



## Wellfleet Selectboard

**Note: Start Time of 7pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, July 9, 2019, at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667.** *It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.*

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

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

**II. Appointments**

- A. Appoint Planning Board Rep to Local Comp. Planning Committee-Bonnie Shepard**
- B. Full Time Police Officer Appointment – Michael D. Allen**
- C. Shellfish Advisory Board – Thomas Siggia and David Seitler**
- D. Zoning Board of Appeals – Trevor Pontbriand**
- E. Cultural Council – Madeleine Entel and Michele Olem**

**III. Use of Town Property**

- A. White Crest Beach – Katherine Weeks/Sugar Surf Cape Cod**
- B. Various Locations – Big Wave Productions/Discovery Channel**

**IV. Business**

- A. New Selectboard Policy – Municipal Plastic Bottle Reduction Policy**
- B. Rental Assistance Fund Request**
- C. Shellfish Industry letter of support**
- D. Approval of End of Year Budget Transfers [Town Administrator]**
- E. Selectboard FY 2020 Goals [Chair]**
- F. Employee Contracts [Town Administrator]**
  - a) Town Treasurer
  - b) Town Collector

**V. Selectboard Reports**

**VI. Town Administrator's Report**

**VII. Topics for Future Discussion**

**VIII. Correspondence and Vacancy Report**

**IX. Minutes**

- A. June 21, 2019 – Work Meeting**
- B. June 25, 2019 – Regular Meeting**

**X. Adjournment**





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

II

### APPOINTMENTS – A

<b>REQUESTED BY:</b>	Town Administrator
<b>DESIRED ACTION:</b>	Appoint Planning Board Rep to Local Comprehensive Planning Committee – Bonnie Shepard
<b>PROPOSED MOTION:</b>	I move to appoint Bonnie Shepard as the Planning Board representative to the Local Comprehensive Planning Committee.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

II

### APPOINTMENTS – B

<b>REQUESTED BY:</b>	<b>Police Chief</b>
<b>DESIRED ACTION:</b>	<b>Full Time Police Officer Appointment – Michael D. Allen</b>
<b>PROPOSED MOTION:</b>	<b>I move to appoint Michael D. Allen as a Full Time Police Officer from September 1, 2019 through August 31, 2020.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



Town of Wellfleet  
Police Department

July 1, 2019

To: Board of Selectmen  
From: Chief Ronald L. Fisette

Subject: FULL TIME POLICE OFFICER APPOINTMENT

I request Michael D. Allen be appointed as a Full Time Police Officer, from September 01, 2019 through August 31, 2020 (the exact start date to be determined). Mr. Allen will be filling my position with my upcoming retirement. Mr. Allen will need to attend a 20+ week Full Time Police Officer Academy (tentatively looking at the Plymouth Police Academy, start date October 2019).


**Michael D. Allen (Wellfleet Special Police Officer 2019, Community Service Officer 2018):**

Physical	In Progress
Physical Agility Test	In Progress
Police Academy Application	In Progress
Background Check	In Progress
Psychological Evaluation	In Progress

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

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

Respectfully submitted for your information and consideration.



Ronald L. Fisette  
Chief of Police

cc: Dan Hoort, Town Administrator

Police Officer Position; Full Time [  ] Part Time [  ]  
 Communications Position; Full Time [  ] Part Time [  ]

## WELLFLEET POLICE DEPARTMENT SUMMARY SHEET OF APPLICANT'S INFORMATION

Applicant's Name: Allen Michael D.  
(Last) (First) (Middle)

**The following information is a summary of information provided as part of a 10 page application packet. The entire application is available for your review if you so desire.**

### I PERSONAL HISTORY

Address:

(Number & Street)  
Sandwich MA 02563  
(City/Town) (State) (Zip)

### II EDUCATION

	School Name, Address and Phone Number	Graduated Yes/No	Number of Years Attended	Degree	Major
High School	Sandwich High School 365 Quaker Meeting House Road Sandwich, MA 02537	Yes	4	Diploma	
Undergraduate	Westfield State University 577 Western Avenue Westfield, MA 01086	Yes	4	B.S.	Criminal Justice
Graduate					
Other					

- b. Have you attended or are attending a Reserve Police Academy? Yes [  ] No [  ] If yes, give details to include completion date: Plymouth Police Academy 2019
- c. Have you attended or are attending a Full Time Police Academy? Yes [  ] No [  ] If yes, give details to include completion date: \_\_\_\_\_
- d. Do you have a First Responder certificate? Yes [  ] No [  ] Exp. Date: 9/2021
- e. Do you have a CPR certificate? Yes [  ] No [  ] Exp. Date: 9/2021



- f. List any special abilities, interests, sports or hobbies along with degrees of proficiency:  
EMT Training, College / National level wrestler, semi-pro rugby
- g. List any special equipment or computer systems with which you have experience.  
Microsoft Office (and similar)

**III EMPLOYMENT HISTORY**

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
05/2018	N/A	Wellfleet Police Department 36 Gross Hill Road Wellfleet, MA 02667 Relief Dispatcher			Ronald L. Fisette Police Chief
Reason for Leaving: N/A					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
05/2018	9/2018	Wellfleet Police Department 36 Gross Hill Road Wellfleet, MA 02667 Community Service Officer			Ronald L. Fisette Police Chief
Reason for Leaving: Seasonal position					

Dates		Name, Address and Telephone of Employment	Rates of Pay		Supervisor's Name and Title
From Mo./Yr.	To Mo./Yr.		Start	Finish	
Reason for Leaving:					

- b. Have you ever been disciplined or forced to resign because of misconduct or unsatisfactory employment? Yes [ ] No [ XX ] If yes, give details:  
 \_\_\_\_\_
- c. Are you eligible for rehire with each of your former employers? Yes [ XX ] No [ ] If no, please explain: \_\_\_\_\_





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 9, 2019



## APPOINTMENTS – C

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>Appointment of Thomas Siggia and David Seitler to the Shellfish Advisory Board</b>
<b>PROPOSED MOTION:</b>	<b>I move to appoint Thomas Siggia and David Seitler as regular members to the Shellfish Advisory Board.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

◆ **STM 1996, Art. 12 [voice vote]**

To see if the Town will vote to amend Article 38 of the February 23, 1965 Annual Town Meeting by changing the language to read as follows:

To see if the Town will vote to appoint a committee of five members to serve as a Shellfish Advisory Board to the Selectmen and to make a study of existing shellfish conditions and TO ADVISE RELATIVE TO ANY plan for improvement and development of the industry, take any action.

Voted: Unanimous voice to amend the action taken under Article 38 of the February 23, 1965 Annual Town Meeting by inserting the words "to advise relative to any" so that that amended sentence shall read... "to ervice as a Shellfish Advisory Board to the Selectmen and to make a study of existing shellfish conditions and to advise relative to any plan for future improvement and development of the industry". The remainder of Article 38 of the February 23, 1965 Annual Town Meeting as amended remain as voted.

◆ **STM 1999, Art. 28 [voice vote as printed]**

To see if the Town will vote to increase the membership of the Shellfish Advisory Committee from five regular members to seven regular members plus two alternate members.





**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 THOMAS SIGGIA Date 6/12/2019

Mailing Address 325 Paiva Hollow Rd  
Wellfleet, MA 02667

Phone (Home) \_\_\_\_\_ (cell) 518-935-3093

E-mail TSIGGIA@GMAIL.COM

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: IB4 VP Retired,

Volunteer AT AIM Thrift shop, Oysterfest - manage Merchandise  
Volunteer w/ JOHN M & his propagation efforts  
246 Community kitchen volunteer

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

B.S. Siena College  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Committees/Boards of Interest: 1) ON SAB as an ALTERNATE member since 20  
2) would like to be consider for a permanent  
3) positi - voting member

Also on Historical Committee +  
CPC.

Thank you  
TSIGGIA





**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 David Seidler Date 6/25/19

Mailing Address P.O. Box 1231  
Wellfleet MA 02667

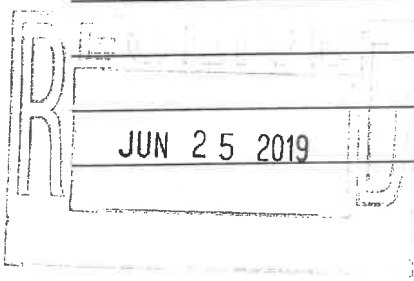
Phone (Home) 774-722-2840 (cell) " "

E-mail dave\_cape\_wave@yahoo.com  
underscores

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



- Committees/Boards of Interest: 1) Move from Alt to Regular  
2) on SAB  
3) \_\_\_\_\_







**BOARD OF SELECTMEN**

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019



**APPOINTMENTS – D**

<b>REQUESTED BY:</b>	Principal Clerk
<b>DESIRED ACTION:</b>	Appointment of Trevor Pontbriand to the Zoning Board of Appeals
<b>PROPOSED MOTION:</b>	I move to appoint Trevor Pontbriand as a regular member to the Zoning Board of Appeals.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**ATM 1957, Art. 36, Sec. 5**

**CHARTER Chapter 8 Section 4 - Zoning Board of Appeals**

**8-4-1** A Zoning Board of Appeals of five members and four alternate members shall be appointed for three-year overlapping terms.

**8-4-2** The Board shall exercise such powers and duties as are prescribed by General Law, this Charter, and Bylaw.





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

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

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

Name TREVOR PONTBRIANO Date 6.24.19

Mailing Address 110 HOLBROOK AVE

Phone (Home) \_\_\_\_\_ (cell) 508.349.2134

E-mail PONTBRIANO @ GMAIL.COM.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

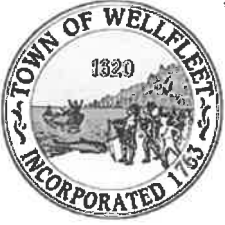
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Committees/Boards of Interest: 1) ZBA  
2) \_\_\_\_\_  
3) \_\_\_\_\_

I AM CURRENTLY AN ALTERNATE ON ZBA.  
SHARON ASKED ME TO MOVE UP TO BECOME A  
REGULAR MEMBER AS OF ROGER'S PASSING.

- TREVOR





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

II

### APPOINTMENTS – E

<b>REQUESTED BY:</b>	Principal Clerk
<b>DESIRED ACTION:</b>	Appointment of Madeleine Entel and Michele Olem to the Cultural Council
<b>PROPOSED MOTION:</b>	I move to appoint Madeleine Entel and Michele Olem to the Cultural Council for 3-year terms.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



(6/25/19)



### 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 Madeline Entel Date May 28, 2019

Mailing Address 55 Atlantic Ave  
Wellfleet MA 02667

Phone (Home) \_\_\_\_\_ (cell) 508 873-2713

E-mail madentel@comcast.net

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: was a member of the Wellfleet Cultural Council for 6 years. Am a volunteer at Preservation Hall. Am currently on the Human Service Committee and Local Housing Partnership

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.: worked as an administrator at Becker College. Experience in being a liaison between administration and faculty and students and parents

- Committees/Boards of Interest: 1) Wellfleet Cultural Council  
2) \_\_\_\_\_  
3) \_\_\_\_\_

MAY 28 2019







**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 Michele O'Leary Date 6/7/19  
Mailing Address PO Box 97  
Wellfleet 02667  
Phone (Home) \_\_\_\_\_ (cell) 508 498 7596  
E-mail moleme.comcast.net

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

I was on the chair of the Cultural  
Council for 6 years

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 Business  
masters in Education

Committees/Boards of Interest: 1) Cultural Council  
2) \_\_\_\_\_  
3) \_\_\_\_\_





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

III

### USE OF TOWN PROPERTY – A

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>Approve the Use of White Crest Beach by Katherine Weeks/Sugar Surf Cape Cod</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of White Crest Beach during low tide from June through September by Katherine Weeks, Sugar Surf Cape Cod, subject to the conditions, if any, as listed on the application form for a fee of \$385.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667

Applicant Katherine Weeks Affiliation or Group Sugar Surf Cape Cod  
Telephone Number 508-240-4166 Mailing Address PO Box 1553  
Email address Weekskaty@gmail.com Wellfleet MA 02667  
Town Property to be used (include specific area) Oceanside Sandbar lowtide  
parking lot ocean beach  
Date(s) and hours of use: June - Sept

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.

Teach people surfing at lowtide at the ocean  
beaches. Use of parking lot, people 1-10 per lesson  
Private lesson \$85 per hr Couple \$175 3 or more  
\$65 per person, parking passes needed for instructors

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

No town services needed

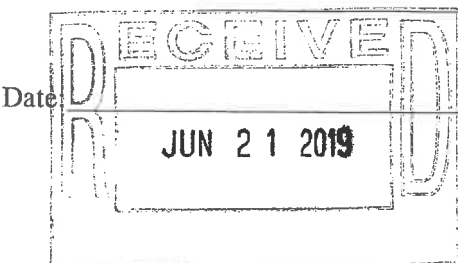
NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. 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: \$385

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> Comments/Conditions: Permits/Inspections needed:	<b>Inspector of Buildings:</b> Comments/Conditions: Permits/Inspections needed:
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<b>Police Department:</b> Comments/Conditions: OK 6/28/19	<b>Fire Department:</b> Comments/Conditions:
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<b>DPW:</b> Comments/Conditions Jan. A. Natta 6/28/19	<b>Community Services Director:</b> Comments/Conditions: 86 Thomas White Crest Only !! (870)
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<b>Harbormaster:</b> Comments/Conditions	<b>Shellfish:</b> Comments/Conditions
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<b>Recreation:</b> Comments/Conditions	<b>Town Administrator:</b> Comments/Conditions Daniel R. Hoort TOS 1 S MUL
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## BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

III

### USE OF TOWN PROPERTY - B

<b>REQUESTED BY:</b>	<b>Principal Clerk</b>
<b>DESIRED ACTION:</b>	<b>Approve the Use of Various Locations by Big Wave Productions/Discovery Channel</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the use of Newcomb Hollow Beach, Cahoon Hollow Beach, and Wellfleet Town and Harbor Areas between July 17-28 and August 18-30, 2019 by Big Wave Productions/Discovery Channel, subject to the conditions, if any, as listed on the application form for a minimum fee of \$1,000.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s): _____
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





## APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET  
300 MAIN STREET  
WELLFLEET, MA 02667

Applicant BIG WAVE PRODUCTIONS Affiliation or Group DISCOVERY CHANNEL  
Telephone Number (UK) 00 44 1243 532531 Mailing Address 156 St PANCRAS, CHICHESTER  
Email address: rhiannonburton@bigwavetv.com PO19 7SH, ENGLAND

Town Property to be used (include specific area)

### **Harbormaster Interview TBC**

255 Commercial Street, Town Pier  
Kendrick Avenue and Commercial Street  
Wellfleet, MA 02667  
United States

### **General Filming**

Newcomb Hollow Beach  
Cahoon Hollow Beach  
Wellfleet Town and Harbor Area

### **Date(s) and hours of use:**

From 17<sup>th</sup>- 28<sup>th</sup> July 19 and 18<sup>th</sup>- 30<sup>th</sup> August 19 (but expected to be 2 - 3 days maximum)

### **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.**

**Activity:** Big Wave will be filming Dr. Greg Skomal, lead scientist from the Massachusetts Marine Fisheries, tagging white sharks on the water. The plan is to deploy specialist camera tags on the backs of the sharks, and track their movements 24/7. In addition, we understand Dr. Greg Skomal has been in contact with the Harbormaster about his plans to test 2 'live' listening stations off key beaches, which could include Wellfleet. This is still in discussion. These 'live' listening stations will deliver a 'live' text when a shark goes by, which could be delivered to Dr. Skomal and the Harbor Master.

Greg already has over 100 listening stations on the seabed which 'ping' every time a shark carrying an acoustic tag passes by, but the data is not live, and only gets collected some months later. The new 'live' stations could be a big breakthrough in shark management.

We would like to interview the Harbormaster, Michael Flanagan, and beach patrols in Wellfleet on the new 'live system', and the challenges of managing the beach.

As we don't know when, or where our tagged sharks will travel this summer, we are hoping to have a reasonably flexible permit that would enable us to film general views in Wellfleet town and on the local beaches, if our tagged sharks swim past. Any filming of individuals would be with prior consent.

For more information please contact: Dr. Greg Skomal - (508) 742-9745 [gregory.skomal@mass.gov](mailto:gregory.skomal@mass.gov)  
Dr Skomal reviews the script and final film.

**No of persons involved:** small documentary film crew of up to 4 persons including cameraman, director & production assistant and Dr. Greg Skomal.

**Equipment to be used:** small, handheld FS7 camera, and tripod. No cables. Drone if permission is possible with our licensed drone operator

**Parking Arrangements/ Food beverage:** up to 2 cars, using carpark available. No Food/ Beverage requirements

**Fees charged by applicant - No**

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

NONE NEEDED

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

Action by the Board of Selectmen:

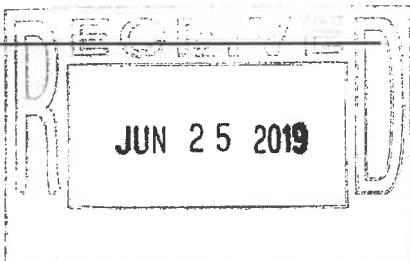
\_\_\_\_\_ Proof of Insurance Required

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

Date:



Processing Fee: \_\_\_\_\_ \$50.00

Fee: \_\_\_\_\_ \$ 1,000. MINIMUM

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b>  Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> <i>off</i> 7/01/19 Comments/Conditions:  O.K.	<b>Fire Department:</b> 7/2/19 Comments/Conditions: <i>at</i> <i>MB</i>
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<b>DPW:</b> <i>Jan R. Nantz</i> 6/28/19 Comments/Conditions	<b>Community Services Director:</b> <i>This should have a fee of at least \$600</i> Comments/Conditions: <i>at least \$1000.00</i> <i>JG Thomas</i>
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<b>Harbormaster:</b> <i>Michael Hawes</i> Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
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<b>Recreation:</b>  Comments/Conditions	<b>Town Administrator:</b> <i>Paul R. Hoort</i> Comments/Conditions
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85-17000



## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

IV

### BUSINESS – A

<b>REQUESTED BY:</b>	<b>Recycling Committee</b>
<b>DESIRED ACTION:</b>	<b>New Selectboard Policy – Municipal Plastic Bottle Reduction Policy</b>
<b>PROPOSED MOTION:</b>	<b>I move that the Board vote that the policy recommended by the Recycling Committee and 2019 Annual Town Meeting voters through Article 46 is worthy of formulation as a policy according to the Selectboard's Policy on Policy and that the Town Administrator be directed to send it to department heads and other appropriate members of Town government for review and comment.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



**ARTICLE 46: Petitioned Article; Municipal Plastic Bottle Reduction Policy.**

To see if the Town will vote to recommend the adoption of a Municipal Plastic Bottle Reduction policy as follows:

**PROPOSED POLICY:**

Plastic is a known human health hazard based on the fact that it cannot biodegrade and enters the human food chain. Further, plastic production relies on non-renewable fossil fuel resources and creates toxic emissions at the point of production, recycling, and incineration-based waste disposal. Also, there is evidence that hormone-like chemicals within plastic leach into 'bottled beverages, thereby presenting yet another entry point for adverse health consequences. Avoidance of plastic circumvents the hazards associated with its manufacture, use, and disposal.

In order to protect human health, wildlife, and the environment from plastic pollution, and serve as a model for organizations, businesses, and residents, this policy prohibits the Town of Wellfleet from procuring or distributing single-use plastic bottles or cups containing water or any other beverage.

A single-use plastic bottle or cup is a beverage container of any size made from any type of plastic resin, may contain recycled material, and may be sold as recyclable, biodegradable, or compostable.

This policy does not apply during a declaration of an emergency adversely affecting the availability and/or quality of drinking water by the Town, Commonwealth, or United States. This Selectboard policy excludes all town departments when engaged in public safety operations. This policy may be temporarily waived by the Selectboard for a specific circumstance where there is no viable alternative to single-use plastic containers.







## BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

IV

### BUSINESS – B

<b>REQUESTED BY:</b>	<b>Wellfleet Housing Authority</b>
<b>DESIRED ACTION:</b>	<b>Rental Assistance Fund Request</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the transfer of \$25,000 to the CPA Housing Now Fund to fund the Rental Assistance Program.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## Wellfleet Housing Authority

To: Wellfleet Select Board  
From: Elaine McIlroy, Wellfleet Housing Authority  
Date: June 14, 2019  
Re: Funding Request

Several years ago Paul Pilcher encouraged the Housing Authority to request \$25,000 from the CDBG Funds the Town has from the Rehab grant program income (PI) to supplement our Rental Assistance Program. At that time, use of these funds was restricted to housing and economic development. Our request for \$25,000 from these funds was approved by the Select Board. We have now expended all those funds and our CPA grant for rental assistance is going to run out before we can request funding in the next CPA round.

Per Alice Boyd, restrictions on the use of these funds have changed and these funds are now Miscellaneous Income (MI) for the Town to use however it chooses. The Housing Authority would like to request that \$25,000 from these funds be transferred to the CPA Housing Now Fund that the WHA has to pay rental subsidies.

The Rental Assistance Program provides assistance for up to three years. The subsidies given fund up to \$400 a month for single people and up to \$800 a month for families. These subsidies are paid directly to landlords to bring rental rates down to an affordable level for income qualified applicants. Applicants are expected to pay 30% of their income toward the rent and the subsidy makes up the difference. Applicants are required to sign up for case management with the Homeless Prevention Council to receive the rental subsidy. In 2018 the WHA contracted with HPC to help administer the program, which was administered for many years by Paul Pilcher.

The Wellfleet Rental Assistance Program was first funded with Community Preservation Act Funds as a pilot program of the Wellfleet Housing Authority (WHA) in 2007. It has been consistently supported since then with CPA funds. Over 50 households have been helped to maintain their rentals at an affordable rate, providing a path for families, seniors, and people with disabilities to remain in a secure housing situation while receiving counseling and financial assistance to stabilize their living situation. The majority of the people who have received assistance are single parent families and seniors living alone.

There is no other program available to our community that provides this level of crucial financial support. Thank you for your consideration of this request.

Cc: Dan Hoort, Town Administrator



# **SUPPORT THE WELLFLEET BUY DOWN PROGRAM**

## ***Making homes affordable to sustain and support our Community***

The **Buy Down Program**, offered by your Housing Authority, has been giving grants to help qualified first-time home buyers of moderate means to purchase a home of their own – in Wellfleet. The program only applies to existing homes in Town; *no new building or impact on neighborhoods!* Plus, all the homes are deed restricted so they will stay affordable forever.

We are now working on our 7th Buy Down home – **so far, all six prior homes have gone to young people!** They include families with children, a teacher, shellfishing men and women, a Town employee, people working for local nonprofits, a graphic designer and a chef. But to continue this great program, *we need your financial support.*

Please **GIVE** to the **Wellfleet Affordable Housing Trust Fund**. Make your tax-deductible contribution payable to *Wellfleet Affordable Housing Trust Fund* and mail separately from your tax bill to: Wellfleet Housing Authority, 300 Main Street, Wellfleet, MA 02667. **Thank you.**

_____	_____	_____
Name (Please print)	Mailing Address	Amount
<i>Over, please</i>		





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

IV

### BUSINESS – C

<b>REQUESTED BY:</b>	<b>Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>Shellfish Industry Letter of Support</b>
<b>PROPOSED MOTION:</b>	<b>Discussion item</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____







## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

IV

### BUSINESS – D

<b>REQUESTED BY:</b>	<b>Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>Approval of End of Year Budget Transfers</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the end of year budget transfers.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## Fiscal Year 2019 Year-end Budget Transfer Requests

<b>Amount</b>	<b>From:</b>	<b>To:</b>	<b>Reason for Request</b>
<b>\$12,000</b>	123 Town Administrator S&W Full-time Staff	123 Town Administrator Contract Services	Survey of HDYLT A Trust Property (\$15,000)
<b>\$5,200</b>	123 Town Administrator S&W Full-time Staff	124 General Administration S&W Full-time Staff	Employee reclassification
<b>\$2,500</b>	123 Town Administrator Operating Expenses	124 General Administration Operating Expenses	New copier lease was more expensive
<b>\$6,500</b>	161 Town Clerk S&W Full-time Staff	135 Town Accountant S&W Full-time Staff	Vacation payout to former Town Accountant Boulos
<b>\$4,000</b>	141 Assessor Operating Expenses	141 Assessor Payroll	Part-time temporary staff to help Assessor's office implement the Residential Exemption
<b>\$11,000</b>	161 Town Clerk S&W Full-time Staff	145 Treasurer S&W Full-time staff	Vacation payout for retirement
<b>\$15,000</b>	914 Group Health Insurance Health Insurance Premiums	151 Legal Expenses	<ul style="list-style-type: none"> <li>• Legal costs related to the HDYLT A Trust purchase</li> <li>• Added cost of preparing MOU IV for the Herring River Restoration project</li> </ul>
<b>\$1,100</b>	162 Elections Payroll	162 Election Operating Expenses	Cost overage for 2019 town election counters
<b>\$15,000</b>	800 Short-term Interest	179 Shellfish S&W Full-time Staff	<ul style="list-style-type: none"> <li>• Unbudgeted payroll costs including \$4,183 for overtime, \$3,321 holiday pay and \$3,893 in vacation buyout</li> <li>• Both the Assistant Shellfish Constable and the Deputy Shellfish Constable positions were reclassified during the year.</li> </ul>
<b>\$4,000</b>	196 Consultancy	195 Town Reports	Additional costs for mailing new charter to each registered voter
<b>\$4,000</b>	241 Building Dept (\$3,000) Operating Expenses 293 Traffic Control (\$1,000)	241 Building Dept S&W Part-time	Compensation overage for electrical and plumbing inspectors



## Fiscal Year 2019 Year-end Budget Transfer Requests

Amount	From:	To:	Reason for Request
<b>\$15,980</b>	423 Snow & Ice Operating Expenses	541 Council on Aging S&W Full-time Staff	<ul style="list-style-type: none"> <li>• Employee reclassification to COA Assistant Director</li> <li>• Employee reclassification of grade level</li> </ul>
<b>\$2,500</b>	630 Recreation Operating Expenses	630 Recreation S&W Seasonal Staff	Additional 'Stop the Bleed' training for all staff in department
<b>\$49,000</b>	914 Group Health Insurance Health Insurance Premiums	699 Beach Program Payroll	<p>The Beach Program Salary and Wages is in arrears \$48,094.53. This represents:</p> <ol style="list-style-type: none"> <li>1 – pre-season expenses for processing on-line orders for Beach and Transfer Stickers</li> <li>2 – pre-season expenses for personnel to assist with the kiosks at White Crest and the telephones at the four ocean beaches</li> <li>3 – the calendar in June had five Saturdays this year so the program started on June 15th which is a week earlier than usual.</li> <li>4 – additional lifeguard hours and OT lifeguard hours for the summer of 2018</li> </ol>





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

# IV

### BUSINESS – E

<b>REQUESTED BY:</b>	<b>Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>Begin work on FY 2020 goals</b>
<b>PROPOSED MOTION:</b>	<b>Discussion item</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTE:</b>	Yea _____ Nay _____ Abstain _____





## Summary of FY 2019 Selectboard Goals

### Property and Buildings

- Develop a maintenance dredging plan (KB) (JR) (HMW)
- Town should purchase a dredge (JH)
- Decide on Shellfish Shack (KB) (JR) (HMW) (JH)
- Develop a beach parking replacement plan (KB) (JR) (HMW)
- Address town-wide parking issues (JR)
- Address Shellfish Dept office and work space needs (HMW)
- Potential property acquisition – Marina land by shellfish office (JR)
- Potential property acquisition – News Dealer property (JR) (JH)
- Expand Wellfleet Library (JH)
- Discuss Town owned land in S Wellfleet at Marconi (JH)

### Housing

- Determine feasibility of housing at 95 Lawrence Road (KB) (HMW)
- Explore “market mechanisms” for affordable/year-round rental housing (JC) (JR)
- Explore funding mechanisms to support lower income paths to home ownership (JC)
- Address Affordable Housing (JH)

### Economic Development

- Encourage new business growth in Wellfleet (JC)
- Explore pro-business policies that create and sustain jobs (JC)

### General

- Work with DPW & Arbor Committee to plant more shade trees, particularly in central district (KB) (HMW)
- Re-consider plan for Town Hall lawn (HMW)
- Phase out Pay-As-You-Throw and develop single stream recycling (KB)
- Install a transmission cell tower at northeast corner of land at the transfer station (KB)
- Appoint a new WMA (Wastewater Management Authority) to follow through on the Section 208 plan (HMW)
- A coastal management plan, to be developed by committee and the NRAB (KB)
- Pursue the Comprehensive Wastewater Committee’s recommendation for a Water Resource Director (JC)
- Have conversation with Cape Cod Commission (JH)
- Consider beach smoking ban (JH)

KB – Goals suggested by Select person Kathleen Bacon

JC – Goals suggested by Select person Justina Carlson

JH – Goals suggested by Select person Jerry Houk

JR – Goals suggested by Select person Janet Reinhart

HMW – Goals suggested by Select person Helen Miranda-Wilson





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

IV

### BUSINESS – F

<b>REQUESTED BY:</b>	<b>Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>Approval of Employee Contracts</b>
<b>PROPOSED MOTION:</b>	<b>A) I move to approve the Town Treasurer contract and authorize the Town Administrator to sign the contract.</b> <b>B) I move to approve the Town Collector contract and authorize the Town Administrator to sign the contract.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTE:</b>	Yea _____ Nay _____ Abstain _____



EMPLOYMENT AGREEMENT  
BETWEEN  
TOWN OF WELLFLEET  
AND  
MIRIAM SPENCER

THIS AGREEMENT made and entered into this 1<sup>st</sup> day of July, 2019 by and between the Town of Wellfleet, Commonwealth of Massachusetts, a municipal corporation, hereinafter called the "Town", acting by and through its Board of Selectmen, hereinafter called "Board" and Miriam Spencer, hereinafter called the "Employee."

WITNESSETH:

WHEREAS, the Town desires to employ the services of said Employee as the Treasurer of the Town of Wellfleet;

WHEREAS, it is the desire of the Board to contract for the salary and benefits of said Employee;

WHEREAS, it is the desire of the Board to retain the services of the Employee, and to provide inducement for the Employee to remain in such employment; and

WHEREAS, the Employee, agrees to accept employment as Treasurer of said Town.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

**Section I – Function and Duties of the "position".**

The Town hereby offers to employ said Employee as Treasurer of said Town, and the Employee accepts said offer. The Town Treasurer shall perform the duties specified in the Town Treasurer job description, Attachment #1, such additional duties as are imposed upon the position by law and other such duties as the Town Administrator may from time to time legally assign to the Employee.

**Section II – Term.**

This Agreement shall become effective on July 1, 2019 and shall be in full force and effect until June 30, 2022, subject to Sections III and XIV of the Agreement and subject to sufficient appropriation of funds.

**Section III – Salary and Longevity**

- A. Effective July 1, 2019 the Town agrees to pay the Employee for services rendered under this Agreement, an annual base salary of \$70,000. Salary shall be payable in regular installments at the same time as other employees of the Town are paid. Effective July 1, 2020 the base salary shall increase to \$73,000. Effective July 1, 2021 the base salary shall increase to \$76,000.
- B. Employee shall receive a longevity bonus, based on anniversary date, according to the following schedule: \$375 after five (5) years of continuous service and an additional \$50 per year for the next four years, increase to \$700 on the tenth (10<sup>th</sup>) year with an additional \$100 annually added thereafter. The longevity bonus shall be paid on the first payroll following the anniversary date to those who qualify by length of continuous service.



#### **Section IV – Termination**

- A. In the event the Employee voluntarily terminates employment with the Town before expiration of the term of this Agreement, the Employee shall give the Town one (1) month's written notice in advance, unless the parties agree otherwise. A copy of the resignation shall be filed with the Town Clerk and Town Administrator.

#### **Section V – Performance Evaluation**

The Town Administrator shall review and evaluate the performance of the Employee at least annually. Said review and evaluation shall be in accordance with the goals and objectives developed jointly by the Town Administrator and the Employee. Further, the Town Administrator shall provide the Employee with a summary written statement of the findings of the Town Administrator and provide an adequate opportunity for the Employee to discuss the evaluation with the Town Administrator.

#### **Section VI – Benefits**

- A. The Employee shall receive the following benefits: Health Insurance, Life Insurance, Vacation, Sick Leave, Holiday Leave, Bereavement Leave, Personal Leave, Jury Duty, Expenses – such as meals, mileage, tolls, parking, disability and retirement as provided for under the Town Contributory Retirement System. All benefits shall be made available upon commencement of employment with the Town and shall cease upon termination of employment with the Town, excepting only such benefits as survive by operation of law.
- B. Vacation Leave. Employee shall be entitled to vacation as specified in the Town's Personnel Manual, but not less than 15 days per year. No more than five days may be carried over from one year to the next unless agreed to by the Town Administrator.
- C. Sick Leave - Employee shall earn sick leave on the basis of one and one quarter (1¼) days for each full month of continuous employment for a total of fifteen (15) days per year.
- D. Holiday Leave – Employee shall be granted the following holidays:
- New Year's Day
  - Martin Luther King Day
  - President's Day
  - Patriots Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Columbus Day
  - Veterans Day
  - Thanksgiving Day
  - Friday after Thanksgiving
  - Christmas Day
- E. Bereavement Leave – Personnel Manual guidelines apply.
- F. Personal Leave – Two days per calendar year
- G. Jury Duty – Personnel Manual guidelines apply.





- H. Reimbursable Expenses. Mileage governed by General Bylaws, Article V, Section 2. Meal reimbursement governed by Board of Selectmen's Policy. Meal reimbursement shall not include reimbursement for alcoholic beverages. All reimbursement requests other than for mileage shall be supported by receipts.
- I. Subject to the sufficiency of appropriation, the Town Administrator may extend additional benefits to the Employee as he determines appropriate.

**Section VII – Professional Development**

- A. The Town shall pay the Employee's registration fee(s), travel and reasonable subsistence expenses to attend the Massachusetts Collectors and Treasurers Association Annual School.
- B. The Town agrees to pay for the registration, travel and reasonable subsistence expenses of the Employee for educational courses, institutes and seminars that are necessary for her professional development and for the good of the Town, subject to the prior approval of the Town Administrator.
- C. Should the Employee attend approved professional conferences, time spent at such conferences shall not be deducted from the Employee's vacation or other personal leave.

**Section VIII – Dues and Subscriptions**

- A. The Town agrees to budget and pay for the professional dues and subscriptions of the Employee necessary for membership in any organizations deemed necessary and desirable for her continued professional participation, and for the good of the Town provided that the Town Administrator will first review and approve such additional dues and subscriptions.

**Section IX – Indemnification**

- A. The Town shall defend, save harmless and indemnify the Employee against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of her duties as Town Treasurer, provided that the Employee has acted in good faith, without gross negligence or misconduct and within the authority of her position as Town Treasurer, even if said claim has been made following termination from employment. The Employee shall be indemnified in accordance with the provisions of Section 13 of Chapter 258 of the General Laws. The Employee agrees to promptly notify the Town of any such claim and to cooperate fully with Counsel designated by the Town to handle such claim. The Town may obtain such insurance to cover its obligations hereunder as it deems appropriate.
- B. The Town shall reimburse the Employee for reasonable attorney's fees and costs incurred by the Employee in connection with such claims or suits arising out of the Employee acting in the Employee's professional capacity.
- C. This section shall survive the termination of this Agreement.

**Section X – Bonding**

The Town shall bear the full cost of any fidelity or other bonds required of the Employee.







IN WITNESS WHEREOF, the Town of Wellfleet, Massachusetts, has caused this Agreement to be signed and executed on its behalf by its Town Administrator, duly authorized by its Selectboard, and the Employee has signed and executed this Agreement, both in duplicate, the day and first above written.

TOWN OF WELLFLEET

EMPLOYEE

---

Daniel R. Hoort  
Town Administrator



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Miriam Spencer  
Town Treasurer



EMPLOYMENT AGREEMENT  
BETWEEN  
TOWN OF WELLFLEET  
AND  
KAREN MURPHY

THIS AGREEMENT made and entered into this 1<sup>st</sup> day of July, 2019 by and between the Town of Wellfleet, Commonwealth of Massachusetts, a municipal corporation, hereinafter called the "Town", acting by and through its Board of Selectmen, hereinafter called "Board" and Karen Murphy, hereinafter called the "Employee."

WITNESSETH:

WHEREAS, the Town desires to employ the services of said Employee as the Collector of the Town of Wellfleet;

WHEREAS, it is the desire of the Board to contract for the salary and benefits of said Employee;

WHEREAS, it is the desire of the Board to retain the services of the Employee, and to provide inducement for the Employee to remain in such employment; and

WHEREAS, the Employee, agrees to accept employment as Collector of said Town.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

**Section I – Function and Duties of the "position".**

The Town hereby offers to employ said Employee as Collector of said Town, and the Employee accepts said offer. The Town Collector shall perform the duties specified in the Town Collector job description, Attachment #1, such additional duties as are imposed upon the position by law and other such duties as the Town Administrator may from time to time legally assign to the Employee.

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#### **Section IV – Termination**

- A. In the event the Employee voluntarily terminates employment with the Town before expiration of the term of this Agreement, the Employee shall give the Town one (1) month's written notice in advance, unless the parties agree otherwise. A copy of the resignation shall be filed with the Town Clerk and Town Administrator.

#### **Section V – Performance Evaluation**

The Town Administrator shall review and evaluate the performance of the Employee at least annually. Said review and evaluation shall be in accordance with the goals and objectives developed jointly by the Town Administrator and the Employee. Further, the Town Administrator shall provide the Employee with a summary written statement of the findings of the Town Administrator and provide an adequate opportunity for the Employee to discuss the evaluation with the Town Administrator.

#### **Section VI – Benefits**

- A. The Employee shall receive the following benefits: Health Insurance, Life Insurance, Vacation, Sick Leave, Holiday Leave, Bereavement Leave, Personal Leave, Jury Duty, Expenses – such as meals, mileage, tolls, parking, disability and retirement as provided for under the Town Contributory Retirement System. All benefits shall be made available upon commencement of employment with the Town and shall cease upon termination of employment with the Town, excepting only such benefits as survive by operation of law.
- B. Vacation Leave. Employee shall be entitled to vacation as specified in the Town's Personnel Manual, but not less than 15 days per year. No more than five days may be carried over from one year to the next unless agreed to by the Town Administrator.
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  - Martin Luther King Day
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  - Patriots Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Columbus Day
  - Veterans Day
  - Thanksgiving Day
  - Friday after Thanksgiving
  - Christmas Day
- E. Bereavement Leave – Personnel Manual guidelines apply.
- F. Personal Leave – Two days per calendar year
- G. Jury Duty – Personnel Manual guidelines apply.



- H. Reimbursable Expenses. Mileage governed by General Bylaws, Article V, Section 2. Meal reimbursement governed by Board of Selectmen's Policy. Meal reimbursement shall not include reimbursement for alcoholic beverages. All reimbursement requests other than for mileage shall be supported by receipts.
- I. Subject to the sufficiency of appropriation, the Town Administrator may extend additional benefits to the Employee as he determines appropriate.

**Section VII – Professional Development**

- A. The Town shall pay the Employee's registration fee(s), travel and reasonable subsistence expenses to attend the Massachusetts Collectors and Treasurers Association Annual School.
- B. The Town agrees to pay for the registration, travel and reasonable subsistence expenses of the Employee for educational courses, institutes and seminars that are necessary for her professional development and for the good of the Town, subject to the prior approval of the Town Administrator.
- C. Should the Employee attend approved professional conferences, time spent at such conferences shall not be deducted from the Employee's vacation or other personal leave.

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- A. The Town agrees to budget and pay for the professional dues and subscriptions of the Employee necessary for membership in any organizations deemed necessary and desirable for her continued professional participation, and for the good of the Town provided that the Town Administrator will first review and approve such additional dues and subscriptions.

**Section IX – Indemnification**

- A. The Town shall defend, save harmless and indemnify the Employee against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of her duties as Town Treasurer, provided that the Employee has acted in good faith, without gross negligence or misconduct and within the authority of her position as Town Treasurer, even if said claim has been made following termination from employment. The Employee shall be indemnified in accordance with the provisions of Section 13 of Chapter 258 of the General Laws. The Employee agrees to promptly notify the Town of any such claim and to cooperate fully with Counsel designated by the Town to handle such claim. The Town may obtain such insurance to cover its obligations hereunder as it deems appropriate.
- B. The Town shall reimburse the Employee for reasonable attorney's fees and costs incurred by the Employee in connection with such claims or suits arising out of the Employee acting in the Employee's professional capacity.
- C. This section shall survive the termination of this Agreement.








IN WITNESS WHEREOF, the Town of Wellfleet, Massachusetts, has caused this Agreement to be signed and executed on its behalf by its Town Administrator, duly authorized by its Selectboard, and the Employee has signed and executed this Agreement, both in duplicate, the day and first above written.

TOWN OF WELLFLEET

EMPLOYEE

\_\_\_\_\_  
Daniel R. Hoort  
Town Administrator

  
\_\_\_\_\_  
Karen Murphy  
Town Collector







## BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

V

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## SELECTBOARD REPORTS



## BOARD OF SELECTMEN

### AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

VI

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## TOWN ADMINISTRATOR'S REPORT

This report is for the period June 22, 2019 through July 5, 2019.

1. General
  - Searching for Town Accountant
  - Begin work on educating residents on FY 2020 Affordable Housing Tax exemption
2. Fiscal Matters
  - None
3. Meetings
  - June 24 – Meeting with resident on Affordable Housing Tax exemption
  - June 25 – Meeting on insurance renewals
  - June 25 - Selectboard meeting
  - June 28 – Assistant Town Administrator interview (two interviews)
  - July 1 – Meeting with resident regarding Council on Aging programs
  - July 2 – Assistant Town Administrator interview
4. Complaints.
  - Complaint about lack of appraisal on HDYLTA Trust property.
5. Miscellaneous.
  - none
6. Personnel Matters:
  - Open position: Assistant Town Administrator (interviews in progress)
  - Open position: Town Accountant



## BOARD OF SELECTMEN

### AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

# VII

## CORRESPONDENCE AND VACANCY REPORT

### Board of Health (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

### Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
3 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

### Bylaw Committee (3 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Moderator	3 years

Requesting Appointment: No applications on file

### Cable Advisory Committee (5 members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

### Cape Cod Commission

Vacant Position	Appointing Authority	Length of Term
1 Wellfleet Rep	Board of Selectmen	2 years to complete term

Requesting Appointment: No applications on file

### Commission on Disabilities (up to 7 Members)

Vacant Positions	Appointing Authority	Length of Term
6 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

### Conservation Commission (7 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

### Council on Aging (11 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

### Cultural Council (no more than 15 Members)

Vacant Positions	Appointing Authority	Length of Term
4 Positions	Board of Selectmen	3 years

Requesting Appointment: **Two applications on file**



## BOARD OF SELECTMEN

### AGENDA ACTION REQUEST

Meeting Date: July 9, 2019

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#### **Finance Committee (9 members, 2 alternate)**

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

Requesting Appointment: No applications on file

#### **Human Rights Commission (1 Representative)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

#### **Marina Advisory Committee (7 Members, 2 Alternates)**

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	2 years

Requesting Appointment: No applications on file

#### **Natural Resources Advisory Board (At least 3 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

#### **Open Space Committee (7 Members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	1 year

Requesting Appointment: No applications on file

#### **Personnel Board (4 members + TA + FinCom Rep)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years

Requesting Appointment: No applications on file

#### **Planning Board (7 members)**

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	2 years to complete term

Requesting Appointment: No applications on file

#### **Recycling Committee (7 members)**

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	1 year to complete term

Requesting Appointment: No applications on file

#### **Shellfish Advisory Board (7 members + 2 Alternates)**

Vacant Positions	Appointing Authority	Length of Term
2 Regular Positions	Board of Selectmen	
2 Alternate Positions		3 years

Requesting Appointment: **Two applications on file**





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

# IX

### MINUTES – A

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of June 21, 2019 Work Meeting Minutes</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of the June 21, 2019 Work Meeting Minutes as amended.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

### MINUTES – B

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of June 25, 2019 Minutes</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of the June 25, 2019 Minutes as amended.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## DRAFT

**Work Meeting  
Wellfleet Selectboard Meeting  
Friday, June 21, 2019 at 1:00 PM  
Town Hall Conference Room**

**Select Board Members Present:** Chair Janet Reinhart; Helen Miranda Wilson; Kathleen Bacon; Justina Carlson

**Also Present:** Dan Hoort, Town Administrator

### **Announcements, Open Session and Public Comment**

There were no comments.

### **Review and Sign Purchase and Sale Agreement for HDYLTA Trust purchase.**

Wilson disclosed that she is the donor of the \$1 million to be used along with the Town's appropriation for the purchase of the HDYLTA property. She said the Town must reveal the identity of the donor to comply with public records requests. Wilson said she would have preferred to remain anonymous because of the painful fact is that she inherited more money she will ever be able to use when Timothy Woodman, the man whom she lived with for a very long time took his life. Wilson shared that she has been making donations to various organizations since his passing. Wilson said Wellfleet was Woodman's home base for 47 years where he served on the FinCom and as a Call Firefighter/EMT and he cared about the Town, as does she. She said she felt Woodman would have approved of the donation because it is a measure to keep everyone's taxes down and to support and stabilize the local economy in such a meaning, environmentally sound way. Wilson said that as the Selectboard began to work on informing the public of the pros and cons of the HDYLTA purchase, some people said they wanted to contribute toward the purchase, so why shouldn't she too? Wilson said she has no financial involvement in any way with the shellfishing industry, has never had a recreational or commercial shellfishing license, or have any interest in an aquaculture grant, nor does anyone in her family. Wilson said that her donation will not gain her any leverage, privilege, or benefit that she does not already enjoy. She said that as a public official, she must comply with MGL Chapter 268(a) §19(b)(3) and had planned to abstain from the purchase-and-sale agreement, and now she is formally recusing.

Hoort said that she had been in discussion with Wilson for some time. He said once the purchase-and-sale agreement is signed, Wilson's money will go into a trust. Hoort said there is money left over from the Police Station budget that was borrowed, but unexpended, and can be repurposed for a similar use. Hoort said that Bond Counsel has indicated that the leftover funding, approximately \$500,000, can be used toward the HDYLTA purchase. This means the Town would only end up borrowing \$500,000 for a \$2million purchase. Hoort said that this would have to be approved at Town Meeting in April.

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Bacon said she felt out of the loop with the HDYLTA purchase process. She said she felt the process did not go well, whether Wilson contacted Mindebro (a HDYLTA Trustee) or vice versa. Bacon said that the Board is a governing board of 5 people who should receive information at the same time. Bacon said she was astounded when Wilson called her on Thursday to inform her that she was the donor. Bacon said she felt Wilson should have recused herself from any discussions about the HDYLTA Trust purchase once she decided to be a donor.

Reinhart said that, as the Chair, she may know things ahead of time and that it is at the Selectboard meeting where official discussions take place. She said that Wilson has spoken with 2 lawyers about her donation who feel there is no conflict of interest. Hoort said he spoke with KP Law last week that Wilson should recuse herself because she has a financial interest in the transaction. He said he hadn't looked at it under those terms prior, so he informed Wilson that she should recuse herself.

Bacon said that she was speaking about previous discussions, including Town Meeting where Wilson was "championing" the passage of the Article and asked where the transparency was. Hoort said he did not disagree with her.

Carlson said that she was stunned by the generosity of this gift, a gift that means something to the livelihood of people in Wellfleet. Carlson said she hoped the Board cannot lose sight of the sacredness of honoring a death with a substantial amount of money. She said this will help so many people who work so hard for a living.

Bacon said she was not questioning the generosity or the intention of giving the gift, she was questioning the process of it. Reinhart said they were all questioning the process and she spoke with Wilson about that. Reinhart said Wilson really wanted to remain anonymous because of the emotional attachments it has brought up. She said she heard what Bacon was saying.

Carlson said this was a good day and the vote at Town Meeting was a good vote and Wellfleet is a good Town.

Audience member Ed Miller asked why Carlson was not recusing herself now, as she had previously about this matter. She said she has always had an appearance of conflict of interest, but she and her domestic partner are not married so she does not have a legal conflict of interest. She said she felt morally obligated to recuse. Carlson said now she is filling the seat to reach quorum and felt this the best decision.

Audience member Shelia Lyons asked about the list of contingencies, including an independent appraisal. She said these were to be disclosed. Lyons said she understood Wilson's gift, generosity, and love for the Town. She said there should be lessons learned for the Town from the process of this, in the interest of public trust. Lyons said an appraisal should have been done before a donation was made. Lyons asked about the status of individual grants not sold in the Trust purchase, asking if those acres are still privately owned. Hoort said the Town is purchasing the land owned by the Trust, so any land previously sold by the Trust is not included – there will



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be parcels that are privately owned. Reinhart said the number of acres was small. She said that although the process did not go in a way that everyone was comfortable with, Wilson did not do anything illegal.

Lyons said she was questioning the process and what the contingencies were, not Wilson. Reinhart said the surveyor was out on the land all week. Hoort said this was a contingency in the purchase-and-sale agreement. Lyons asked why the agreement was being signed without the appraisal. Hoort said only when the contingencies are met will the purchase-and-sale take place.

Audience member Jude Ahern asked why there was an urgency of completing the contingencies in 30 days. Carlson said the Town spoke when they voted for this purchase. Ahern asked who was doing the appraisal. Hoort said there was no requirement to tell them this

An audience member asked which percentage of property taxpayers versus voters were at Town Meeting, saying its minute. He said there was no transparency, but he was for the purchase. He asked what the big rush was. Hoort said this was not relevant to the agenda. Reinhart said the Town Meeting voters thought the purchase-and-sale agreement was good, which is why they voted for it. she said the purchase preserves a beach, saltmarsh, and way of life. The audience member said he didn't disagree and that the process for the purchase was bad.

Lyons said the Board has a fiduciary responsibility, saying this could have been done in a different way that could have protected Wilson. Lyons said she was in favor of preserving land and would have been if an appraisal showed it was worth more than \$2 million. Reinhart said the owners had an appraisal recently which was way more than what the Town was willing to pay. Lyons said the Town should have done an independent appraisal.

Carlson said the voters didn't object to the contingencies proposed at Town Meeting. Miller said he asked Hoort and Englander if they had seen the supposed appraisal and both said no. Hoort said Miller would have to show him that email because he does not recall being asked that. Ahern said the appraisal will affect everyone who is not part of the appraisal.

Hoort said there was no requirement for an appraisal to be done. He said there is a contingency that the Town will do a survey, not an appraisal because one was done previously. Hoort said Town Counsel said they did not have to do an appraisal.

Bacon asked Hoort if the Trustees were okay with the Town turning down their 3 contingencies. Hoort said yes.

Audience member Judy Wood clarified that the Town was going to spend thousands of dollars on a property that no appraisal had been done on. Hoort said an appraisal was already done previously. Wood asked if it was by the owner. Hoort said yes. An audience member said you cannot get a mortgage if you don't have an independent appraisal done. Hoort said the Town was not getting a mortgage.

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Reinhart said she acknowledged that the Town has not done an independent appraisal, so the Town will not conduct their own.

Audience members Kaycee Meyers asked if it was okay for Wilson to be voting on the matters she was involved in. Reinhart said this was already discussed and there was no conflict of interest.

Carlson moved that the Board approve the purchase-and-sale agreement for the HDYLTA land. Bacon seconded, and the motion carried 3-0.

Reinhart said she heard what everyone was saying about transparency, but she feels the Board was very careful saying

### **Adjournment**

Bacon moved to adjourn.

Carlson seconded.

Meeting was adjourned at **1:35pm.**

**DRAFT**

**Wellfleet Selectboard Meeting  
Tuesday, June 25, 2019 at 7pm  
Wellfleet Senior Center**

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

**Regrets:** Michael DeVasto

**Also Present:** Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Recreation Director Becky Rosenberg

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

**ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENT**

- Reinhart and several at the meeting reflected on the passing of Roger Putnam and his service to the Town of Wellfleet.
- Reinhart thanked Wilson for her generous gift to the Town of Wellfleet
- Wilson reminded viewers that town meeting voters and voters at the ballot box approved this purchase.
- Wilson said Barbara Austin resigned from the Shellfish Advisory Board after many years of service and should be thanked for her service.
- Wilson encouraged people to step forward to fill the Cape Cod Commission seat left vacant by Roger Putnam's passing.
- Audience member Baracas spoke up about article 13 at town meeting. He felt it was rushed and thinks the Town should do an appraisal.
- Martha Hevenor of the Cape Cod Commission invited Selectboard members to Cape Selectmen and Councilor's meeting at the One Cape summit on July 30<sup>th</sup>.
- Audience member Noble thanked the Police and Rec Departments for their assistance during the recent bike event.
- Audience member spoke of a group wanted to preserve the old shellfish shack.

**LICENSES**

***One Day Liquor Licenses on July 14 and August 4 – Wellfleet Harbor Actors Theater***

There was no discussion.

- Bacon moved to approve the applications for one day liquor licenses for Wellfleet Harbor Actors Theater on July 14, 2019 from 6 PM to 10 PM and August 4, 2019 from 4 PM to 8:30 PM.
- Carlson seconded, and the motion carried 4-0.

**APPOINTMENTS/REAPPOINTMENTS**

***Appointments to Local Comprehensive Plan Committee – Jan Plaue, Jay Norton***

Plaue and Norton were not present. Hoort said Plaue will attend the meetings on behalf of WES, in place of Principal Mary Beth Rodman and that Norton will step in as the Assistant DPW Director.

- Carlson moved to appoint Jan Plaue and Jay Norton to the Local Comprehensive Planning Committee.

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- Bacon seconded, and the motion carried 4-0.

### ***Comprehensive Wastewater Planning Committee – Ryan Curley***

Curley was not present. Wilson said she had sent Curley a great deal of literature that the Committee has been working on. She said she is very happy he has applied.

- Wilson moved to appoint Ryan Curley to the Comprehensive Wastewater Planning Committee for a term to expire on June 30, 2020.
- Carlson seconded, and the motion carried 4-0.

### ***Reappointments***

***Bike and Walkways Committee – Ned Oliver***

***Board of Assessors – Nancy Vail***

***Board of Health – Nick Picariello***

***Board of Water Commissioners – Thomas Flynn***

***Building and Needs Assessment – Jay Horowitz***

***Cable Advisory Committee – Tom Cole, Mia Baumgarten, Debra Magee, Jennifer Wertkin***

***Cape Light Compact – David Mead Fox***

***Commission on Disabilities – Fred Gentner***

***Comprehensive Wastewater Planning Committee – Curt Felix***

***Conservation Commission – Barbara Brennessel, John Cumbler***

***Council on Aging Advisory Board – Brian Quigley, Evelyn Savage, Patricia Shannon, Robin Slack***

***Cultural Council – Josie Anderson, Louise Ledkovsky, Rhonda Fowler, Judith Cumbler***

***Energy and Climate Action Committee – Robert Shapiro***

***Historical Commission – Lucas Manning***

***Local Housing Partnership – Judy Taylor***

***Marina Advisory Committee – Frederick Felix, David Stamatis, Alice Iacuessa, John Wolf, Martha Wilson***

***Natural Resources Advisory Board – Laura Hewitt, Thomas Slack***

***Open Space Committee – Bruce Hurter, Robert Jackson, John Cumbler, Thomas Slack, Lynn Southey, Fred Streams***

***Recreation Committee – Rhonda Fowler, Kerry Cox***

***Recycling Committee – Jaya Karlson, Jane Sharp***

***Registrar of Voters – Andrea Pluhar***

***Taxation Aid Committee – Manuel Smith***

***Zoning Board of Appeals – Bruce Drucker, Theodore Heyliger***

Wilson said that the two members of the Shellfish Advisory Board who are currently alternates, had not yet turned in their applications to become regular members prior to the meeting. She asked the Chair if they could be appointed tonight. Reinhart and Bacon were both opposed to appointing them at this time because their appointments were not on the agenda at the posting time.

Bacon read the list of reappointments aloud for the audience.

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- Wilson moved to reappoint the Committee and Board members as listed on the Reappointments List from the Principal Clerk to the respective committees and boards as listed for terms as listed.
- Carlson seconded, and the motion carried 4-0.

### **USE OF TOWN PROPERTY**

#### ***Town Hall Driveway on August 3 – AIM Thrift Shop***

Lydia Vivante, AIM Thrift Shop, presented the request. This is the 10<sup>th</sup> annual AIM Arts Sale, a free event. The Thrift Shop is taking donations between 10AM and 3PM Monday through Saturday.

- Wilson moved to approve the use of the Town Hall Driveway on August 3 from 8:30 to 10:30 AM, with a rain date of August 10, by the AIM Thrift Shop, subject to the conditions, if any, as listed on the application form for no fee.
- Bacon seconded, and the motion carried 4-0.

#### ***Baker Field on August 5-9, 12-16, and August 19-23 – Neal Nichols, Jr.***

Rosenberg said that Nichols was away and unavailable to come to the meeting. She provided the Board with a letter from Nichols, which she read aloud. Nichols said in his letter that he has been providing art classes since 2006, and the cost is \$30 per person. Rosenberg said that Nichols is requesting to pay a fee per person, rather than \$110/day to keep costs down.

- Bacon moved to approve the use of Baker Field by Neal Nichols, Jr. on August 5-9 from 1PM to 3PM; August 12-16 from 1PM to 3PM; and August 19-23 from 9AM to 12 NOON, subject to the conditions, if any, as listed on the application form for a fee of \$110.
- Wilson seconded, and the motion carried 4-0.

#### ***July 4<sup>th</sup> Parade Route on July 4 – Chamber of Commerce***

Lara Henry presented the request. She said it is the same route as the previous year. Reinhart said she asked Henry about throwing candy from the Board's float and Henry said that a spotter would be needed. Reinhart felt it was not necessary to throw candy, as did Bacon. Carlson said she was in favor of having candy for the kids, which swayed Reinhart and Bacon. Henry asked that any candy besides chocolate be thrown.

- Carlson moved to approve the use of the Town property for the Annual 4<sup>th</sup> of July Parade on Thursday, July 4, 2019 from 8AM to 11AM, subject to the conditions, if any, as listed on the application.
- Bacon seconded, and the motion carried 4-0.

#### ***White Crest Beach on August 4 – Jessica Vitucci***

Vitucci was not present. Reinhart noted that all the departments and committees necessary had signed off on the application. There was no discussion.

- Bacon moved to approve the use of White Crest Beach by Jessica Vitucci on Sunday, August 4, 2019 from 5:45PM to 7:15PM, subject to the conditions, if any, as listed on the application form for a fee of \$110.
- Carlson seconded, and the motion carried 4-0.

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### BUSINESS

#### *Report from the Mayo Creek Restoration Committee*

John Riehl and John Portnoy were present from the Committee. Reinhart noted that a letter from the Attorney James Marsh, representing Harborside Village, came in a few hours before the meeting and the Board did not have ample time to read through it.

Riehl said that Mayo Creek is vital to the Town in many respects. He noted an estimate, from the Comprehensive Wastewater Planning Committee, that states that the Creek Restoration has the potential to remove 2000kg of nitrogen a year. Riehl gave an overview of the group's work to date, saying they believe it is a feasible project to accomplish and they have high regard for private homeowners. Riehl said that the Committee believes they have accomplished the original goals of the Committee and asked the Board for suggestions moving forward. Riehl introduced members of the Committee who were present.

Portnoy said this is a salvage job, citing years of activity in the area. He said he believed the Town could get back 20 of the original 60 acres without harm to private property.

Bacon thanked the Committee for their work on the report. She said after reading the report, she was filled with deep regret for the actions the Town took years ago that ruined the area. Bacon noted the opportunity now, and environmental obligations, to correct that error. Wilson noted that the Committee report is coming in a timely way, because 208 Wastewater Plan funding is going to be available soon.

Carlson said she echoed Riehl and Portnoy's words and shared Bacon's concerns about the environment but saw the many concerned faces in the audience. She reassured the public that the Board was here to hear them.

Reinhart asked how long Harborside Village had been around, a resident said since 1950. Reinhart asked residents to share their concerns. Maria Hollis, along with several other residents of Harborside Village, were present. Hollis apologized for the delay in getting their Attorney's report to the Board and said they did not receive the Restoration Committee's report until June 17 and wanted time to review it.

Hollis said a sewage treatment plant was installed at the Village in 2004, which costs over \$70,000 a year to maintain. Hollis said she and her neighbors would seek litigation if their wells are disturbed in any way.

Reinhart said Hollis's questions seemed reasonable and easy to monitor. Reinhart asked Hollis if there was any reason why they would not want a marsh replenished. Hollis asked why the freshwater habitat was killed off for the saltwater. She said that for her and her neighbors it did not seem worth the money and time it would take to complete the project. Hollis also said that some flood lines cut through people's homes and she noted that they are 18 inches away from the flood plain right now.



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Portnoy listed many reasons as to why the Creek is not a healthy system currently. He said there is very little likelihood of wells being damaged because the freshwater table is higher than the saltwater of the creek. Portnoy said the water table is controlled not by Mayo Creek water levels, but by the Harbor water levels. Hollis said the monitoring wells were installed but not monitored.

Reinhart asked Riehl and Portnoy if they felt these issues could be addressed and the restoration could be accomplished. Riehl said the Committee laid out a framework and pathway, but all of the difficult hard work needs to be done next. Reinhart asked Hollis if she would love the Creek to be restored if everything worked perfectly. Hollis said she would not love it but would be in favor of it.

She said that she and her neighbors are not opposed to the project, but they do not want to be affected. Carlson asked Hollis if they would be okay if their private property concerns were met. Hollis said yes, as long as none of their private land or land use was affected. Riehl suggested a meeting with Town representatives to look at the future of the project.

David Bennett, Bennett Environmental Associates, was present on behalf of the Harborside Village residents. Bennett listed more concerns of the residents and asked that Attorney Marsh's letter, which outlines these concerns, be added to the public record.

Wilson asked the residents to read the Mayo Creek Restoration Committee's report, found on the website in the Selectboard's packet for this meeting as well as on the Committee's page. She noted that the 208 Plan requires the Town to address this area. Bennett asked the Board to be cautious when weighing the alternatives.

Bacon said that Climate Change was the elephant in the room, noting that the flood plain will change with the rising sea level. She said that she considered Harborside Village affordable housing and it cannot be lost. Bacon said she heard the concerns of the residents, but said they are getting hit from another angle sooner than they think.

There was further discussion.

- Bacon moved that the Town proceeds to initiate detailed restoration planning, with a goal of obtaining permitting approval and eventual restoration implementation.
- Wilson seconded, and the motion carried 4-0.

Hoort thanked the members of the Committee, who have served for 5 years and whose terms are expiring on June 30.

### ***Discussion of June 13<sup>th</sup> DCR Presentation and Letter in Response to Article 44***

Reinhart said she did not want any further back-and-forth on the issue of the Bike Trail project. She read aloud the charge of the Bike and Walkways Committee which is as follows:

In accordance with the Wellfleet Town Charter, the Board of Selectmen hereby establishes the Bike and Walkways Committee as an ad hoc committee with the following Charge:

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*The Bike and Walkways Committee is hereby established to consider ways to provide safe areas for biking and walking. The Board of Selectmen believes that these activities should be available seasonally and year-round as they are an important means of local transportation, are popular activities in the town, and promote good health.*

*The Bike and Walkway Committee is charged with the following tasks:*

*1. To work with the Cape Cod National Seashore, the Towns of Provincetown and Truro and the Cape Cod Commission to establish the continuation of the bike trail northward into Provincetown.*

*2. To prepare a plan for future bike and walking routes throughout the town of Wellfleet.*

Reinhart said she felt the Committee was not being helpful in providing plans for ways to improve Bike and Walkways. She said the Committee was only saying “no”. She provided suggestions to the Committee. Reinhart also said that Rebecca Brodwick Noble should have recused herself in the vote to recommend Article 44 for the Annual Town Meeting Warrant.

Wilson said the committee has been doing exactly what their charge is. Wilson has attended several Bike and Walkway Committee meetings and public meetings on the issue. She said the Committee has considered alternatives and the Committee is addressing a serious safety issue. Wilson noted that the Board voted to approve Noble to her position on the Committee with no concern for a conflict of interest.

Ned Oliver, Committee member, said the Committee would like to stop the trail from going any onto Route 6. He said the bike trail will be a good thing, but not if it goes out to the highway as DOT is proposing.

Bacon said she attended the first meeting and was pleased with the plan. She said the State seeking additional land for a parking lot seems like an added benefit. She said the Town benefits from this project, listing the possibilities of a public bathroom, picnic tables, and memorial sign for Miles Tibbetts. Bacon said the DOT was not likely going to give up the last half mile of land to create the parking lot. She said she sees the parking lot not as a terminus, but as a beginning.

Reinhart asked Oliver and the Committee to separate the DCR Bike Trail project from the DOT Bike Lane project. Oliver reiterated the Committees concern with the location of the parking lot, not the concept of a parking lot itself. He said the Committee is asking for time to find alternatives. Reinhart asked how much time. Oliver said he thought a year would be enough time.

Noble said that 1,000 cyclists go through the terminus at LeCount Hollow currently. She noted that people do go out onto Route 6 after that because they are not from here and are unaware of how dangerous it is to ride on Route 6. Reinhart suggested signage in the area to defer people from going onto the highway. Noble said she did not feel signs work, as people do not obey speed limit signs.

Wilson said the Board has asked repeatedly for a joint DOT and DCR meeting. She noted that these two agencies work together all the time. Hoort said these are two separate projects. He said the Town of Wellfleet is paying for and designing, through Stantec, a Route 6 and Main St. intersection. This design will go to the DOT who simply says whether the project is in line with



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their standards, the DOT is not designing the project.

Reinhart said she did not like the proposed letter from the Committee which requests the “halt of construction”. She said the Town wants to move forward with something.

Audience member Peter Cook said he found a letter from DCR to MEPA from December 18, 2018 which discusses the need for DOT approval of the intersection. He said the letter states that the projects are dependent upon each other.

Carlson agreed with Reinhart and suggested the Board write their own letter with politer language. She said she also did not see the urgency in writing the letter but sees the passions behind the issue.

Wilson said a petition is circulating to go to the Governor to address the issue. She said she hopes for a safe way to get from the Bridge to Provincetown.

- The Board took no action.

### ***New Selectboard Policy – Local Access Television Policy***

Dan Silverman, Town Moderator, was present to address section 2 of the proposed policy. This section discusses the taping of Annual and Special Town Meetings. Silverman’s concern was that Town Meetings are in the Moderator’s purview, not the Boards once the Board approves and closes the Warrant. He asked to remove the phrase “including Annual and Special Town Meetings”.

Reinhart said she felt that each Board and Committee should be able to choose whether or not their meetings are recorded. Hoort said the Board is not being asked to adopt the policy now, but if they did want Boards and Committees to have the option to record their meetings they would not adopt this policy. Reinhart shared a concern about taping school events and children. Carlson said there is a danger in overloading the Video on Demand channel.

Hoort said the Board will have a chance to comment on the policy after it goes to departments and committees.

Audience member Jude Ahern said the public wants all of the meetings taped. She noted the benefit to the public. Ahern was concerned with leaving the taping of Town Meeting up to the Moderator, saying that all Town Meetings should be recorded. She also noted the retention rate for videos being much less than written minutes.

Audience member Denny O’Connell asked how much it would cost to tape all the meetings. Mia Baumgarten, Cable Advisory Committee, said she and the equipment are paid through the Comcast fund, as it will be for the next 10 years. She said everything is stored on Video on Demand, DVDs, and hard drives. Baumgarten said the prohibition of the internet is prohibition of public information. Baumgarten said she does not tape people’s faces at Town Meetings out of respect for privacy. Silverman said that a Bylaw could be created to ensure all Town Meetings are recorded.

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There was further discussion.

Reinhart asked for a work meeting in the future to discuss Town Meeting procedures.

Baumgarten noted that the last Shellfish Advisory Board had 2500 viewers. Carlson said that high number of viewers could be an outlier, due to topics on the agenda. Baumgarten said all regulatory boards have over 2000 viewers per meeting. She said she would be happy to provide more data in the future.

### *Adoption of Herring River MOU IV*

This Memorandum of Understanding is between the National Park Service and the Town of Wellfleet. Wilson said the Herring River Restoration Committee has been operating for over 14 years will now be a more normal group for working on restoration projects. She said they will report to the Executive Council but will not be an official committee, they will still comply with Open Meeting Law.

Wilson discussed the section Membership and Decision Making. She was concerned with the last paragraph which says that if there is an emergency that the Town or the Park can make a unilateral decision. Wilson asked to add “both parties should make every reasonable attempt to communicate in an emergency” to the paragraph. Reinhart said it was probably good to add this. Hoort said the Town’s attorney was okay with the change, but he was waiting to hear back from the park’s attorney. Bacon asked if this would be the last MOU for the project. Wilson said yes, and that it can be amended in the future if necessary.

Audience member Laura Runkel, an abutter, suggested having an MOU between the two parties and the abutters. Carole Ridley, Project Coordinator for the Restoration Project, said the Stakeholder group was established by the Herring River Executive Council to ensure that advice of stakeholders is heard in the community. She said this group consists of 19 members, from property owners to business owners and represents concerns from recreation to shellfishing. Ridley also noted the Friends of the Herring River, which is open to the public to speak to and get further information. Ridley also said formal agreements would be written between property owners and the project to ensure safety measures once the project gets underway.

Audience member Steve Oliver asked how this MOU addressed the liability issue. Reinhart said it is the same, with the exception of Truro. Oliver said that Truro got out of the project for liability issues. Ridley said there were multiple reasons that Truro backed out of the MOU. She said that this MOU, along with MOU III, clearly states ownership. She said that Truro is ready to be a plaintiff against Wellfleet should any damages be done. Wilson said in Truro there are no structures, and that Truro got out of the project for many reasons beside liability.

Audience member Susan Baumgarten listed reasons from Truro for backing out of the project, which she obtained from Bob Weinstein, former Chair of the Truro Selectboard. Hoort said he believed that Baumgarten was speaking on behalf of himself and is no longer the Chair of the Selectboard.

Audience member Martin Nieski, an abutter, said he has not heard from anyone in regard to his

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property in years. He expressed his concerns with the project and lack of communication. Ridley said that in Phase 1, there are agreements for any property owner that requires an on-site mitigation measure on their property. Ridley says the project will be permitted as an ecological restoration project, allowing applicants to alter the existing hydrology of the land. She said the MOU has been reviewed by counsel for the Town, the Seashore, and the project management.

Bennett asked why, with expressed interest and stakeholder concerns, the MOU excludes public hearing status to provide for public interest and input. He asked how the public can participate in stakeholder meetings. Wilson said it is impractical for the Herring River Restoration Committee to operate under Open Meeting Law, when three people are needed to meet to conduct research, but that all of the information is available from those meetings. Ridley said the Executive Council is the governing body and operates under the Open Meeting Law, as does the Stakeholder group. Ridley also noted the difference between a public hearing and a public meeting.

Bennett asked about the difference between the Herring River Executive Council and the Friends of the Herring River. Reinhart said the Friends are a non-profit group for the support of the Restoration Project. Ridley said the Executive Council can take input from any organization or individual and the Friends assist with the administration of contracts and grants for the project. Bennett asked where one can find a meeting notice. Ridley said the Stakeholder group meetings are posted within the Town and on the Friends of Herring River website.

Runkel said the meetings are posted through the Friends of the Herring River website, on the Executive Council page. Audience member Gale Ferguson said she found the information on the Town website. Reinhart suggested collecting stakeholders' emails. Wilson said that anyone can contact a member of the Stakeholders group to bring an issue to their attention.

**Baumgarten provided a list of suggestions for the MOU from community members.**

- Bacon moved to adopt the Memorandum of Understanding IV between the National Park Service and the Town of Wellfleet in regard to the Herring River Restoration Project as amended.
- Wilson seconded, and the motion carried 4-0.

### **SELECTBOARD REPORTS**

There were no reports.

### **TOWN ADMINISTRATOR'S REPORT**

This report is for the period June 8, 2019 through June 21, 2019.

1. General
  - None
2. Fiscal Matters
  - None
3. Meetings
  - June 10 – Meeting with Police Chief and DPW Director to discuss citizen concern regarding Briar Lane, Holbrooke and Main Street intersection
  - June 10 – Interview Asst. Town Collector-Treasurer

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- June 11 – Interview Asst. Town Collector-Treasurer
  - June 11 – Herring River MOU IV conference call
  - June 11 – Selectboard meeting
  - June 13 – Breakfast meeting with Truro and Eastham Town Managers
  - June 13 – WEA negotiations
  - June 13 – Local Comprehensive Plan Committee meeting
  - June 13 – DCR public form on Rail Trail extension
  - June 14 – Outer Cape Health Center opening ceremony
  - June 17 – Cable Advisory Committee meeting
  - June 17 - MOU IV Conference Call
  - June 17 – Shark Mitigation Grant meeting at Seashore
  - June 18 – Community Engagement Training
  - June 19 – Dredging Task Force meeting
  - June 21 – Elementary Closing Ceremony
  - June 21 – 95 Lawrence Road task force meeting
  - June 21 – Selectboard meeting
  - June 22 – Senator Markey Town Hall forum in Dennis
4. Complaints.
- Complaint about movement of memorial bench at Long Pond.
  - Noise complaint – The Well.
5. Miscellaneous.
- none
6. Personnel Matters:
- Open position: Assistant Town Administrator (29 resumes received)
  - Open position: Town Accountant

### **TOPICS FOR FUTURE DISCUSSION**

- Reinhart and Wilson would like to see the Board have a work meeting to discuss a marijuana policy.
- Audience member Tim Sayre said Wellfleet may want to follow other states/communities who are suing the federal government to receive more funds from the Park Service.

### **CORRESPONDENCE AND VACANCY REPORT**

#### **MINUTES**

##### ***June 11, 2019 – Regular Meeting***

The minutes of June 11 were amended by Wilson and provided to Butler, who provided them to the Board.

- Wilson moved to approve the minutes of June 11, 2019 as amended.
- Carlson seconded, and the motion carried 4-0.

### **ADJOURNMENT AND EXECUTIVE SESSION**

**DRAFT**

Wilson moved to adjourn.

Bacon seconded, and the meeting adjourned at 10:23 pm.

Respectfully submitted,

Courtney Butler,  
Secretary

**Public Records Material of 6/21/19**

1. One Day Liquor License Application – Wellfleet Harbor Actors Theater
1. Reappointment List from Principal Clerk
2. Use of Town Property Applications from AIM Thrift Shop, Neal Nichols, Jr., Wellfleet Chamber of Commerce, and Jessica Vitucci
3. Report from Mayo Creek Restoration Committee
4. Letter from Attorney James Marsh re: Report from Mayo Creek Restoration Committee
5. Letter from Bike and Walkways Committee in Response to Article 44
6. New Selectboard Policy – Local Access Television Policy Draft
7. Herring River MOU IV
8. Town Administrator’s Report
9. Correspondence and Vacancy Report
10. Draft minutes for June 11, 2019





## BOARD OF SELECTMEN

AGENDA ACTION REQUEST  
Meeting Date: July 9, 2019

X

### ADJOURNMENT

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

