORTS

~ A ~

| | |
|-------------------------|---|
| REQUESTED BY: | Rich Pauley ~ Fire Chief |
| DESIRED ACTION: | To supply the board and public with a report from Oysterfest, October 13-15, 2023. |
| PROPOSED MOTION: | No action is needed for this item. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Fire Department

10 Lawrence Road, Wellfleet, MA 02667



Richard J. Pauley, Jr.
Fire Chief

Phone: (508) 349-3754
Fax: (508) 349-0318

Joseph Cappello
Deputy Chief

TO: Selectboard
Rich Waldo, Town Administrator

FROM: Chief Richard J. Pauley, Jr.

RE: *Oyster Festival 2023*

DATE: October 28, 2023

The following is a summary of the October, 2023, Oyster Festival. This Department worked closely with other public safety agencies and the leadership of the Wellfleet Oyster Alliance (formerly known as Wellfleet SPAT) to ensure proper safety plans and operations were in place as we have done for over twenty years.

Several meetings were held over the last twelve months to properly prepare and plan for this Event and to bring it back to the Main Street venue successfully. As has been done in the past a two day Incident Action Plan (I.A.P.) was prepared to identify the public safety mission, goals and objectives, strategy, operations, etc. The I.A.P consists of a twenty plus page document and was prepared by Deputy Chief Joe Cappello. This I.A.P. is shared with all involved public safety agencies and the Wellfleet Oyster Alliance personnel as needed and is a living and fluid document which sets needs and expectations of all involved agencies, businesses, partners, participants, etc.

As in the past, this Department set up a staffed medical aid tent, family needs tent, ambulance and other resources for the Festival. We also decided to position Forestry 90 behind the food tent and Reserve Engine 89 at the parking lot across from Preservation Hall and the Department UTV at the Town Hall driveway so, in the event of a fire or other emergency, these vehicles would be available and on site.

Saturday, October 14th; Six (6) Fire Department personnel were detailed to the Oyster Fest to respond to medical and/or other emergencies. During this day we provided services to ten "walk in/first aid" individuals that needed minor medical attention. We also treated and transported one individual with a Priority One status to Cape Cod Hospital for seizure issues.

For at least the second year that the Festival was located on Main Street we saw a serious overcrowding situation at Winslow's Tavern (both inside the restaurant and outside on the lawn leading to congestion of the regular and emergency exits. We made contact with the manager of the restaurant and proceeded to order their staff/employees to not allow any further additional patrons on the premises. Our count of patrons showed the property to be overcrowded by at least

TO: Selectboard, Rich Waldo Town Administrator
RE: *Oyster Festival 2023*

October 28, 2023
Page 2

one hundred (100) people. We had serious discussions with the management and staff to immediately rectify the situation. I will be asking the Selectboard, as the licensing authority, to consider this matter, looking toward the future so as to ensure that this situation does not re-occur.

Sunday, October 15th, Seven (7) Fire Department personnel were detailed to the Oyster Fest to respond to medical and/or other emergencies. As we have seen with past Oyster Fests, the Sunday of the event saw fewer participants than the previous day. We provided services to six “walk in/first aid” individuals that needed minor medical attention and did not need to transport anyone to Cape Cod Hospital.

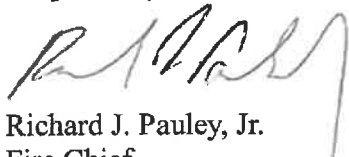
We worked with the management of Winslow’s to re-work their ingress and egress points of the property which allowed for better crowd management and no problems were encountered at that establishment throughout the day.

Overall, this year’s Oyster Fest was very successful with a larger turnout than was previously expected. We believe that the pre-sale requirement for tickets was helpful in this regard, however, we did see several occasions where people were able to “sneak in” and attend the festival, mostly on Saturday. On October 26th, we had a post Oyster Fest meeting with the leadership of the Wellfleet Oyster Alliance, the Police Department and Matt Frazier to review what went well at this year’s Fest and to identify areas that needed improvement.

As has been outlined in the past, the overall positive, professional and excellent cooperation between the Oyster Fest organizers, public safety agencies, Department of Public Works personnel, vendors and other individuals associated with this event greatly contributed to it’s success.

As always, please don’t hesitate to contact me with any questions or concerns.

Respectfully submitted,



Richard J. Pauley, Jr.
Fire Chief



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

VIII

OYSTERFEST REPORTS

~ B ~

| | |
|--|---|
| REQUESTED BY: | Michael Turner ~ Police Lieutenant |
| DESIRED ACTION: | To supply the board and public with a report from Oysterfest, October 13-15, 2023. |
| PROPOSED MOTION: Summary: | No action is needed for this item. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

Wellfleet Police Department

OytserFestival 2023

October 27, 2023

To: Town of Wellfleet Selectboard

From: Lieutenant Michael Turner

Subject: OytserFestival 2023

The following is a brief report of activity at this years Festival. The Police Department worked closely with the event organizers to make sure we had adequate personnel and services for the festival.

Saturday October 14, 2023

- The weather was mostly sunny with temperatures in the 50s throughout the day. Beginning at 9am the crowds began to build at the festival entrances with a steady stream of people most of the day.
- Partial list of Police Activity
 - 4 parking complaints that were rectified without incident.
 - Numerous alcohol nips were confiscated at the entrance to the Fest.
 - One individual was transported to Cape Cod Hospital for possible seizure.

Sunday October 15, 2023

- The weather was partly cloudy with temperatures in the 50s throughout the day. There was a steady but smaller crowd attending the festival throughout the day.
- Partial list of Police Activity.
 - 2 parking complaints that were rectified without incident.
 - One person who attempted to enter the festival without a ticket was escorted out of the festival without incident.

Monday October 16, 2023

- Partial list of Police activity from the previous night.

- At 3 AM, a single motor vehicle accident on Long Pond Road where the operator of the vehicle fled the scene and was later located. Criminal charges were filed against the operator.
- Agencies that were present at the festival both Saturday and Sunday.
 - 16 Wellfleet Officers.
 - 6 Officers Cape Cod regional tactical team.
 - 3 Officers Massachusetts state police bomb squad including two K-9s.
 - 2 officers from Barnstable County Sheriff's Office mobile command unit.
 - 1 Officer Provincetown Police Department.
 - 2 Officers Truro Police Department.
 - 2 Officers Dennis Police Department.
 - 7 officers from 2 separate marine units located at the Town Pier.

This year's festival was an enormous success, boasting a large turnout that surpassed our expectations. Our ongoing collaboration with the event coordinators was instrumental in creating a safe and enjoyable environment for all participants. I'm pleased to report that crowd control was managed exceptionally well, and we did not experience any significant incidents or disturbances.

We are committed to maintaining our collaboration with SPAT throughout the winter, aiming to further enhance the organization and execution of the event. This ongoing partnership ensures that we can build on the successes of this year's festival and make future editions even better.

The remarkable cooperation and professionalism displayed by the dedicated volunteers, staff organizers, DPW members, inspectional agencies, as well as the Police and Fire departments, is genuinely valued and applauded. Working together as a unified team, we have contributed to the success and safety of the event, and this collaborative effort is truly commendable.

Respectfully submitted for your information.



Michael Turner

Lieutenant



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

IX

MINUTES

| | |
|-------------------------|---|
| REQUESTED BY: | Executive Assistant |
| DESIRED ACTION: | Approval of Meeting Minutes as amended from September 5, 2023; and October 3, 2023, in draft; October 17, 2023, in draft, and October 25, 2023; in draft. |
| PROPOSED MOTION: | I move to approve the minutes of September 5, 2023, as amended and October 3, 2023, October 17, 2023, and October 25 th working meeting in draft from. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

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 cote 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 Mellroy. (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

There was an agreement to make it consistent with the beach department's requirements

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 shareholders 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. SAB Chair Johnson asked the board to send these back to the Shellfish Advisory Board, that the SAB had deliberated on the subject of corporations holding a license and the board should limit their discussion to that issue 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 natural persons 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 as drafted by town counsel.

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 by 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 of a transferee 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. 1:59 Mark

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

Curley asked about amending 6.1.4. the commercial permit fees, to remove the parentheses because it had been moved to the eligibility criteria 7.8.1

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. DeVasto also claimed that the majority of the area where aquaculture happens is on state land or private property.

Wolf spoke to the board stating that town counsel had addressed the liability issues 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 January.

Samuel Pickard spoke about how, with a lobster license, they are not allowed to be held in the name of a corporation because it takes away from the owner-operator and why would the town allow grants to be held under the name of a corporation and impact the owner-operators and the small mom and pop operations.

Bacon stated that the board isn't moving fast on this decision stating they have made a great effort to engage town counsel to add language and define this and that it is astounding that Mr. DeVasto comes back with the same argument every single time.

Mr. DeVasto said it's the same argument because personal liability exists and he has had advise from two attorneys.

Denice Lapierre said that is ridiculous they have grants in Wellfleet and they have trusts in their children's names and other means of protecting their assets. They do not rely on the town for that and it's not the town's job.

Curley spoke about how fishermen can reduce their personal liability.

Stephen Pickard made comments about the conflicts of interest of Mr. DeVasto

Mr Corbo provided an opinion that DeVasto has every right able to speak on behalf of himself as an individual under the conflict of interest law..

The board took no action on 6.1.4.

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 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. She spoke to a concern that shellfishers could be pressured by other actors or backers in how they operate.

Merl spoke again, stating that holding a shellfish grant is a privilege and the town is not responsible for providing liability protection.

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.

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 7.5; 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 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

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

Civetta spoke about the current process of the selectboard having to issue hardship expectations for transfers where the person does not currently hold a commercial permit and that they would discuss this at SAB.

Ms. Wilson spoke about how it doesn't make sense to require all license holders to hold a commercial permit.

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

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

Wilson had some more comments on this amended language and that the town welcomes anyone who would like to do research. Curley spoke about how 7.8.8 requires all excess product to be turned over to the town, so it is not a commercial type of license. Board Member Carboni spoke about defining who would qualify for this type of license. Board Member Wolf to his concern of companies putting product on other grants under 7.8.8. Board Member Curley said that what happened was separate from 7.8.8. and that this is a special license type and would be for a specific area.

Board member Bacon stated she felt this language should be reviewed and commented on by the SAB and that it's a type of license that is seldom used but it is good to have it.

Wilson spoke about the requirements from the state and our regs mirror the states.

Karen Johnson read a comment for Nathen Johnson to the board about the projects be education related not corporation related. The board agreed. Civetta stated these permits are issued by DMF, and this is specific to research and development.

Sayre spoke to the board about the SAB not wanting this in there. Mr. Sayre offered a grammatical correction that 7.8.8.5 ended in "specified in Section" should read "specified in Section 7.8.8.3"

Attorney Corbo stated that he knew this was a different license than other licenses but had no objection to 7.8.8 being referred to the SAB. (2:40 mark **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 – Rights of Use Subletting and Transfer- 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 and it should read natural person or persons natural persons, because they can transfer it to more than 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 and selling shares. He continued explaining his concerns and protecting the shellfishing community.

Mr. Merl said it is a privilege to have a grant, and the town is not responsible for providing liability protection.

Denice Lapiere restated how they protect their assets

The board discussed doing one large motion for all of 7.9.

Attorney Corbo moved on to the other amendments made to Section 7.9 about subletting and what would constitute subletting.

Curley stated he felt this section should also be referred to the SAB because it is impractical and a risk to public health to require employees to turn over all product to the licensee and would have a significant impact on how the industry operates.

Bacon said this is section is one she heard a lot about from the shellfishing community, and it would really restrict and hurt how they do business, and she agreed with Curley, about referring it to SAB.

Chair Carboni explained this was drafted to address concerns raised about subletting but was fine with referring it to the SAB

Karen Johnson spoke about the need to work on this language and it would affect a lot of people. She also said Nathen Jonhson was trying to say the same thing.

Alfred Pickard spoke to the board about having this language that has been drafted stay in the regulations in some form due to out of towners working a license. (2:58

DeVasto questioned do they now need to hire people who live in Wellfleet? Can they have subcontractors? Can there be partnerships with other grant holders? Whether they work for another organization or not, and that the proposed language is way too intrusive.

Mr Wolf explained his concern with a corporation from another town hiring people to work grants in Wellfleet.

Wilson, spoke to the language restricting activities that are not in keeping with the policy.

Benjamin Pickard expressed his concern that there may be a license where the licensee holder is currently retired from the industry being used by an outside corporation.

Chair Carboni said that is a specific matter and not the subject of this hearing. Nemanja Krsmanovic spoke about how people add others to their license and that people usually grow on a license for years before they are added to it, and this would no longer be allowed.

Wolf and Attorney Corbo agreed that this language should go before the SAB Corbo said the emphasis should be on not allowing a subletter to retain product for their own benefit and recommended looking at 7.8.5 at the same time.

Alfred Pickard commented that a grant is a resource of the town and should benefit townspeople and not be subletted.

Stephan Pickard spoke to issues upholding regulations.

Civetta read in a statement from the shellfish department about the subletting and this section in the regulations, stating there are many situations in the town of Wellfleet that are operating modestly in this way and work to the benefits of the shellfishing community, both as friends helping friends relatives helping relatives and more importantly as mentorship and apprenticeship opportunities, this proposed regulation would end this practice throughout the harbor, in addition this practice are a tremendous help to ensure gear is removed from licensed sights in preparation from winter harbor ice; We are aware of and document these relationships around the harbor and are confident that removing this proposed regulation would be beneficial to the shellfishery but understand and want to discuss it openly with the Shellfish Advisory Board.

Chair Carboni asked attorney Corbo to move on to 7.8.5.

3:15 Attorney Corbo moved on to 7.8.5 and he explained the amendments he made within this section limiting employment on grants.

Curley spoke to how unreasonable the proposed restriction is that prohibits an employee to work for any other shellfish operation.

Wolf to the intent

DeVasto spoke to need of grant holders who need employees

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 and the difficulty getting a name on a grant, and the change that requires makes all licenses responsible for any employee on the grant and that's a huge change, and that the restrictions on who can be employed are insanely broad.

Karen Johnson spoke to the board with Nathan Johnson and the dispute Nathan has with the other licensee and does not want to be responsible for those employees. Karen said its way to restrictive.

Wilson spoke again to the board about some of the changes in the fourth paragraph and that it should remain what it was. Wilson also spoke to the overly broad restriction on who can be employed.

Paul Whitensen spoke to the board as a general manager for ARC. He gave the backstory of ARC and stated ARC didn't want to hurt Wellfleet.

Nemanja Krsmanovic spoke about how the industry is group effort with many people helping each other out and he has six different employee sellers cards for the people he helps.

Sirucek commented how difficult it would be for the shellfish department to monitor who works for other businesses Wolf asked those in attendance to little chatter while seated.

Curley spoke about how naming someone to a license is a big step because they cannot remove someone once they are named, so they usually take people on who works the grant with them to see if they are good fit, and if we become overly strict its going to limit the opportunities for people to get into the industry

Board Member Curley moved; Chair Carboni Seconded; and it was voted to refer sections 7.8.5 and 7.9 to the shellfish advisory board and the shellfish department for recommendations in terms of language and etc...

Roll Call Vote: 4-0-1 3:34 mark

Civetta spoke about section 11.3 "Remove verses Revoke" As it was brought up by board member Wolf. He stated that he did bring it up because the issue of domiciled resident was brought up previously, if the license was revoked. Chair Carboni spoke to it not being related to corporations and is a different issue to discuss at a future date. Wolf spoke to the proposed change. It was agreed that this section would also be referred to the Shellfish Advisory Board.

Chair Carboni asked about continuing the hearing.

Curley spoke to the issues of doing so with a election and that the hearing should close

Chair Carboni made sue that the board and the public understood that that would mean that the shellfish rules and regulations will have been amended tonight.

Wolf asked to hear from Mr. Merle

Mr. Merle asked about timeframes And these issues have been out there for a while

Curley explained that with the motions made tonight except the portions referred to SAB those changes will go into effect when the hearing is closed.

Bacon explained the same and we are not leaving stuff out there

Board Member Curley Moved; Board Member Bacon Seconded; and it was voted to defer the definition of institution to the Shellfish Advisory Board for discussion.

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.

McIlroy 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

***** Public Documents *****

Affordable Housing Tax fall insert

Taxation Aid Tax Fall Insert

Wellfleet WOA art and Oyster Crawl applications (2)

Two one day alcohol licenses for WOA for the art & oyster crawl

Alcohol license for Wellfleet Oyster Fest

Letter from Dan Silverman questioning the reduction of quorum.

Shellfish proposed regulations.

Use of Town Property application, Brian Friedman, Wellfleet Elementary School Baseball field.

Use of Town Property application, Patrick Lentell, Cape Cod Chamber of Commerce Second Summer Cycle.

Use of town property application Wellfleet Conservation Trust, Dennis O'Connell, Mayo Beach for Coast Sweep.

Documents of bonds to be issued.

Documents for Art Shacks at Mayo Beach, Kai Potter

Deed Transfer Documents for Habitat for Humanity

Description of Town Planner

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

*Documents on job descriptions of a Health Agenda and a Conservation Agent
Documents for the proposed incoming Assistant Town Administrator
Meeting Minutes of August 8, 2023; August 15, 2023; and August 22, 2023.*

Wellfleet Selectboard
Tuesday October 3, 2023; 7pm
Hybrid Meeting: Zoom/ 715 Old King's Highway
Meeting Minutes

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

Others Present: Rebekah Eldridge, Executive Assistant; Timothy Sayre, (Virtually), Deirdre Oringer, applicant for use of town property; Mary Beth Rodman, retired Wellfleet Elementary School Principal; Adam O'Shea, New Wellfleet Elementary School Principal; Jay Norton, DPW Director; Brian Friedman, applicant for use of town property; Anastasia Rudenko, GHD; Scott Horsley, Elaine McIlroy, Wellfleet Housing Authority; Elizabeth Wade, Habitat for Humanity; Bill Dugan, Wellfleet Scholarship Program; Greg Mischel, Mass DOT; Jill McLaughlin, Stantec; Susan Revery, seasonal resident; Brad Morse, resident; Ginny Parker, resident.

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

I. *Announcements and Public Comments*

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

Chair Carboni explained to the audience that this meeting was being held by webinar, but this will be discussed later in the meeting,

Chair Carboni spoke about appointing a member that needed to be appointed for the cape cod commission.

Sayre spoke to the board about being at the meeting remotely.

II. *Consent Agenda*

A. Deirdre Oringer ~ Thursday's June 27, 2024 – August 29, 2024; 9am – 4:15pm ~ Wellfleet Makers Market; grassy strip on Mayo Beach.

B. Della Spring ~ Summer of 2024; June 25th – September 5th, 2024; 8:30am – 9:45am; Tuesday's and Thursday's; Mayo Beach behind basketball courts and Ceraldi; for yoga on the beach.

C. Approval of the letter to the National Seashore regarding fire prevention management.

Board Member Curley moved; Board Member Wolf Seconded; and it was voted to approve the consent agenda as printed.

Roll Call Vote: 4-0

III. *Wellfleet Elementary School ~ Staff*

A. Recognition of Mary Beth Rodman for her many years of service to the town of Wellfleet

Eldridge read some comments from the staff and families that were sent in appreciation of Mary Beth's service. Rodman thanked the board, staff and families of Wellfleet for their support over the years and she welcomed Adam O'Shea into the community.

- B. Introduction of Adam O'Shea new principal of Wellfleet Elementary School
O'Shea came to the microphone and introduced himself and also thanked Mary Beth for her help in his transition. He explained what a great staff and student body that he has been welcomed into.
Curley spoke to O'Shea asking what his philosophy is and what he is looking forward to in the years to come. He explained that leadership is important to him.

IV. **Community Updates**

- A. **Approval of Route 6 Night work;** Mass DOT; Jay Norton, Stantec
Norton introduced the topic to the board and then explained he was going to hand it over to Mischel to better explain the project and why the night work is better for the town. Mischel spoke to the board about the pavement preservation project and a town proponent project to improve the intersection of route 6 and main street. He explained the time frame for the project which he explained could take 6 years because there is a moratorium on work on route 6 during the summer months. He talked about the work schedule and referred to the emails that are in the selectboard packet.
Wolf questioned the night work, what that would entail verses road closures. Mischel explained that there will be lanes open and no closures at all there would just be some detoured options. McLaughlin spoke and stated that they will maintain alternating one-way traffic.
Curley spoke to the board asking when the work would begin. It was stated that the intersection project there was a contractor identified and right now there isn't a specific date as they are still waiting for a pre-construction conference. He stated that the pavement conservation project has been advertised and the bid opening is October 24, 2023. Curley had a few more questions for Mischel and McLaughlin on the details of the projects. DeVasto spoke about the noise for the residents along route 6 and what they can expect regarding noise. It was further discussed if the board wanted to take a vote or continue this and work with the DPW to decide on stipulations.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the night work for the Route 6 pavement preservation and Main Street and Route 6 project and subject to the satisfaction of the DPW Director.

Roll Call Vote: 4-0

- B. **Zoom Platform** ~ Discussion on the zoom and webinar platform.
Chair Carboni spoke to the board and public about this agenda item, stated that they board has been using zoom and due to some security issues, the town switched to the webinar platform. She stated with the webinar format there have been some concerns that people listed as attendees cannot see other attendees. She asked for thoughts and colleagues, Wolf stated that regardless of the zoom bombings in the interest of transparency people like to see who else is at the meeting. He believes it is worth the risk. Curley stated he believes there are ways to minimize. DeVasto questioned what the difference is. Chair Carboni, asked JP Ludwig to speak about the differences of a regular zoom meeting verses the webinar. Ludwig spoke to the board about the differences stating that

if any other board members wanted to see who was attending, they could be made a cohost or panelist. He continued explaining how things had changed. This conversation continued back and forth with Ludwig and the board. Morse, Reverby, and Parker spoke to the board in favor of the regular zoom meeting rather than the webinars.

Board Member Wolf Moved; Board Member Curley Seconded; and it was voted that the selectboard use the meeting format with zoom rather than the webinar platform.

Roll Call Vote: 3-0-1 (DeVasto Abstained)

Curley wanted the board to vote to have all boards follow the meeting format rather than the webinar, Chair Carboni wanted to wait for the new member Tim Sayre to be sworn in and discuss this at a later date.

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.

Board Member Curley Moved; Board Member DeVasto Seconded; and it was voted to approve the use of the Wellfleet Elementary School.

Roll Call Vote: 4-0

VI. ***Business***

- A. **95 Lawrence Phase 1 and I/A Program SRF Applications Overview** and vote to establish Authority to File ~ Anastasia Rudenko, GHD & Scott Horsley, Marc Drainville

Drainville explained this plan and milestones. He shared his screen and explained this project and the milestones that it has hit so far. He explained the financing procedure. He continued explaining what areas of the town this project would impact on. Horsley stated that this is the first time the state has approved a preliminary I/A program.

Drainville showed the board and public the checklist for the project. He explained that they are looking for the board to designate a person to act on the board's behalf to sign the forms. He explained that it is typically the Town Administrator. The board discussed this project with the Drainville and Horsely.

Board Member Curley Moved; Board Member Seconded; and it was voted to designate the Town Administrator as the Certifying Signatory for SRF financing applications and provide signature to the attached Certifying Authority to File Form.

Roll Call Vote: 4-0

- B. **90 Freeman Ave, transfer of deed to the Wellfleet Housing Authority** ~ Elaine McIlroy

McIlroy spoke to the board asking them to approve the vote that was made in 2019.

Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to execute the deed conveying the property at 90 Freeman Ave to the Wellfleet Housing Authority as authorized by Town Meeting on April 22, 2019, Article 41.

Roll Call Vote: 4-0

- C. Approve the signing of the Regulatory Agreement (RA) for Habitat's Old Kings Highway Project.** ~ Habitat for Humanity; Elizabeth Wade
Wade introduced herself to the board to explain that she is in front of the board to execute an agreement for the property at Old King's Highway. She explained the process that habitat has gone through. This is a regulatory agreement.
Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to authorize the town administrator to execute the regulatory agreement for the Habitat for Humanity's Old King's Highway Project.
Roll Call Vote: 4-0
- D. Wellfleet Scholarship Program** ~ Bill Dugan and Henry Brim ~ discussion and information regarding the scholarship program.
They explained to the board what they were looking to do with regard to a scholarship program. There were some questions and concerns about asking the tax payers of the town to fund a scholarship program. Wolf stated that he didn't think it was a bad idea to put it on the warrant and allow the residents to decide whether or not they wanted to pay the extra \$20 per household. There was no motion made for this item. They will come back before the board closer to the town meeting.
- E. Memorial Brick Walkway** ~ Rebekah Eldridge
Chair Carboni asked Eldridge to introduce the next item. Eldridge explained that the board put a moratorium on memorial benches and she has numerous phone calls a month asking about how one can memorialize a family member?
Eldridge explained that she worked with the DPW to figure out a way that we could redo the walkway in front of town hall because as of now, it is uneven and a hazard. She found a company that was on the east coast, and they did engraved pavers. Thinking people could purchase a paver, have it engraved in memory of a loved one, then the DPW would install a new walkway. Eldridge was thanked for taking the initiative, stating that there might be other ways to memorialize, Eldridge will ask the public for ideas other than benches and pavers and bring it back to the board for a larger discussion.
No Action was taken on this item.

VII. *Selectboard Reports*

- Wolf gave a report on the Dredging Task Force, discussing dredging options and the lobbyist in Washington DC.

VIII. *Topics for Future Discussion*

- Wolf would like to go back to a dredging discussion to go over their options for dredging the harbor. Getting a permit and doing the work in two stages.
- Working meetings were discussed, timing of the meetings was discussed Eldridge brought up staff time about asking them to be during the day, stating the fairness of asking staff to stay late multiple nights in a row.

IX. *Vacancy Reports*

- Eldridge explained some vacancies have been filled. She also stated that there is an application on file for the Board of Health

X. *Minutes*

- A.** September 5, 2023 – the board had some amendments for Eldridge and gave them to her so she could fix.

B. September 19, 2023 – There were some amendments that were corrected. Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the meeting minutes of September 19, 2023, as amended.

Roll Call Vote: 4-0

Board Member Curley recalled an announcement and explained to the board the Seashore advisory board has been appointed and are still waiting to hold their first meeting. As of the 1st of September, the appointments have been made. Chai Carboni asked who was appointed. Curley explained that appointments are made by the secretary of the interior the two in Wellfleet were Lili Ann Green and Wayne clough.

XI. Adjournment

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

Roll Call Vote: 4-0

Meeting Adjourned: 9:40pm

***** Public Documents*****

Applications for use of town property

Della Spring

Deirdra Oringer

Brian Friedman

Letter to the interim National Seashore Superintendent

Comments from Wellfleet families and Teachers thanking Mary Beth Rodman for her service

Presentation from Stantec, Mass DOT regarding Route 6 Projects and night work approval

95 Lawrence Phase 1 and I/A Program documents

90 Freeman Ave paperwork for transferal of 90 Freeman Ave.

Regulatory Agreement for Habitat for Humanity Old King's Highway Project

Wellfleet Scholarship Program information

Memorial Brick information and letter to the board.

Vacancy Report

Meeting Minutes

September 5, 2023

September 19, 2023

Wellfleet Selectboard
Tuesday October 17, 2023; 7pm
Hybrid Meeting: 715 Old King's Highway & Zoom
Meeting Minutes

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

Others Present: Rich Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Nancy Civetta, Shellfish Constable; Kevin LaRocco, Acting Police Chief; Christa Drew, Herring River Restoration Project; Carole Ridley, Herring River Restoration Project; Katy Cushman, Applicant for Board of Health; Scott Horsley, Consultant for Water Shed Permit; Dan Silverman, Moderator; Chris Merl, Brad Morse; Diane Brunt, Melissa Yow, Helen Miranda Wilson, Stephen Pickard

Chair Carboni Called the meeting to order at 7:02pm

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.

Sayre thanked the people who voted for him. He stated he is open and available for comments and discussion with residents.

Curley thanked the police department, fire department and town staff that contributed to the Oysterfest.

Wolf also thanked the vendors of the fest.

Chair Carboni announced there was a trunk or treat being held at the drive in on Halloween.

Morse spoke to the board and public announcing that he attended the Orleans town meeting the previous night. It stated that there were a lot of towns spent on the article regarding pesticides.

Kevin McMahon announced submissions for the beach sticker photos are being accepted. Applications are on the town's website. The theme of this year's sticker is "Wellfleet Doors".

Myrle's letter was in the selectboard's packet for the record, and he spoke to the board regarding his letter about the Deputy Shellfish Constable, he questioned how concerns are addressed.

Hughes spoke to the board about the five complaints that he has filed.

Chair Carboni stated that this is something that will be investigated, and a process will need to be established.

Brunt stated that she would like to speak after Merl read his letter. Merl read his letter into the record, which stated that he had concerns about the full-time deputy shellfish constable full time hire.

Brunt came before the board stating she felt that there was lack of transparency, and sneaky.

II. *Town Meeting Update*

A. Town Moderator will give an update on town meeting ~ Daniel Silverman
Silverman came to the table; giving a full recap of the fall town meeting that was held on September 18, 2023. He spoke about the support of the meeting being at night rather than a Saturday morning. He spoke about the success of childcare. He thanked Suzanne Thomas who put together the childcare for the town meeting, and the recreation department for allowing their room to be used. He stated that he continues to recommend the town meetings be split into two, one in the spring and one in the fall. Allowing the zoning bylaws that aren't crucial at the fall town meeting. He spoke about changing the charter and having both meetings be a part of the annual town meeting. He also suggested that if there is a regular fall town meeting, he suggested in late October, allowing both meetings to be six months apart. He spoke about the quorum. 6% is the current quorum which equals 188 people. He spoke to the board about changing the quorum requirements. He finished speaking about the warrant and stated that the charter requires the town to send out copies of the warrant to all registered voters. Which equals 3100 people and stated that there are not that many people show up to town meeting, He suggested to have the warrants available at town public buildings. He also suggested more proof reading of the warrant. Sayre talked about secret ballots so that people could vote privately, he also brought up to much conversation about a warrant item being discussed at great length. He questioned if someone could stand up and vote to move the question. Silverman explained that yes that motion could be made. Curley spoke about the process for the board. He stated the board meets numerous times going into town meeting, he asked the board if they wanted to make an amendment to discuss it with the board beforehand. Waldo spoke to the board thanking the moderator for outlining the concerns and suggestions. He explained that the time frame of the warrant and motion booklets is so close together that it makes it very difficult to fix or amend items on the warrant and the motion booklet. He suggested that the town should consider going back to the projector instead of using the motion booklets. Silverman explained the reason they stopped the projectors was when the meetings went outside, and they didn't have a projection screen that was bright enough for outside. Silverman explained that he was against secret ballots on principal, he stated it is called open town meeting for a reason.

NO ACTION WAS TAKEN ON THIS ITEM

III. *Herring River Restoration Project* ~ **Chair Carboni recused herself from this agenda item.**

A. Approve of Sub-Award agreement with Friends of Herring River to support Herring River restoration project implementation ~ Christa Drew & Carole Ridley ~ Vice Chair Wolf took over as chair for this agenda item. Ridley was in the meeting virtually and Drew was in person. Drew explained the agenda item to the board. She explained the award for this project, stating that she was asking the board to approve and accept this award. Sayre had questions for Drew about the award, he wanted to know if friends of the Herring River

would be receiving any of the money from the grant. Drew explained that the salaries are part of the grant award.

Board Member Curley Moved; Board Member Seconded and it was voted to approve the agreement with Friends of the Herring River for access to a subaward of up to \$350,000 from the National Oceanic and Atmospheric Administration grant to ensure permit compliance and associated monitoring, data collection, and communications necessary for permit compliance, as well as other non-construction implementation support including external communications and documentation.

Roll Call Vote: 4-0-1

IV. Board/Committee Appointments and Updates

- A. Appointment of Katy Cushman to the Wellfleet Board of Health for a term of 3 years**

Cushman came before the board and there were no questions for her.

Board Member Wolf moved; Board Member Seconded and it was voted to approve the appointment of Katy Cushman to the Wellfleet board of Health for a term of three years and to be sworn in by the town clerk before voting at a meeting.

Roll Call Vote: 5-0

V. Public Hearings ~ Board Member DeVasto recused himself from all shellfish hearings.

- A. In accordance with MGL Chapter 130 Sections 52, 57, 58, 59, 60, and 62, Section 7.2. Previously Established Grants that Become Available in the Town of Wellfleet's Shellfishing Policy and Regulations and all other applicable town shellfish regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing October 17, 2023, at 7:00 p.m. to conduct lotteries for the above-listed shellfish grants. The lottery will be conducted one-by-one in the order listed above.**

Grant 851 was the first part of the lottery. Wolf read each name out loud to the board and public and dropped each name into the wooden container to be spun and names to be picked by Wolf once it was spun. There were 12 names dropped for this grant. Wolf spun the wooden tube and the name he pulled was **Devon Nunez**

The next grants that were pulled were Grant #01-06-B1, 01-06-B2, 792-B1, and 792-B2. There were 9 names for these grants. Wolf followed the same procedure for this name pulling as he did for the previous.

Grant #01-06-B1 = Daniel Ho

Grant #01-06-B2 = Raymond Rowell

Grant #792-B1 = Zack Doucette

Grant #792-B2 = Francis Travers

Chair Carboni closed the public hearing for the shellfish lottery.

Chair Carboni opened the public hearing for the shellfish transfers.

Wolf asked Civetta to explain the transfers. She explained the regulations of the shellfish department so Wolf better understood why the transfers were taking place.

- B. Chair Carboni Opened the hearing:** Application received 9/21/2023, for the transfer of shellfish grant license 01-03B consisting of three acres off Indian Neck from David Seitler and Melissa Yow to David Seitler.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the transfer of Shellfish Grant License #01-03B consisting of three acres off Indian Neck from David Seitler and Melissa Yow to David Seitler.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close this public hearing.
Roll Call Vote: 4-0-1
- C. Chair Carboni Opened the hearing:** Application received 9/21/2023, for the transfer of shellfish grant license #85-D and #85-D-A consisting of a total of three acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Todd Mindrebo, Carol A. Mindrebo, and Melissa Yow.
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to approve the transfer of Shellfish Grant License #85-D and #85-D-A consisting of a total of three acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Todd Mindrebo, Carol A. Mindrebo and Melissa Yow.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close the public hearing.
Roll Call Vote: 4-0-1
- D. Chair Carboni Opened the public hearing:** Application received 9/21/2023, for the transfer of shellfish grant license #85D-AB consisting of two acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Melissa Yow.
Board Member Wolf Moved; Board Member Curley Seconded; and it was voted to approve the transfer of Shellfish Grant License #84D-AB consisting of two acres on Indian Neck from Todd Mindrebo and Carol A. Mindrebo to Melissa Yow.
Roll Call Vote: 4-0-1
Board Member Curley Moved; Board Member Wolf Seconded; and it was voted to close the public hearing.
Roll Call Vote: 4-0-1

VI. Business

A. Deputy Shellfish Constable Position ~ Board Member Wolf

- Clarification

Chair Carboni asked Waldo to present the job description to the board and public. Waldo explained that this is a ¾ time position, there was no change in benefits or pay. He explained that there were no applicants for this position when it was first advertised because it wasn't a full-time position. He explained his discussion with the shellfish constable and that this job went in front of the selectboard as this was a position reorganization at the July 13, 2023, meeting the selectboard voted to approve this reorganization. The minutes for this meeting were approved on August 22, 2023. He stated that there needs to be

functionality in the town's departments, and he believes this position is necessary and knows there are other opinions on this. He stated there is a huge importance for the shellfish department.

There were no comments from the board.

Brunt came to the microphone, asking about the job being seasonal ¾ position. She was reminded by the chair that all questions needed to be made through the chair.

Curley asked Eldridge to read the minutes from July 13, 2023; she did so and then state the board didn't vote on this and the town administrator did this without the board's permission, Waldo differed from Curley's opinion. Curley began to become accusatory of Waldo which required Chair Carboni to hold a recess of the meeting.

The meeting resumed at 8:38pm.

Board Member Curley advanced a point of privilege and made a motion of a vote of no confidence to the chair of the selectboard Chair Carboni. No second was made.

Brunt asked for more clarification. Civetta gave all the dates of approval from the finance committee to the selectboard approval.

The conversation continued about how there was no need for this position.

Brunt explained that there was no discussion about the position. Waldo had to continuously explain how this position was approved.

Brunt asked if anyone remembered the March 27th meeting. Sayre had some remarks. Brunt continued with her complaints. Wilson commented on the position and then explained how the board weighs in on hired personnel. Merl spoke again about the position and asked about when at the town meeting was discussed. Merl asked what was approved. Pickard stated the position was never brought to the Shellfish Advisory Committee. Morse spoke to the board asking if this was a done deal with the staffing, Chair Carboni stated that this was on the agenda because Board Member Wolf asked for it to be as he was hearing a lot of concerns from the shellfish community. Johnson spoke to the board about the confusion on this position. Asking if there could have been a position for an administrative position to the constable not another deputy shellfish constable. Merl spoke to the board demanding that they stop the meeting as the people online were unable to speak. Chair Carboni spoke to the board stating she didn't have to stop the meeting.

Curley suggested that we move this item to Thursday's meeting before the executive session.

The discussion lasted over an hour, not wanting to end the meeting without a resolution.

Chair Carboni moved; Board Member Wolf Seconded; and it was voted to support the town administrator decision pending the opinion of town counsel that Waldo had the authority to increase the position.

Roll Call Vote: 3-1-1 (Curley abstained)

Sayre wants to add to an agenda how job postings are handled and want the Human Resource director to come into a meeting and explain how this all works.

- B. Update on the Town's Watershed Management Permit ~ Scott Horsley
This item had to be postponed due to a zoom issue.
- C. Intermunicipal Agreement Eastham Water Main Extension ~ Rich Waldo ~
Town Administrator.
Waldo stated that he wasn't looking for a motion for this item, he wanted to give the board a brief rundown of the agreement and the information that goes with it. The board discussed this at great length, asking questions and trying to figure out the water for the town. The board gave some amendments they would like to have made within the agreement that was before them.
Felix asked to make a comment, and Chair Carboni stated because they weren't able to take comments earlier then she felt that they shouldn't take public comments now. Felix disagreed. Curley asked Waldo if he would be willing to go to a Board of Water Commissioners meeting, Waldo had no issues with that request. He stated he would welcome there input.
Wolf and Sayre went back and forth allowing or not allowing public comment. DeVasto stated that because this is not a public hearing, not every agenda item is town meeting, the board doesn't need to take public comment on every item. He suggested they move on.
This item will be on another agenda at a future meeting.

VII. *Selectboard Reports*

- Curley attended the MMA and Cape and Islands Selectboard municipal leaders meeting. He explained who was there and what was discussed at this meeting. He continued to inform the board of a housing bond bill that will be in front of the house which will include some form of a transfer fee. Comments can be made about the housing bill to Julian Cyr.
- Sayre stated he has begun attending the lower cape workshop, he explained what the meeting entails.

VIII. *Topics for Future Discussion*

- Curley would like to get sprinklers into historic buildings that are adjacent to the water system. He gave examples of buildings that have burned down. The board discussed this topic and how they would move forward putting it on an agenda.
- DeVasto stated that the selectboard should begin to work with the board of health on sewer structuring.
- Ask Scott Horsely to talk about bylaws that he is dealing with concerning sewer districts and ideas.
- Chair Carboni stated the board needs to discuss a process on how to handle complaints, they need to figure out how to address and handle them.
- Waldo would like to make sure the sewer was on an upcoming agenda.
- Time changes for selectboard meetings from 7pm to 6pm
- Charging for all parking for the oyster festival

IX. *Vacancy Reports*

- Please see the selectboard packet for the vacancy report.

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

X. Minutes ~ *These were continued to November 7, 2023*

A. September 5, 2023, amended.

B. October 3, 2023.

XI. Adjournment

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

Roll Call Vote: 5-0

Meeting adjourned at 11:02pm

Public Documents

Town Meeting Update ~ Dan Silverman

Award Documents from the Herring River Restoration Project

Application from Katy Cushman to be appointed to the Board of Health

Shellfish Lottery paperwork

Shellfish Grant Transfer Paperwork

Documents regarding the full time Deputy Shellfish Constable Position

Vacancy Report

Meeting Minutes: September 5, 2023; October 3, 2023

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

DRAFT

***Wellfleet Selectboard
Wednesday October 25, 2023; 4pm
300 Main Street Wellfleet, MA 02645
Town Hall Basement Conference Room
Working Meeting Minutes***

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

Others Present: Rich Waldo, Town Administrator; Silvio Genao, Assistant town administrator; Rebekah Eldridge, Executive Assistant.

Chair Carboni called the working meeting to order at 4:01pm.

There were no public comments being taken at this meeting, with no public participation.

Chair Carboni stated to the participants that this is a recording but wouldn't be on video.

Curley brought up his issue with the meeting not being recorded on video and the time of the meeting.

I. Complaint Process

- The Board will work to construct a process for complaints filed and the process that will take place.
- Chair Carboni asked Waldo to explain the complaint progress to the board. Waldo gave a background on the complaint forms and stated that he worked with the IT staff to get the online form able to be filled out and submitted directly to the town administration staff.

He explained that other complaints come in to the selectboard and or mailed into the town administration. He stated the complaints range from dark sky compliance to conduct of staff and board members.

He continued stating that there are other complaints that rise to just a complaint which follows along the lines of what he said, she said which he stated is his concern on how to handle and follow through with. He stated when they are addressed to the Selectboard in general he will bring it to the board.

Curley interrupted the meeting stating that the board wasn't following the media policy. Eldridge asked why Curley didn't say anything when the meeting was scheduled, and an argument ensued.

Chair Carboni noted Curley's complaint and objection.

She continued the meeting asking board members their opinion on how they feel these complaints should be handled. Sayre spoke to the board and asked Waldo if he was responding to a majority of the complaints within the 30 days, Waldo stated he does his best to get those completed. Curley stated it depends on the basis of the complaint.

Chair Carboni stated there needs to be somewhat of a process. Wolf stated that there is a test case, he stated his own violation against a staff member and how it

was handled. The assistant town administrator at the time handled the incident as she was holding the role of human resource director at the time. DeVasto stated that he feels if a response is required, and a formal complaint has been submitted the town administrator can use a written response. Keeping the complaint on file is something that needs to be stated. All complaints need to be acknowledged. Curley asked if there was an automated receipt or response sent to the person sending in the complaint. Waldo stated he wasn't sure; Eldridge submitted a request to Civic Plus at that time to get a response up and ready to be sent in response to complaints from residents moving forward.

The board moved on to the merit of a complaint. They discussed this for a while. Curley stated that individuals are mainly discussed and brought up activities of the town that may need to be brought to the selectboard. He gave the hole in the pier as an example. DeVasto stated the town administrator needs to have discretion. Waldo stated he is still figuring out how to handle certain situations. The town administrator screens the complaints and sends certain complaints to department heads, and if he feels it is a policy issue it will come before the board as an agenda item.

Complaint about a board member; Chair Carboni asked what the expectation is from the board regarding this. Waldo stated he was uncomfortable with not bringing certain complaints to the board as the board may disagree with him and he doesn't want to be scrutinized.

Genao spoke to the board stating in his experience appointed and elected members of board and committees, and town employees fall under different criteria. He stated contracted employees follow an employee manual. He stated he agreed with Waldo, they are not policy makers. He stated it is important to keep the groups separate. The merit of a complaint needs to be merited, in order to move forward. The board continued to discuss how the complaints should be filed and considered.

II. Structure of meeting/public comment

- The board will discuss a process for public comments at their regular meetings. Chair Carboni moved on to the next item; she stated she wanted to talk to the board because sometimes the length of public comments at a meeting are long and can make the meeting go longer than necessary. DeVasto spoke stating the board has always taken public comments, but he stated there is a time when the board doesn't need to allow comments on everything. HE stated the town has public hearings where the public is allowed to speak but every other week it feels like there is a public forum and not constructive. The board discussed when to allow public comments and how long a person can speak and then how many times each person can speak. Curley read what he presented to the board on June 20, 2023. Sayre stated he believes that people should be able to speak for 3 minutes. He continued explaining that he believes that 2 minutes is too short. The board continued discussing comments and how and when to stop them. It was suggested that in the boards meeting postings there could be a link for people to submit

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comments, from people that can't attend or are concerned their voices aren't being heard.

Three minutes was agreed upon and limiting the amount of times a person can speak. Allowing everyone to speak before someone comes back for a second time.

III. Pesticide Policy

- The board will discuss a policy on pesticides for the town.
- Chair Carboni spoke to this policy and stated that there is a policy on pesticides that was constructed years ago. She gave Orleans pesticide policy for the board to look over and decide how they want to proceed further with a more in-depth policy regarding pesticides. DeVasto stated the town should be using organic fertilizer. The board discussed this issue and using pesticides can contaminate water and the ground. Chair Carboni talked about legislation going through to allow towns to use discretion.

The board will continue to discuss this in the future.

Board Member Wolf Moved; Board Member Sayre Seconded; and it was voted to adjourn.

Roll Call Vote: 5-0

The meeting adjourned the working meeting at 5:51pm

****** Public Documents ******

Town of Wellfleet Code of Conduct Policy

Town of Wellfleet Pesticide Policy

Town of Orleans Pesticide Policy

Town of Truro citizen complaint policy



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: November 7, 2023

X

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 _____ |