



Wellfleet Selectboard

Executive Session begins at 6pm
Regular Meeting begins at 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, July 23, 2019, at 6:00 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. 6:00pm Open meeting and adjourn to executive session

Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares:

1. Sexton v Town of Wellfleet.
2. Approval of Executive Session Minutes
 - a. February 12, 2019
 - b. February 26, 2019
 - c. April 9, 2019
 - d. April 18, 2019
 - e. April 22, 2019
 - f. June 11, 2019

II. 7:00pm 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.

III. Public Hearings

- A. To amend section 1, Definitions, Resident and section 6.4.7 South Lieutenant Island [Shellfish Constable]
- B. Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten-year period [Shellfish Constable]

IV. Appointments

- A. Wellfleet representative to the Cape Cod Water Protection Collaborative – Justina Carlson
- B. Wellfleet representative to Cape Cod Municipal Health Group – Treasurer Miriam Spencer

V. Use of Town Property

- A. Newcomb Hollow Beach – Gary Evangelista

VI. Business

- A. Shellfish Industry Letter of Support
- B. HDYLTA Trust Update [Town Administrator]
- C. Social Media Policy for Committees and Staff
- D. Request from Arbor Committee to Accept and Plant a Tree on Town Hall Front Lawn

VII. Selectboard Reports

VIII. Town Administrator's Report

IX. Topics for Future Discussion

X. Correspondence and Vacancy Report

XI. Minutes

- A. July 9, 2019

XII. Adjournment



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

I

EXECUTIVE SESSION – 1

REQUESTED BY:	Chair
DESIRED ACTION:	Enter into Executive Session – Pursuant to G.L. c. 30A §21(a)(3)
PROPOSED MOTION:	<p>I move to open the meeting and adjourn to Executive Session, pursuant to G.L. c. 30A §21(a)(3), to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, and reconvene in open meeting after:</p> <p>1) Sexton v Town of Wellfleet</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

I

EXECUTIVE SESSION – 2

REQUESTED BY:	Chair
DESIRED ACTION:	Approval of Executive Session Minutes
PROPOSED MOTION:	I move to approve (and release) the following Executive Session minutes, as amended: a) February 12, 2019 b) February 26, 2019 c) April 9, 2019 d) April 18, 2019 e) April 22, 2019 f) June 11, 2019
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____
ADJOURNMENT:	I move to adjourn Executive Session and reconvene in Open Meeting.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

III

PUBLIC HEARINGS – A

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Amend Section 1, Definitions, Resident and Sections 6.4.7 South Lieutenant Island
PROPOSED MOTION:	I move to amend Section 1, Definitions, Resident and Sections 6.4.7 South Lieutenant Island in the current Shellfish Regulations as proposed by the Shellfish Constable.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

RECEIVED

2019 JUL -9 A 9:36

TOWN OF WELLFLEET
PUBLIC HEARING

TOWN CLERK
TOWN OF WELLFLEET

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, July 23, 2019 at 7:00 p.m. in the Wellfleet Council on Aging to consider the following:

- To amend section 1, Definitions, Resident and section 6.4.7 South Lieutenant Island.

Recommendation of the Shellfish Constable will be available in the Administration Office.

WELLFLEET BOARD OF SELECTMEN



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: July 3, 2019
TO: Town of Wellfleet Selectboard Members
RE: Changes to Wellfleet Shellfishing Policy and Regulations

Dear Selectboard Members:

The Shellfish Advisory Board recently reviewed and recommended changes to two sections of our regulations:

1. *Definition of "Resident" to include a one-year domicile*

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

Please see attached email chain outlining consent from the Mass. Division of Marine Fisheries and positive opinion from Town Counsel. I agree and recommend.

2. *Lieutenant Island South closure from June 1 to Sept. 30 to only apply to the harvest of oysters, so that clams may continue to be harvested.*

6.4.7 South Lieutenant Island

South Lieutenant Island will be closed for the taking of **oysters shellfish** from June 1st through September 30th.

This area was closed because of the long exposure times for oysters as the tide recedes during the hottest months of vibrio season. Clams (quahogs, steamers, razors) do not have regulations on exposure time, and live under the sand, not on top. I recommend this change because it will provide business opportunities for commercial fishermen.

I would ask you to vote to amend these two regulations as proposed above.

Thank you.

Nancy Civetta, Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

Nancy Civetta

From: Carolyn M. Murray <CMurray@k-plaw.com>
Sent: Wednesday, July 3, 2019 12:45 PM
To: Nancy Civetta
Cc: Dan Hoort
Subject: RE: Wellfleet change in definitions proposal

Nancy and Dan:

You requested that I review the proposed one-year residency requirement to the definition of "Resident" within the Town's Shellfish Regulations for any potential issues or unintended consequences. In my opinion, adding the one-year residency requirement as evidence of domicile within the definition of "Resident" does not present an issue in the application of the Regulations. When amending a definition that applies to the entire set of Regulations, one must take caution that there are no unintended impacts as a result of the change.

Here, in my opinion, the practical application of the residency requirement, only impacts the eligibility requirements for commercial shellfishing licenses and aquaculture licenses, and will not impact the eligibility requirements for non-commercial shellfishing licenses. This proposed change and its effect are in line with other coastal towns such as Chatham, Orleans and Eastham, which all impose residency requirements on commercial shellfishing and/or aquaculture licenses. Please see below samples from Chatham, Orleans and Eastham:

Chatham – "SECTION 203. COMMERCIAL PERMIT REGULATIONS ... (B) No citizen of the United States of America shall be eligible for a commercial shellfish permit, unless he fills the Town of Chatham residency requirements (see separate page) and has been domiciled in the Town of Chatham for at least one year preceding the date of issuance thereof. ..."

Orleans – "§2.5) Commercial permit eligibility: Each applicant for a commercial shellfish permit shall be a resident and domiciled in the Town for a period of twelve (12) months prior to application; if at anytime the permit holder should change domicile to another town, the permit holder shall immediately notify the Shellfish Constable and the permit shall be automatically revoked and must be surrendered to the Shellfish Constable."

Eastham – "4.5 Commercial permit eligibility: No person shall be eligible to apply for a commercial shellfish permit unless he or she has been domiciled in the Town of Eastham or Orleans for six (6) months preceding the date of application. Commercial permits shall be forfeited immediately to the Natural Resources Department if the holder fails to continue his/her domicile within either municipality."

Orleans and Eastham both impose a one-year residency requirement for aquaculture licenses as well.

The difference between the above-referenced town regulations and Wellfleet's regulations is that the sample towns incorporate the one-year residency requirement into the eligibility provision of the regulation, as opposed to having a definition of Resident within the regulations, as Wellfleet has done. In my opinion, I do not see a difference in the practical application of either type of residency requirement. However, I would suggest to the Town that it may want to be more specific as to what forms of proof of domicile it would like the applicant to submit. For example, Orleans requires a minimum of three of the following for evidence of domicile:

1. A current motor vehicle driver's license;
2. A current motor vehicle excise tax bill issued by the Town;
3. A current real estate tax bill issued by the Town;
4. A current lease or rental agreement of the applicant's residence/domicile in the Town;
5. A current voter registration certificate for the Town;
6. A current listing on the Town census or list of persons;

7. Or any other documentation as approved by the Shellfish Constable.

As Wellfleet's regulations read currently, the proof of domicile to be submitted is a bit vague, "Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport."

It is my further opinion that the one-year residency requirement to establish domicile is within the Selectboard's authority under G.L. c. 130, §57 and Section 3-5-1 of the Town Charter, which permits the Selectboard, as the licensing authority within the Town, to make rules and regulations regarding the issuance of a license and to impose restrictions that are in the public interest. Lastly, in my opinion, the one-year residency requirement does not appear to conflict with Article X of the Town's General Bylaws, which govern licensing within the Town. Under Article X, delinquent payers of local fees, taxes, assessments, betterments or other municipal charges for not less than one year, may be subject to a denial, revocation, or suspension of certain licenses issued to them by the Selectboard. I do not see any inherent conflict between imposing the one-year residency requirement within the shellfish/aquaculture regulations, and the provisions of Article X, if anything, the impact of Article X, cannot be triggered until at least one year of residency has passed, making the timeline between Article X and the proposed shellfish/aquaculture regulations compatible.

Please do not hesitate to contact me should you have any further questions regarding the proposed one-year residency requirement for the Town's shellfish/aquaculture regulations.

Thank you and Happy 4th of July!

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

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From: Nancy Civetta [mailto:Nancy.Civetta@wellfleet-ma.gov]
Sent: Tuesday, July 02, 2019 2:14 PM
To: Carolyn M. Murray <CMurray@k-plaw.com>
Cc: Dan Hoort <Dan.Hoort@wellfleet-ma.gov>
Subject: FW: Wellfleet change in definitions proposal

Dear Carolyn:

Please see the email below from the state Division of Marine Fisheries – and the proposed regulation change below that. I would like to bring this in front of the Selectboard for approval next Tuesday. Do you see any problems with it? Many other coastal communities have a one-year and six-month residency requirements in order to obtain both commercial harvesting permits and shellfish aquaculture grant licenses as we are looking to reinstate here.

Please see email trail below. I appreciate your input.

Thank you,
Nancy

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

From: Hickey, Michael (FWE) <michael.hickey@state.ma.us>
Sent: Tuesday, June 25, 2019 4:02 PM
To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>; Schillaci, Christopher (FWE) <christopher.schillaci@state.ma.us>
Subject: RE: Wellfleet change in definitions proposal

Hi Nancy,

DMF has no objection to the Town of Wellfleet adding a one year durational requirement of legal residency and domicile to obtain a commercial shellfish license.

Mike

From: Nancy Civetta [<mailto:Nancy.Civetta@wellfleet-ma.gov>]
Sent: Sunday, June 23, 2019 2:22 PM
To: Hickey, Michael (FWE); Schillaci, Christopher (FWE)
Subject: Wellfleet change in definitions proposal

Hi Mike and Chris:

Wellfleet is proposing to change its regulation definitions as follows (adding in bold):

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

It seems we always used to have six months in the regs, and it dropped off. Now people would like to add it back with a one-year domicile as many other towns have in their regs.

Let me know if you have any concerns or feedback.

Thank you,
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
O: 508-349-0325
E: nancy.civetta@wellfleet-ma.gov
300 Main St.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

III

PUBLIC HEARINGS – B

REQUESTED BY:	Principal Clerk
DESIRED ACTION:	Renewal of Shellfish Grant Licenses #85-D, #85D-A, and #85-D-AB for a ten-year period
PROPOSED MOTION:	I move to renew shellfish grant licenses #85-D, #85D-A, and #85-D-AB to Indian Neck Sea Farms for a ten-year period, per recommendation of the Shellfish Constable.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

RECEIVED

2019 JUL -9 A 9 35

TOWN CLERK
TOWN OF WELFLEET

TOWN OF WELFLEET
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, July 23, 2019 at 7:00 p.m. in the Wellfleet Council on Aging to consider the following:

- Application received from Indian Neck Sea Farms to renew shellfish grant licenses #85-D, 85D-A and 85-D-AB for a ten year period.

Recommendation of the Shellfish Constable will be available in the 07/23/19 Selectman packet.

WELFLEET BOARD OF SELECTMEN



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

July 16, 2019

To: Select Board
Re: Grant Renewal Recommendation
From: Nancy Civetta, Shellfish Constable

On June 24, we received an application from Todd Mindrebo, president of Indian Neck Seafarm, Inc. to renew shellfish grant license numbers 85-D, 85-D-A and 85-D-AB on Indian Neck for a period of ten years. He is up-to-date on all of his grant fee payments, and this grant well exceeds our minimum productivity requirements. This grant's lease period expires on March 13, 2020, so the renewal will begin on March 14, 2020.

I support and recommend this renewal.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

IV

APPOINTMENTS – A

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Appointment of Wellfleet Representative to the Cape Cod Water Protection Collaborative
PROPOSED MOTION:	I move to appoint Justina Carlson as the Wellfleet Representative to the Cape Cod Water Protection Collaborative.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

IV

APPOINTMENTS - B

REQUESTED BY:	Town Administrator
DESIRED ACTION:	Appointment of Wellfleet Representative to the Cape Cod Municipal Health Group
PROPOSED MOTION:	I move to appoint Miriam Spencer as the Wellfleet Representative to the Cape Cod Municipal Health Group.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

V

USE OF TOWN PROPERTY – A

REQUESTED BY:	Principle Clerk
DESIRED ACTION:	Approval of the Use of Newcomb Hollow Beach by Gary Evangelista
PROPOSED MOTION:	I move to approve the use of Newcomb Hollow Beach by Gary Evangelista on Saturday, September 7 from 4:00 pm to 5:00 pm, subject to the conditions, if any, as listed on the application form for a fee of \$110.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTE:	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

19-29

TOWN OF WELFLEET
300 MAIN STREET
WELFLEET, MA 02667

Applicant GARY EVANGELISTA Affiliation or Group _____

Telephone Number 019 850 9685 Mailing Address 853 FULLER ST, #

Email address GARY.AMELCAR74@GMAIL.COM WLDLOW, MA, 01056

Town Property to be used (include specific area) _____

WELFLEET (NEWCOMB HOLLOW)

Date(s) and hours of use: 9/7 OR ~~9/14~~ 4:00 pm 2 hr

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.

WEDDING
30-50 guests - Reg will supply some
chairs, flowers - Archway + Remove at
the end. No Alcohol No food

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

N/A

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

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

MAY 28 2019




Date: _____



Processing Fee: \$50.00


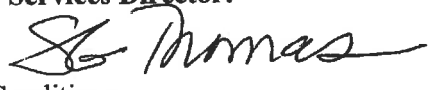
Fee: 110.00



(over)


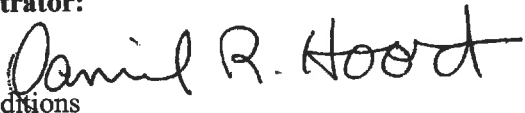
APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent:  Comments/Conditions:  Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed: 
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Police Department:  Comments/Conditions: OK 6/17 weddings will be on 9/7/2019	Fire Department: Comments/Conditions:  OK 6/25/19
--	--

DPW:  Comments/Conditions 6/28/19	Community Services Director: OK  Comments/Conditions: Responsible for all track/ equipment removal.
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Harbormaster: Comments/Conditions 	Shellfish: Comments/Conditions 
--	---

Recreation: Comments/Conditions 	Town Administrator:  Comments/Conditions 2019 6/28
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BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VI

BUSINESS – A

REQUESTED BY:	Chair
DESIRED ACTION:	Shellfish Industry Letter of Support
PROPOSED MOTION:	I move to approve the Shellfish Industry Letter of Support and authorize the Board to sign it.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTE:	Yea _____ Nay _____ Abstain _____

With regard to **H746: An Act Relative to Shellfish Aquaculture Licenses** which has now been referred to the Joint Committee on Environment, Natural Resources and Agriculture:

We protest the proposed Bill which first and foremost undermines a municipality's role as the authority which manages the use of intertidal land for shellfishing within its borders.

In Massachusetts, land use decisions are generally delegated to local boards which act under local regulations and bylaws, in compliance with State law. Because the social and environmental factors that affect land use are specific to each area, this is reasonable and practical. One size does not fit all. The language of this bill would impose a mandate on every municipality that has shellfishing as part of its economy.

At present, MGL Chapter 130, §57 and 58 do not prohibit the option of owning a license and being able to sell it, bequeath it or gift it. A municipality could allow for that in its regulations. It may be appropriate elsewhere, but we do not want this to be possible in Wellfleet. Because of the remarkable quality of the resource and size of our industry, Wellfleet has worked out how to manage what we have fairly and in an environmentally sound way, over a long period of time. It has resulted in a productive equilibrium.

Replacing the word "may" with "shall" in GL Chapter 130, §57 and 58, imposes a requirement that all licenses in the Commonwealth be owned as such, in addition to being granted by the local authority.

Ownership of a license that can be sold to anyone and then farmed by anyone who qualifies according to the criteria in our regulations, adds the additional qualification of having enough money to buy that license, *as such*. This is not possible for everyone and could result in people being priced out of a business to a greater extent than it is now. Licensees are already impacted by the weather, the environmental variability of the habitat, the market, the cost of equipment and seed, and the extreme physicality of the work.

Although money changes hands at times when a transfer occurs, the purchase of equipment, product, the purchase of a business in operation on a license, or the acceptance of an individual to be transferred onto a grant by existing licensees, happens here very much within a community of farmers who are familiar with the harbor, who know what they will be in charge of because they have been and will be there, doing it. The license cannot be inherited by anyone who isn't already committed to farming it and has therefor been transferred onto it because of that.

In these cases, formally, legally, the right to use the surveyed farm is not what is sold. This is a fine shade of difference but it's crucial in our town.

Because a grant is in a specific place, such ownership would create a situation where, really, licenses become real estate and more likely to be subject to the bidding war phenomenon that is inherit in real estate transactions. A seller would decide who the

buyer might be according to their own needs, which are not necessarily in the best interests of the fishery or the Town's goals for it.

Let §57 and 58 stay as they are. They work well. Don't fix what isn't broken.
Let any municipality who wishes to allow licenses to be sold, enact that for themselves.

Respectfully,



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VI

BUSINESS – B

REQUESTED BY:	Town Administrator
DESIRED ACTION:	HDYLTA Trust Update
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTE:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VI

BUSINESS – C

REQUESTED BY:	Chair
DESIRED ACTION:	Social Media Policy for Committees and Staff
PROPOSED MOTION:	Discussion
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTE:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VI

BUSINESS – D

REQUESTED BY:	Arbor Committee
DESIRED ACTION:	Request to Accept and Plant Tree on Town Hall Front Lawn
PROPOSED MOTION:	I move to approve/deny the request of the Arbor Committee to accept and plant an American Elm tree on the Front Lawn of Town Hall.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTE:	Yea _____ Nay _____ Abstain _____



Board of Selectmen

Request for Placement on Agenda

Name: TIM CALLIS
Address: 100 MAIN ST., WELLFLEET
Company or Organization Representing: WELLFLEET ARBOR COMMITTEE
Phone Number: 508-246-8549
Email Address: tim@timcallis.com

Specific Request: REQUESTING PERMISSION TO ACCEPTING
& PLANTING AN AMERICAN ELM TREE ON
THE FRONT LAWN OF TOWN HALL.
SHELLEY ROBINSON, A LONG TIME PART-TIME RESIDENT,
HAS GENEROUSLY DONATED THE FUNDS TO PURCHASE
& TRANSPORT A "LIBERTY" ELM TO WELLFLEET.
THE WELLFLEET ARBOR COMMITTEE WILL ORGANIZE
THE UNLOADING & PLANTING OF ^{THE} TREE. WE ARE

To be Filed out by Dept. _____

Applicant Notified: _____ Date of Hearing: _____

Date Request Completed: _____

Request for Placement on Agenda Form

09/11/06 - EGH

SUGGESTING
SITING
THE TREE
IN BACK OF
THE FIRE
HYDRANT
ON
THE SOUTHE
SECTION OF
THE LAWN.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VII

SELECTBOARD REPORTS



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

VIII

TOWN ADMINISTRATOR'S REPORT

This report is for the period July 6, 2019 through July 19, 2019.

1. General
 - Searching for Town Accountant
 - Continue educating residents on FY 2020 Affordable Housing Tax exemption
2. Fiscal Matters
 - Started FY 2021 CIP Process
 - Hired outside CPA firm to assist until we have Town Accountant
3. Meetings
 - July 8 - Assistant Town Administrator interview
 - July 9 - Selectboard meeting
 - July 10 – Discussion of direction of Mayo Creek Restoration
 - July 11 – Finance Committee meeting
 - July 15 – Housing Task Force meeting
 - July 16 – Meet with CPA firm to help us bridge until we have new Town Accountant
 - July 16 – Wastewater meeting
4. Complaints.
 - None
5. Personnel Matters:
 - Open position: Assistant Town Administrator (interviews in progress)
 - Open position: Town Accountant (interviews scheduled)



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 23, 2019

X

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
3 Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Meeting Date: July 23, 2019

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 Alternate Positions	Board of Selectmen	3 years

Requesting Appointment: No applications on file

Zoning Board of Appeals (5 members + 4 Alternates)

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

Requesting Appointment: No applications on file



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

XI

MINUTES – A

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of July 9, 2019 minutes
PROPOSED MOTION:	I move to approve the minutes of the July 9, 2019 meeting as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

DRAFT

**Wellfleet Selectboard Meeting
Tuesday, July 9, 2019 at 7pm
Wellfleet Senior Center**

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

Also Present: Town Administrator Dan Hoort; Executive Assistant Courtney Butler; Police Chief Ron Fisette; Lt. Police Chief Michael Hurley; Director of Human Services Suzanne Grout Thomas

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

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENT

- Wilson clarified her disclosure statement. She will not be in a position to respond to any questions regarding the HDYTA purchase until the money is out of escrow.
- Bacon thanked the Police and Fire Departments for the great work on the 4th of July and over the holiday weekend.
- Police Chief Fisette announced:
 - Over \$2,700 raised in the Department's Tip a Cop fundraiser at the Pearl Restaurant for the Special Olympics;
 - Animal Control Officer Desmond Keough has resigned;
 - CC Times is recognizing Wellfleet's handling of the holiday weekend crowds;
 - Kudos to entire staff for their work over the holiday weekend, no major incidents were reported.
- Beach Administrator Suzanne Grout Thomas mentioned the beach parking lots were full at 9:14am.
- Audience member Robert Costa said it would be a horrifying idea to have two-way bike traffic along Route 6.
- Audience member Dale Donovan stated Ms. Reinhart made a false statement that she had served on the Bike Committee.
- Donovan said the Board needs to re-establish the public trust.
- Audience member Jan Morrissey said she was not trying to stall the HDYLTA purchase but believes a survey of the property should be obtained.
- Carlson reminded viewers that the Board works very hard and people should consider running for elected office.
- Audience member Sheila Lyon asked about an appraisal.

APPOINTMENTS

Appoint Planning Board Rep to Local Comp. Planning Committee – Bonnie Shepard

Shepard was not present. Bacon request to postpone the appointment until the Board can speak with Shepard in person.

- Bacon moved to postpone the appointment of Bonnie Shepard to the Local Comprehensive Planning Committee.
- Reinhart seconded, and the motion carried 4-0.

DRAFT

Full Time Police Officer Appointment – Michael D. Allen

Chief Fisette shared that, after his retirement announcement, he developed a succession plan. Part of this plan included hiring an officer early enough to attend the Academy. Fisette said that the interview committee recommended Special Officer Allen be appointed as a Full Time Officer. Allen will attend the Academy in October.

Wilson asked about the timeline of Allen's start date being prior to him entering the Academy. Fisette said that while in the Academy, Allen will be on a probationary period, and will take place in other training with the Department. Fisette said this process allows the Department to use him as soon as possible and erred on the side of caution with have a September 1 start date.

Bacon said that this was a process that Truro and Provincetown do as well and that she is confident Allen will have a mentor in the Department. Bacon asked Allen where he was living, he said Eastham.

- Carlson moved to appoint Michael D. Allen as a Full Time Police Officer from September 1, 2019 through August 31, 2020.
- Bacon seconded, and the motion carried 4-0.

Shellfish Advisory Board – Thomas Siggia and David Seitler

Reinhart said that, unless there is a question from the Board, she will move all Board appointments in one motion from her on out.

Wilson requested to move this request separately.

- Wilson moved to appoint Thomas Siggia and David Seitler as regular members to the Shellfish Advisory Board.
- Carlson seconded, and the motion carried 4-0.

Zoning Board of Appeals – Trevor Pontbriand

Bacon shared that the Board received 2 letters of recommendations from Bruce Drucker and Sharon Inger. She thanked Pontbriand for his insight.

- Bacon moved to appoint Trevor Pontbriand as a regular member to the Zoning Board of Appeals for the term designated.
- Carlson seconded, and the motion carried 4-0.

Cultural Council – Madeleine Entel and Michele Olem

- Wilson moved to appoint Madeleine Entel and Michele Olem to the Cultural Council for 3-year terms.
- Carlson seconded, and the motion carried 4-0.

USE OF TOWN PROPERTY

White Crest Beach – Katherine Weeks/Sugar Surf Cape Cod

Katherine Weeks was not present and requested that her request be taken up at a later meeting.

- No action taken.

DRAFT

Various Locations – Big Wave Productions/Discovery Channel

Dr. Greg Skomal, Division of Marine Fisheries, presented the request. He said that he is conducting a lot of research on Cape Cod, both the Outer Cape and Cape Cod Bay, in an effort to get a better understanding in Great White Shark behavior. Skomal said he has worked with Big Wave Productions before and they asked him to do some filming in this area.

Reinhart shared concerns that the film may be exploitive and was glad to hear they will focus on science. Skomal said this is very important to him and the community.

Carlson shared concerns about embellishment and use of “Jaws” music. Skomal said he told Discovery Channel he would not participate if the footage ever came to that effect.

Wilson shared concerns that the production company may take away the intent of the film from Skomal. Skomal said he has worked with the company for 10 years on 9 films.

Bacon thanked Skomal for attending. Skomal said it was a pleasure to meet the Board as well and offer his office’s surfaces as well. He thanked Grout Thomas as well.

- Bacon moved to approve the use of Newcomb Hollow Beach, Cahoon Hollow Beach, and Wellfleet Town and Harbor Areas between July 17 and July 28 and August 18 and August 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.
- Bacon seconded, and the motion carried 4-0.

****DeVasto joined the meeting at this time****

BUSINESS

New Selectboard Policy – Municipal Plastic Bottle Reduction Policy

Reinhart shared the request, which was voted on at Town Meeting in April.

Bacon said the 45th annual 5K road race was run on Sunday morning, without plastic. She shared

Grout Thomas asked about the use of plastic bottles by groups using the COA who may bring plastic bottles for their audience. Bacon said the policy asks the municipality not to purchase water in plastic bottles but does not mean that people using the facilities have to abide by that. Grout Thomas thanked the DPW for the water bottle filling station and encouraged people to use them.

Wilson said she would leave it up to the Departments to determine how to handle visitor use of single use plastic bottles.

- Bacon moved 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.

DRAFT

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

Rental Assistance Fund Request

Elaine McIlroy, from the Wellfleet Housing Authority, was present and shared that the Rental Assistance Program is a really important component of the Wellfleet Housing Authority's approach to the Town's housing needs. The program has been ongoing since a 2007 pilot program, conducted with CPA funds, and has been consistently funded with those funds since.

McIlroy said that there is a 0% rental vacancy in Wellfleet and the Housing Needs Assessment shows that over 550 renters in Town are cost-burdened. Of those, 46% of renters are seniors, 21% are families, and 35% are individuals who are not seniors. McIlroy said that the funding is running out, so the Authority is submitting a request for the next Town Meeting.

Hoort said he was in support of this transfer.

DeVasto apologized for being late, his vehicle broke down. He asked if the funding received by the renters sunsets at all. McIlroy said the funding goes directly to landlords and are approved for a year, with a review at the end of that year.

Reinhart asked how much the subsidies were. Bacon said \$400-\$800. McIlroy

Bacon asked if this was a year-round program or used primarily in the winter. McIlroy said there are people who may need more help in the winter, but the majority of cases are year-round.

Carlson said she was comfortable with this transfer.

Wilson said the Homeless Prevention Council provided a fairness to cases as an outside party. McIlroy concurred.

Reinhart shared that the Wellfleet Affordable Housing Trust fund takes donations to assist members of the community and that the Eastham Brackett Road development is taking applications. McIlroy shared that their 6th Buy Down recipient is closing. She shared more about the Buy Down Program.

- Carlson moved to approve the transfer of \$25,000 to the CPA Housing Now Fund to fund the Rental Assistance Program.
- DeVasto seconded, and the motion carried 5-0.

Shellfish Industry Letter of Support

Reinhart said this will be postponed because letters have been written but not yet received by the Board.

Wilson said the bill, H746: An Act relative to shellfish aquaculture licenses is with the House now and will be for some time. She said that she spoke with Chris Schillaci who said a municipality could take up this act as legislation in their own Town.

DRAFT

Audience member Ginny Parker, from the Wellfleet Shellfish Association, asked the Board to consider reaching out to other Selectboard on the Cape to help other governing boards understand the bill.

Approval of End of Year Budget Transfers

Bacon asked about the Survey of HDYLTA Trust Property (\$15,000), under the 123 Town Administrator Contract Services account transfer. Hoort said this is consistent in other surveys the Town has conducted in the past. Hoort said he reached out to a number of appraisals who said they did not have experience appraising this type of property. He said he had reached out to people who he thought could perform the appraisal but was told that, due to the nature of the property, it was something they were not experienced in doing. Hoort said one of these contacts provided a list of names of people who may be able to conduct the appraisal and will contact them.

Wilson said that when an issue around HDYLTA comes up, without her prior knowledge, she will not leave the room but will recuse and not comment.

Bacon asked about the 151 Legal Expenses account request (\$15,000) for the HDYLTA Trust Purchase and the Herring river MOU IV preparation. Hoort said these were the legal fees for consulting with KP Law on these matters, and that the MOU IV was about \$10,000.

- Bacon moved to approve the end of year budget transfers.
- DeVasto seconded, and the motion carried 4-0, with Wilson recused.

Selectboard FY 2020 Goals

Reinhart asked the Board to comment on previous goals or what they would like to work on. Bacon asked if Houk's goals should be removed since he is no longer on the Board. Reinhart said this is preliminary and noted items that have already been completed.

Hoort said the idea is that each member will send an email to Butler or himself and assemble them for the group.

Wilson said this is a moment for the Board to give the Town Administrator a little direction on what the Board wants to focus on for the upcoming year. She said that last year, each member submitted their goals along with a summary. Wilson said she really wants to hear from individuals during the process.

Hoort said this was going to him and the entire staff to help the Selectboard reach their goals.

Employee Contracts

Hoort said these are 2 people he is really proud of. They are Wellfleet residents who stepped up to the challenge, allowing the Town to promote from within, and have thrived.

Wilson asked if there was anything in the contracts that is notably different from formers. Hoort said no, it is verbatim.

Bacon asked if the pay grade was the same. Hoort said yes, he started them at a lower rate with larger increases in year 2 and 3 once they gain experience.

DRAFT

Carlson commended Hoort for bringing nice changes to Town Hall and for these 2 staff members for their efforts.

Town Treasurer

- Wilson moved to approve the Town Treasurer contract and authorize the Town Administrator to sign the contract.
- Bacon seconded, and the motion carried 5-0.

Town Collector

- Wilson moved to approve the Town Collector contract and authorize the Town Administrator to sign the contract.
- Bacon seconded, and the motion carried 5-0.

SELECTBOARD REPORTS

- Bacon shared that on July 1, the 95 Lawrence Road Task Force met and walked the property. The purpose was to start a site plan for affordable housing. She said an engineer will be brought in to conduct this site plan.

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

Hoort said he has interviewed 4 people for the ATA position and expects to have a recommendation for the Board sometime this week. Wilson asked about the number of applicants and decision to come to 4 interviews. Hoort said 32 applications were received, 6 were decided to be interviewed and of those 6, 2 had taken other positions or felt they were not right for the job.

DRAFT

TOPICS FOR FUTURE DISCUSSION

The Selectboard discussed the need to have a working meeting to discuss a possible marijuana policy (Reinhart), a Use of Town Property policy revision and a discussion of transparency and trust (Carlson). Butler will work on scheduling a meeting.

CORRESPONDENCE AND VACANCY REPORT

- A letter from Carole Ridley was received regarding comments made at the June 25 meeting about the Herring River MOU. Reinhart read a piece from this, which can be found on the Town website.

MINUTES

June 21, 2019 – Work Meeting

June 25, 2019 – Regular Meeting

Wilson provided amendments to Butler prior to the meeting. Bacon provided additional amendments at this time.

- Bacon moved to approve the minutes of June 21, 2019 as amended.
- Carlson seconded, and the motion carried 4-0, with Wilson recused.

- Wilson moved to approve the minutes of June 25, 2019 as amended.
- Carlson seconded, and the motion carried 5-0, with Wilson recused.

ADJOURNMENT AND EXECUTIVE SESSION

Bacon moved to adjourn.

Wilson seconded, and the meeting adjourned at 8:34 pm.

Respectfully submitted,

Courtney Butler,
Secretary

Public Records Material of 7/3/19

1. Appointment Papers for Bonnie Shepard, Michael D. Allen, Thomas Siggia, David Seitler, Trever Pontbriand, Madeleine Entel, and Michele Olem
2. Use of Town Property Applications from Katherine Weeks/Sugar Surf Cape Cod and Big Wave Productions/Discovery Channel
3. New Selectboard Policy – Municipal Plastic Bottle Ban
4. Rental Fund Assistance Letter from Housing Authority
5. End of Year Budget Transfers
6. Employee Contracts – Town Treasurer and Town Collector
7. Town Administrator’s Report
8. Correspondence and Vacancy Report

DRAFT

9. Letter from Carole Ridley re: Response to Comments made at June 25, 2019 Meeting, re:
Herring River MOU
10. Draft minutes for June 21, 2019 Work Meeting and June 25, 2019 Regular Meeting



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Meeting Date: July 23, 2019

XII

ADJOURNMENT

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

